

FICHE AMENDEMENT

Proposition d'amendement à l'Article 18

Déposée par Olivier Duhamel, titulaire
Pervenche Berès, suppléante

Article 18 - La Commission européenne

Paragraphe 3

3. La Commission est composée d'un Président *et de Commissaires qu'il désigne parmi ceux que lui proposent les Etats membres.*

Justification

La Constitution n'a pas besoin de fixer le nombre des Commissaires. Il faut laisser ouverte la possibilité de Commissions restreintes ou larges, selon les circonstances et l'expérience.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 18

Déposée par Madame : **Cristiana MUSCARDINI**

Qualité : Membre

Articolo 18: La Commissione europea

Par 3

La Commissione é composta da un presidente e **da un commissario per Stato membro.**

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : Article 18

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 18 : The European Commission

1. The European Commission [*Delete : shall safeguard the general European interest. It*] shall ensure the application of the [*Constitution*] **Treaty**, and steps taken by the **administrative** institutions under the Constitution. It shall also exercise [*coordinating, executive and*] management functions as laid down in the [*Constitution*] **Treaty, and as monitored by national parliaments and by the European Parliament.**
 2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a [*Commission*] **Council** proposal.
 3. The Commission shall consist of a President and [*up to fourteen other members. It may call on the help of Associate Commissioners.*] **other Commissioners, the sum number to be not less than the total number of Member States, which shall all be represented by a national.**
 4. 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 body.
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Explanation (if any) : The original draft appears to confer a monitoring power on the Commission for the whole of the institutional framework (including, for instance, the EP). Its role should rather be akin to a civil service.

The original draft also removes the possibility that many states will have one of their citizens as a full member of the Commission. While Commissioners should be independent (in reality some are not), even an independent Commissioner may understand national particularities better than his colleagues when a particular issue of national concern is under discussion.

AMENDMENT FORM

Suggestion for amendment of Article : 18

By Mr : Josef ZIELENIEC

Status : - Member

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.
2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.
3. The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.
4. 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 body.
5. **Any member of the Commission shall resign, if the Court of Justice, at the request of the European Parliament or of the European Council, states on his violation of obligations laid down in this Constitution. The resignation of the President of the Commission shall imply the resignation of the Commission as a whole.**
6. **In case of the resignation of a member of the Commission, the Member State which had originally submitted his candidature, shall submit a new list of persons to the President of the Commission. The new member of the Commission is nominated by the President of the Commission after approval by the European Parliament.**

AMENDMENT FORM

Title IV

Suggestion for amendment of Article 18

By Mr. Adrian Severin

Status : Alternate Member

Add the following sentence at the end of the para.3:

The European Council, at the request of the European Commission's President, may change the number of the Commissioners according to the needs, by qualified majority voting.

Explanation:

One should leave open the possibility to change the number of the Commissioners, according to the needs imposed by a dynamic evolution of the EU, by using a flexible procedure.

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.

AMENDMENT FORM

Suggestion for amendment of Article 18

By Mr : Józef Oleksy

Status : Member

Article 18:

Para 3 ~~The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~

“The Commission must include one national of each of the Member States”

Explanation (if any) :

Such solution should be adopted because of legitimacy concerns arising in the new Member States. The Constitutional Treaty could envisage reverting to the proposed formula “The Commission shall consist of a President and up to fourteen other members” (with associates) after a transitional period.

AMENDMENT FORM

Suggestion for amendment of: PART I OF THE CONSTITUTION, TITLE IV: The Union's Institutions, Article 18 : The European Commission

By Ms: GIANNAKOU Marietta

Status : - Member

Suggestion

TITLE IV: The Union's Institutions

Article 18 : The European Commission

1. The European Commission shall *as the executive power* safeguard the general European interest *of the Union*. It shall ensure the application of the Constitution, and steps taken by the institutions under the Constitution. It shall also *ensure the proper functioning of the Union and* exercise coordinating, executive and management functions as laid down in the Constitution.
2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.
3. ~~The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~ *The Commission shall include one Commissioner of each of the Member States. Only nationals of the Member States may be members of the Commission.*
4. *The Commission decides with the majority of its members.*
4. 5. 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 body. *They shall refrain from any action incompatible with their duties.*

Explanation (if any) :

The executive role of the Commission should be strengthened.

The traditional stipulations that only nationals of Member States could become Commissioners and that the Commission decides by the majority of its members were missing.

