

AMENDMENT FORM

Suggestion for amendment of Article 18: The European Commission

By : Mr Dick Roche, Member ; Mr Pat Carey and Mr Bobby McDonagh, Alternates

Article 18 : The European Commission

1. The European Commission shall safeguard the general European interest. It shall ensure the application of the Constitution, and steps taken by the institutions under the Constitution. It shall also exercise coordinating, executive and management functions as laid down in the Constitution. **It shall operate as a College and all of its Members shall be equal.**
2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.
3. **The Commission shall comprise its President, the Foreign Minister and other Members. Until there are 27 Member States of the Union, the Commission shall include one national of each of the Member States.**

When there are 27 Member States, the number of Commissioners shall be less than the number of Member States. Members of the Commission shall be chosen according to a rotation system based on the principle of equality, the implementing arrangements for which shall be decided by the Council acting unanimously and in accordance with the arrangements of Article Z of Part Two.

4. **The number of Members of the Commissioners may be adjusted by the European Council, acting unanimously, in keeping with the provisions of paragraph 3, to provide for any future enlargement of the Union.**
 - ~~3. The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~
 5. **The Council, acting by a qualified majority and by common accord with the President of the Commission, shall adopt the list of the other persons whom it intends to appoint as Members of the Commission, drawn up in accordance with the proposals made by each Member State**
 6. **The other Members of the Commission thus nominated shall be subject as a body to a vote of approval by the European Parliament. After approval by the European Parliament, the Members of the Commission shall be appointed by the Council, acting by a qualified majority, for a period five years.**
 7. **Members of the Commission shall be chosen on the grounds of their general competence and their independence shall be beyond doubt**
 8. In carrying out its responsibilities, the Commission shall be completely independent. In the discharge of their duties members of the Commission shall neither seek nor take instructions from any government or other bodies.
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Explanation (if any) :

Since drafting the above amendment, we have become aware of the proposal of the Commission for one Commissioner per Member State. We have noted this proposal with interest and will be examining it very carefully. It is, of course, absolutely essential that any such proposal would have to be on the basis of the protection of the full and genuine collegiality of the Commission and of full and explicitly guaranteed equality between Member States as regards the composition of the Commission, including any structures created within it.

The Praesidium proposals are unacceptable. The proposed arrangements do not guarantee the equality of Member States which is an essential principle. Nor do they recognise the important connection between the citizens of Member States and the Commission, including those Commissioners nominated by their Government. These are essential to the successful functioning of the Commission. The stronger the connection between citizens, their Member States, and the Commission, the stronger and more credible the Commission will be in fulfilling its role.

Article Z of Part Two of the Treaty should contain the provision set out in the Protocol on Enlargement attached to the Treaty of Nice, viz

“These shall provide for:

- The number of Members of the Commission
- The implementing arrangements for a rotation system based on the principle of equality containing all the criteria and rules necessary for determining the composition of the successive colleges automatically on the basis of the following principles:
 - (a) Member States shall be treated on a strictly equal footing as regards determination of the sequence of, and the time spent by, their nationals as Members of the Commission: consequently the difference between the total number of terms of office held by nationals of any given pair of Member States may never equal more than one;
 - (b) Subject to point (a), each successive college shall be so composed as to reflect satisfactorily the demographic and geographical range of all the Member States of the Union.”

Furthermore, it would not seem possible for the work of the Commission, currently being carried out, in a Union of 15, by a Commission of 20, to be carried out, in a Union of 25 or more, by 14 Commissioners.

It is assumed that other matters provided for by current Treaty Articles (including filling of vacancies, decision-making methods etc) will be provided for by relevant Articles of Part Two.