AMENDMENT FORM

Suggestion for amendment of Article : IV 18

Suggestion for protocol :

By: Mr Caspar EINEM

Status : Member

Artikel 18: Die Europäische Kommission

- (1) Die Europäische Kommission wahrt die allgemeinen europäischen Interessen. Sie trägt für die Anwendung der Bestimmungen der Verfassung sowie der von den Organen kraft der Verfassung angenommenen Bestimmungen Sorge. Sie **erläßt außerdem delegierte Verordnungen und nimmt** Koordinierungs-, Durchführungs- und Verwaltungsaufgaben nach Maßgabe der von der Verfassung festgelegten Bestimmungen wahr. **Sie gibt Empfehlungen und Stellungnahmen auf den in dieser Verfassung bezeichneten Gebieten ab und sie entscheidet nach Maßgabe dieser Verfassung in eigener Zuständigkeit.**
- (2) Soweit in der Verfassung nichts anderes bestimmt ist, kann ein Rechtsakt der Union nur auf Vorschlag der Kommission angenommen werden.
- (~~3~~) Die Kommission besteht aus einem Präsidenten, **höchstens vier Vizepräsidenten** und ~~höchstens vierzehn~~ weiteren Mitgliedern. ~~Ihnen können delegierte Mitglieder der Kommission zur Seite gestellt werden.~~
- (4) **Die Beschlüsse der Kommission werden mit der Mehrheit ihrer Mitglieder gefasst.**
- (5) Die Kommission übt ihre Tätigkeit in voller Unabhängigkeit aus. Die Mitglieder der Kommission dürfen bei der Erfüllung ihrer Pflichten Anweisungen von einer Regierung oder einer anderen Stelle weder anfordern noch entgegennehmen.

Explanation (if any) :

In Abs. 1 wurde im Sinne des Textes zu V Artikel 27 die Erlassung delegierter Verordnungen mit aufgenommen. Im übrigen soll die EK zumindest jene Rechte behalten, die sie bereits heute hat.

Abs. 3 soll die Möglichkeit bieten, in Artikel 18a dem EK-Präsidenten das Recht einzuräumen, die Zahl der Kommissare selbst zu bestimmen. Das wird zwar in den nächsten Jahren die Zahl der Mitgliedstaaten sein, aber nicht unbedingt auf Dauer so bleiben müssen. Da der Präsident der Kommission vom Europäischen Rat vorgeschlagen und vom Europäischen Parlament gewählt wird und seine Kommission der Zustimmung des EP bedarf, wird der designierte Präsident die Sensibilität der Frage der Zahl der Kommissare zu berücksichtigen wissen.

Abs. 4 soll das Beschlussfassungserfordernis auch der Kommission klar regeln, wie dies in den entsprechenden Artikeln auch für die anderen Organe der EU geregelt ist.

AMENDMENT FORM

Suggestion for amendment of Article :18

By Mr : M. Attalides

Status : - Member

Art18attalides.doc

Article 18 : The European Commission

Delete paras 3 and 4 and replace with the following paras :

- 3. The Commission shall act as a collegiate body and all of its members shall be equal.*
- 4. 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 body.*
- 5. The commission must include one national of each of the Member States. When the Commission consists of 27 members, its functioning shall be subject to an evaluation by the European Council. If the European Council decides that the number of members of the Commission shall be less than the number of Member States, the Commissioners shall be selected according to a system of rotation based on the principle of equality of Member States.*
- 6. The Council, deciding by qualified majority and by common accord with the President of the Commission, shall adopt the list of persons whom it intends to appoint as Members of the Commission, drawn up in accordance with the proposal made by each Member State. The Commission as a body shall be subject to a vote of approval by the European Parliament.*
- 7. The Commission ,as a body, shall be responsible to the European Parliament, which may adopt a censure motion on the Commission. If the censure motion is carried by a two thirds majority of the votes cast, representing a moajority of the Members of the European Parliament, the members of the Commission shall resign as a body.*
- 8. The individual members of the Commission shall be responsible to the European Parliament, which may adopt a censure motion on any member of the Commission. If the censure motion is carried by a two thirds majority of the votes cast, representing a majority of the Members of the European Parliament, the member must resign.*

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 18

By Mr Barnier, Mr Vitorino, Mr O'Sullivan and Mr Ponzano:

Status : Members and Alternates

Article 18 : The European Commission

1. The European Commission shall ~~safeguard~~ **promote** the general European interest **and take every initiative to realise this end.**
2. **The Commission exercises the executive function, save where the Constitution provides otherwise.**

It shall also exercise **programming**, coordinating, executive and management functions as laid down in the Constitution.

It represents the Union in international relations, without prejudice to the functions of the Foreign Minister.

It shall ensure the application of the Constitution, and **acts adopted** ~~steps taken by the institutions~~ under the Constitution.

Except where the Constitution provides otherwise **or where the institutions or other bodies of the Union take measures of internal organisation or make appointments**, Union acts can be adopted only on the basis of a Commission proposal.

3. **The Commission shall include one national of each of the Member States.**

~~The Commission shall consist of a President and up to fourteen other members.
It may call on the help of Associate Commissioners.~~

4. **The Commission shall work under the political guidance of its President, who shall decide on its internal organisation, in order to ensure that it acts consistently, efficiently and on the basis of collegiality.**

The responsibilities incumbent upon the Commission shall be structured and allocated among its members by its President. The President may reshuffle the allocation of those responsibilities during the Commission's term of office.

The Members of the Commission shall carry out the duties devolved upon them by the President under his authority.

The President shall appoint Vice-Presidents from among the members of the Commission.

A member of the Commission shall resign if the President so requests.

5. The decisions of the Commission shall be adopted by a majority its members or by a member or a group of members empowered to take decisions in its name in accordance with arrangements defined in the Commission's rules of procedure.

4.6. 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 body.

Explanation :

Paragraphs 1 and 2

1. First of all, the text should recall that the Commission was set up to promote the general European interest and that it should take every measure necessary to achieve this goal.

2. As proposed for the European Parliament and the Council (in respect of the legislative function), the Constitution must indicate the key function of the Commission, as the executive of the Union. This function is exercised under the arrangements laid down in Article 28 of the Constitution, the second paragraph of which should read: " *Where uniform conditions for the implementation of the Union's binding acts are needed, those acts may confer implementing powers on the Commission or for the common foreign and security policy on the Foreign Minister* ".

3. The Commission's task of representing the Union should also be mentioned, without prejudice to the responsibilities of the Foreign Minister. In this context, it is worth remembering that the Preliminary Draft Constitutional Treaty, presented to the Convention on 28 October, provided that the Constitution would contain a specific provision on the external representation of the Union in Part I (Article 41). It seems, indeed, useful to bring together in a single article (in Part I or Part II of the Constitution) the different provisions regarding the external representation. A draft article 41 is annexed to these amendments.
4. In order to strengthen the Commission's ability to fulfil its task as guardian of the treaties, the "infringement procedure" should be modified, to allow the Commission to take decisions on breaches of Union law, under the supervision of the Court of Justice (in the same way as provided for in the ECSC treaty).
5. In order to respect the principle of autonomy for each institution in respect of its internal organisation, it is necessary to make clear, in order to avoid any misunderstanding, that the internal decisions of the institutions are not taken on the basis of a proposal of the Commission. This applies also for appointments (such as the appointment of the Minister of Foreign Affairs, etc.)

Paragraph 3

From the outset, the Commission was designed as an institution to safeguard the collective interest and continues to operate on the basis of the principle of collegiality, which means that, regardless of the Member State of which they are nationals, all Members of the Commission play an equal part in the preparation of proposals and the taking of decisions. The treaty has not given Commissioners the status of national governments "representatives", which is the job of the members of the Council. Nevertheless, it is undeniable that the presence in the college of a personality of each Member State makes the dialogue with the citizens of the Union easier and makes more easily understandable the role of the Commission in European integration.

However, with a Commission made up of one Commissioner of each Member State, having the same status, the Commission should be able to structure itself and to empower groups of Commissioners to take decisions in the name of the Commission, in order to maintain its efficiency. In particular, the President should seek to make the divisions of responsibilities between Commissioners coincide with the areas of responsibility of parliamentary committees and Council formations.

Paragraph 4

With a view to strengthening the efficiency of its action, the Treaty of Nice made important changes with respect to the organisation of the Commission and the relations between the President and the Commissioners (Article 217 CE). It is appropriate to take over these provisions in their entirety in the Constitution (Paragraph 4 takes over and completes what is provided in Article 18a, paragraph 4).

However, in order to give the President the necessary authority, it would be appropriate to eliminate the obligation for the President to request the agreement of the College before he can ask a Commissioner to resign.

The right to request the resignation of a Commissioner would also be applicable for the Foreign Minister. It is, however, to be noted that the wording of the third subparagraph indicates that when the Foreign Minister carries out duties which are not devolved upon him by the President, that is when he exercises the functions conferred upon him by the Constitution (Article 19 and the articles on the External Action of the Union), he will not be under the authority of the President.

Paragraph 5

One must, as for the other institutions, indicate in Part I of the Constitution the decision-making rules used by the Commission. Given the large size of the Commission, it seems appropriate to provide expressly the possibility to empower a group of Commissioners to take decisions in its name. This would allow such a group to be empowered to take executive and management decisions.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 18

Déposée par M. Barnier, M. Vitorino, M. O'Sullivan et M. Ponzano

Qualité : Membres et Suppléants

Article 18 : La Commission européenne

1. La Commission européenne, ~~sauvegarde~~ **promeut** l'intérêt général européen **et prend toute initiative utile à cette fin.**
2. **La Commission exerce la fonction exécutive, sauf lorsque la Constitution en dispose autrement.**

Elle exerce également des fonctions **de programmation**, de coordination, et de gestion selon les conditions fixées par la Constitution.

Elle représente l'Union dans les relations internationales, sans préjudice des fonctions du Ministre des affaires étrangères.

Elle veille à l'application des dispositions de la Constitution ainsi que **des actes adoptés** ~~des dispositions prises par les institutions~~ en vertu de celle-ci.

- ~~2.~~ Sauf lorsque la Constitution en dispose autrement **ou lorsque les institutions et organes de l'Union prennent des mesures d'organisation internes ou procèdent à des nominations**, un acte de l'Union ne peut être adopté que sur proposition de la Commission.

3. **La Commission comprend un national de chaque Etat membre.**

~~La Commission est composée d'un Président et d'un maximum de quatorze autres membres. Elle peut être assistée par des Commissaires délégués.~~

4. **La Commission remplit sa mission dans le respect des orientations politiques définies par son président, qui décide de son organisation interne afin d'assurer la cohérence, l'efficacité et la collégialité de son action.**

Les responsabilités incombant à la Commission sont structurées et réparties entre ses membres par le président. Il peut remanier la répartition de ces responsabilités en cours de mandat.

Les membres de la Commission exercent les fonctions qui leur sont dévolues par le président sous l'autorité de celui-ci.

Le président nomme des vice-présidents parmi les membres de la Commission.

Un membre de la Commission présente sa démission si le président le lui demande.

5. **Les décisions de la Commission sont acquises à la majorité des membres qui la composent ou sont adoptées par un membre ou un groupe de membres, habilité à prendre des décisions en son nom selon les modalités définies dans le règlement intérieur.**

- 4-6. La Commission exerce ses responsabilités en pleine indépendance. Dans l'accomplissement de leurs devoirs, les membres de la Commission ne sollicitent ni n'acceptent d'instructions d'aucun gouvernement ni d'aucun organisme.

Explication :

Paragraphe 1 et 2

1. Il convient de rappeler en premier lieu que la Commission a été créée pour promouvoir l'intérêt général européen et qu'elle doit prendre toutes les initiatives nécessaires pour atteindre cet objectif.
2. A l'instar de ce qui est indiqué pour le Parlement européen et le Conseil (fonction législative), la Constitution devra indiquer la fonction clé de la Commission, celle de l'exécutif de l'Union. Cette fonction est exercée selon les modalités fixées conformément à l'article 28 de la Constitution, dont le deuxième paragraphe devrait être libellé comme suit : "*Lorsque des conditions uniformes de mise en œuvre des actes obligatoires de l'Union sont nécessaires, ces actes peuvent conférer à la*

Commission ou, pour les matières relevant de la politique extérieure et de sécurité commune au Ministre des Affaires étrangères, des compétences d'exécution".

3. Il convient également d'indiquer la fonction de représentation de l'Union qui incombe à la Commission, sans préjudice des responsabilités du Ministre des Affaires étrangères. Dans ce contexte, il est rappelé qu'il était prévu dans l'avant-projet de traité constitutionnel que le Praesidium a présenté le 28 octobre à la Convention que la Constitution comporterait dans sa partie I une disposition spécifique sur la représentation extérieure (article 41). Il semble en effet utile que soient rassemblées dans un seul article (dans la Partie I ou la Partie II de la Constitution) les différentes dispositions traitant de la représentation extérieure de l'Union. Un projet d'article 41 est joint aux présents amendements.

4. Afin de renforcer la capacité de la Commission à assurer sa fonction de gardienne des traités, la "procédure d'infraction" devrait être modifiée, en permettant à la Commission de prendre des décisions constatant les infractions au droit de l'Union, sous le contrôle de la Cour de justice (à l'instar de ce qui était prévu dans le traité CECA).

5. Afin de respecter le principe d'autonomie de chaque institution pour son organisation interne, il faut préciser, afin d'éviter tout malentendu, que les décisions internes aux institutions ne sont pas prises sur proposition de la Commission. Cela vaut également pour les nominations (telles que celle du Ministre des Affaires étrangères, etc.)

Paragraphe 3

La Commission a été conçue dès l'origine comme l'institution garante de l'intérêt collectif et continue à fonctionner ainsi sur base du principe de collégialité, qui signifie que chaque membre de la Commission participe de manière égale, quel que soit l'Etat membre dont il a la nationalité, à la préparation des propositions et à la prise de décision. Les auteurs des traités n'ont pas fait des Commissaires des "représentants" des gouvernements des Etats membres, fonction dévolue aux membres du Conseil. Néanmoins, il est incontestable que la présence au collège d'une personnalité en provenance de chaque Etat membre facilite le dialogue avec les citoyens de l'Union et permet sans doute de mieux comprendre le rôle que la Commission joue dans l'intégration européenne.

Avec une Commission composée d'un Commissaire de chaque Etat membre, ayant le même statut, il convient toutefois que celle-ci, pour maintenir son efficacité, puisse se structurer et habiliter des groupes de Commissaires à prendre des décisions au nom de la Commission. Le Président devra, notamment, s'efforcer de faire coïncider la répartition des tâches entre les Commissaires avec les domaines de compétence des commissions parlementaires et des formations du Conseil.

Paragraphe 4

Le traité de Nice a permis de faire des avancées importantes en ce qui concerne l'organisation de la Commission et les relations entre le Président et les Commissaires, pour renforcer l'efficacité de son action (article 217 CE). Il convient de reprendre dans la Constitution l'ensemble de ces dispositions. (Le paragraphe 4 reprend et complète ce qui était prévu à l'art. 18bis, paragraphe 4).

Mais, afin d'octroyer au Président l'autorité nécessaire, il convient de supprimer l'obligation pour le Président de demander l'accord du Collège avant de pouvoir demander la démission d'un Commissaire.

Le droit de demander la démission d'un Commissaire serait également applicable au Ministre des Affaires étrangères. Toutefois, il faut noter que la formulation du troisième alinéa indique que, lorsque le Ministre des Affaires étrangères exerce des fonctions qui ne lui sont pas dévolues par le président, à savoir lorsqu'il exerce les fonctions que la Constitution lui attribue (article 19 et les articles sur l'action externe de l'Union), il ne se trouve pas sous l'autorité du président.

Paragraphe 5

Il faut préciser dans la première Partie de la Constitution, comme pour les autres institutions, les règles de prise de décision de la Commission. Compte tenu de la composition large de la Commission, il convient de prévoir expressément la possibilité d'habiliter un groupe de Commissaires à prendre les décisions au nom de la Commission. Ceci permettrait de déléguer à un tel groupe les décisions de nature exécutive ou de gestion.

AMENDMENT FORM

Suggestion for amendment of Article 18:

By Mr Georges Jacobs - UNICE

Status: observer

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<u>Article 18: The European Commission</u> 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. 2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal. 3. The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners. 4. 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 body.	<u>Article 18: The European Commission</u> 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. <i>It shall propose the annual and multi-annual programme of Union activities.</i> 2. <i>The Commission shall have an exclusive right of initiative for Union acts, except where the Constitution provides otherwise.</i> 3. The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners. 4. 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 body.

Explanation:

A strong an independent Commission is key for business. UNICE is of the opinion that the current drafting of article 18 does not reflect sufficiently the central role of the Commission in the institutional framework.

UNICE believes that the reference to the fact that the Commission proposes the annual and multi-annual programme of Union activities should be enshrined in the Constitutional Treaty.

UNICE is also of the opinion that the exclusive right of initiative of the Commission, except where the Constitution provides otherwise should more strongly written down in the Treaty.

AMENDMENT FORM

Suggestion for amendment of Article : 18, Title IV, Part I

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member

-
1. The European Commission shall, within the scope of its powers, -safeguard the general European interest. It shall ensure the application of the Constitution, and steps ensure that the provisions of the Constitution and the measures taken by the institutions under the Constitution are applied, in order to safeguard the general European interest. It shall also exercise coordinating, executive and management functions as laid down in the Constitution.

2-4 OK.

Explanation (if any) :

Article 18.1 Clarification of the scope of application of the provision is required.

AMENDMENT FORM

Suggestion for amendment of Article 18

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
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 co-ordinating, executive and management functions as laid down in the Constitution. 2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal. 3. The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners. 4. 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 body.	Article 18 : The European Commission 1. The European Commission shall <u>serve the democratically elected European institutions</u> . It shall ensure the application of the <u>simplifying Treaty</u> , steps taken by the institutions under the <u>simplifying Treaty, as well as legislation enacted by the European Parliament and Council</u> . It shall also exercise co-ordinating and management functions as laid down in the <u>simplifying Treaty</u> . <i>DELETE</i> 3. The Commission shall consist of a <u>Commission Chairman and a Commissioner to supervise each policy area</u> . 4. In carrying out its responsibilities, the Commission shall be <u>supervised by the European Parliament and Council</u> . Explanation: The Laeken Declaration called for more democracy in the European Union and set the task of increasing the democratic legitimacy of the European legislative process. Currently, the right of initiative lies with the unelected European Commission. This is the single most important reason why we are suffering from the

	<p>infamous democratic deficit. The right of initiative should lie with the European Parliament and the Commission should be a non-political civil service.</p>
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AMENDMENT FORM

Suggestion for amendment of: PART I OF THE CONSTITUTION, TITLE IV: The Union's Institutions, Article 18 : The European Commission

By Ms / Mr : **BROK; SANTER; AZEVEDO; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FRENDON; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LENNMARKER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; WÜRMEILING; ZIELENIEC; ZILE**

Status : - Member - Alternate

Suggestion

TITLE IV: The Union's Institutions

Article 18 : The European Commission

1. The European Commission shall *as the executive power* safeguard the general European interest *of the Union*. It shall ensure the application of the Constitution, and steps taken by the institutions under the Constitution. It shall also *ensure the proper functioning of the Union and* exercise coordinating, executive and management functions as laid down in the Constitution.
2. ~~Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.~~ *The Commission has the exclusive right to initiate Union legislation and decisions, except in cases where this Constitution provides otherwise.*
3. *The Commission supervises the development of the national economic policies, in particular of national budgets to ensure that Member States do not depart from the medium-term objective for the budgetary position of close to balance or that they do not otherwise jeopardise the proper functioning of the economic and monetary union, under the conditions laid down in this Constitution.*
3. 4. ~~The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~ *The Commission shall include one national of each of the Member States. Only nationals of the Member States may be members of the Commission.*

5. *The Commission decides with the majority of its members.*

4. 6. 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 body. *They shall refrain from any action incompatible with their duties.*

Explanation (if any) :

The executive role of the Commission should be strengthened.

The traditional stipulations that only nationals of Member States could become Commissioners and that the Commission decides by the majority of its members were missing.

The Constitution should stick to the well-established rule of one Commissioner per country.

The role of the Commission in economic affairs, especially the supervision of the budgets, should be stressed.

AMENDMENT FORM

Suggestion for amendment of Article : 18

Suggestion for Part I

By Mr : Vytenis Povilas Andriukaitis, Algirdas Gričius, Gintautas Šivickas, Eugenijus Maldeikis

Status : Member, member, alternate, alternate

Article 18 17: 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.
 2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.
 3. The Commission shall consist of a President ~~and up to fourteen other members~~, **Vice-Presidents and Members of the Commission. The Commission shall consist of one national of each Member State. It may call on the help of Associate Commissioners.**
 4. **The term of office of the Commission shall be five years, renewable.**
 - 4.5 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 body.
-

Explanation (if any) :

AMENDMENT FORM

Title IV

Suggestion for amendment of Article : 18

By Members: Voggenhuber, Lichtenberger, MacCormick, Wagener,

Status : Members and alternate members.

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 be the Executive branch of the European Union, unless the Constitution does not provide otherwise.

2. Except where the Constitution provides otherwise, Union acts can be adopted ~~only~~ on the basis of a Commission **or a European Parliament** proposal.

3. The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.

4. 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 body.

Explanation:

AMENDMENT FORM

Suggestion for amendment of Article : 18

By Mr. Esko HELLE

Status : - Alternate

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.
 2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.
 3. The Commission shall consist of a President and up to ~~fourteen~~ **twenty-six** other members. ~~It may call on the help of Associate Commissioners.~~
 4. 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 body.
-

Explanation (if any):

Every Member State has to be represented in the Commission.

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr :

Status : - Member - Alternate

PART I OF THE CONSTITUTION

TITLE IV: The Union's Institutions

Article 18 : The European Commission

1. The European Commission shall safeguard the general European interest. It shall ensure the application of the **TREATY [DELETE: Constitution]**, and steps taken by the institutions under the **TREATYConstitution**. It shall also exercise coordinating, executive and management functions as laid down in the **TREATY [DELETE: Constitution]**.
2. Except where the **TREATY [DELETE: Constitution]** provides otherwise, Union acts can be adopted only on the basis of a **AN INVITATION FROM THE NATIONAL PARLIAMENTS ASKING THE Commission TO PREPARE A proposal. NATIONAL PARLIAMENTS SHALL DECIDE ON THE ANNUAL LEGISLATIVE PROGRAMME AND THE COMMISSION SHALL CORRESPONDINGLY ACT AS A SECRETARIAT FOR THE COUNCIL AND THE NATIONAL PARLIAMENTS.**
3. The Commission shall consist of **[DELETE: a President and] ONE MEMBER FROM EACH MEMBER STATE APPOINTED BY THE NATIONAL PARLIAMENTS [DELETE: up to fourteen other members. It may call on the help of Associate Commissioners.] THE COMMISSIONER SHALL NORMALYLYATTEND THE EUROPEAN SCRUTINY COMMITTEE OF THE NATIONAL PARLIAMENT CONCERNED. NATIONAL PARLIAMENTS SHALL HAVE THE POWER TO DISMISS THEIR COMMISSIONER.**
4. 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 [**DELETE:** or other body]. **A COMMISSIONER MAY TAKE INSTRUCTIONS FROM HIS NATIONAL PARLIAMENT ON HOW TO VOTE ON A SPECIFIC PROPOSAL AND IS INDIVIDUALLY RESPONSIBLE TO HIS NATIONAL PARLIAMENT AND MAY BE DISMISSED BY HIS NATIONAL PARLIAMENT WHICH WOULD THEN ELECT A NEW COMMISSIONER.**

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 18

Déposée par Messieurs:

Alberto Costa - membre

Luís Marinho - membre

Guilherme d'Oliveira Martins – suppléant

Article 18

La Commission européenne

1.

2.

3. La Commission est composée d'un national ou d'une nationale de chaque État membre de l'Union.

4.

FICHA DE ALTERAÇÃO

Proposta de alteração ao Artigo : 18

Apresentada por :

Alberto Costa – membro

Luís Marinho - membro

Guilherme d'Oliveira Martins - suplente

Artigo 18º

Comissão Europeia

1.

2.

3. A Comissão é composta por um ou uma nacional de cada um dos Estados-Membros da União.

4.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 18 de la Partie I

Déposée par Messieurs Santer, Michel, de Vries et Di Rupo

Qualité : - Membres

Chapitre IV: La Commission

Article 189 : ~~La Commission européenne~~

1. ~~La Commission européenne sauvegarde l'intérêt général européen. Elle veille à l'application des dispositions de la Constitution ainsi que des dispositions prises par les institutions en vertu de celle-ci. Elle exerce également des fonctions de coordination, d'exécution et de gestion selon les conditions fixées par la Constitution. La Commission promeut l'intérêt général de l'Union et prend toute initiative à cette fin. Elle exerce la fonction exécutive, sauf lorsque la Constitution en dispose autrement. Elle exécute le budget, met en œuvre les lois et les actes du Conseil, gère les programmes et négocie les accords internationaux. Elle exerce également les fonctions de programmation annuelle et pluriannuelle, de coordination et de gestion selon les conditions fixées par la Constitution. Elle représente l'Union dans les relations internationales, sans préjudice des fonctions du Ministre des Affaires étrangères. Elle veille à l'application du droit de l'Union sous le contrôle de la Cour de Justice.~~
2. Sauf lorsque la Constitution en dispose autrement, un acte de l'Union ne peut être adopté que sur proposition de la Commission. Lorsque, en vertu de la présente Constitution un acte du Conseil est pris sur proposition de la Commission, le Conseil ne peut prendre un acte constituant amendement de la proposition que statuant à l'unanimité, sous réserve de l'article X de la Partie II de la Constitution [actuel 251, paragraphes 4 et 5 TCE].
2. 3. ~~La Commission est composée d'un Président et d'un maximum de quatorze autres membres. Elle peut être assistée par des Commissaires délégués. La Commission comprend un collège composé au maximum de quinze Commissaires y compris le Ministre des Affaires étrangères de l'Union. Le collège est assisté de commissaires délégués dont le nombre est équivalent au nombre de commissaires. Les décisions de la Commission sont acquises à la majorité du nombre des membres du collège. Les commissaires délégués~~

participent aux délibérations du collège sans droit de vote.

A l'exception du Ministre des Affaires étrangères de l'Union, les membres de la Commission sont désignés par le Président de la Commission d'un commun accord avec chaque Etat membre qui peut lui soumettre des propositions. Ils sont choisis en raison de leur compétence générale et offrent toute garantie d'indépendance.

Le Président et les personnalités désignées pour être membres de la Commission sont collectivement soumis à un vote d'approbation du Parlement européen. Après cette approbation, ils sont nommés par le Conseil.

4. La Commission doit comprendre un national de chaque Etat membre soit en tant que membre du collège des commissaires, soit en tant que commissaire délégué, sur la base d'une rotation égalitaire dont les modalités sont arrêtées par le Conseil statuant à l'unanimité. La Commission ne peut pas comprendre plus d'un national par Etat membre.

Les Etats membres sont traités sur un strict pied d'égalité en ce qui concerne la détermination de l'ordre de passage de leurs nationaux comme membres du collège des commissaires ou comme commissaires délégués.

Sans préjudice du principe de rotation égalitaire, chacun des collèges des commissaires successifs est constitué de manière à refléter les équilibres politiques et géographiques européens et la diversité de tous les Etats membres.

45. La Commission exerce ses responsabilités en pleine toute indépendance. Dans l'accomplissement de leurs devoirs, les membres de la Commission ne sollicitent ni n'acceptent d'instructions d'aucun gouvernement ni d'aucun organisme. Chaque Etat membre s'engage à respecter l'indépendance de la Commission et à ne pas chercher à influencer les membres de la Commission dans l'exécution de leur tâche.

6. La Commission est responsable devant le Parlement européen. Celui-ci peut adopter une motion de censure de la Commission selon les modalités figurant à l'article X de la Constitution. Si une telle motion est adoptée, les membres de la Commission doivent abandonner collectivement leurs fonctions. Ils continuent à expédier les affaires courantes jusqu'à la nomination de leurs successeurs. L'adoption de la motion de censure par le

Parlement européen entraîne la dissolution de celui-ci et la tenue d'élections dans un délai de trois mois, sauf si le Conseil européen, statuant à la majorité qualifiée, en dispose autrement.

7. Le Président de la Commission peut à tout moment poser la question de confiance au Parlement européen. Si la majorité des membres du Parlement européen n'exprime pas sa confiance, la Commission doit collectivement démissionner.

FICHE AMENDEMENT

Proposition de nouvel article 18 de la Partie I

Déposée par Messieurs Santer, Michel, de Vries et Di Rupo

Qualité : - Membres

Article 18 : La Présidence du Conseil

1. La Présidence du Conseil, à l'exception de la formation des Affaires générales et de celle des Affaires étrangères, est assurée à tour de rôle par chaque Etat membre pour une durée de six mois selon un ordre fixé par le Conseil. Sans préjudice des pouvoirs attribués à la Commission, la Présidence contribue à assurer la continuité et la cohérence de l'action de l'Union. Elle oeuvre pour faciliter la cohésion et le consensus au sein du Conseil.
2. Le Conseil européen est présidé par le Chef d'Etat ou de Gouvernement de l'Etat membre qui exerce la Présidence du Conseil de l'Union pour une période de six mois. Le Président du Conseil européen préside et anime les travaux du Conseil européen, préparés par le Conseil des Affaires générales.

AMENDMENT FORM

Suggestion for amendement of Article : 18

Suggestion for Part I

By Ms/ Mr : Georgios Papandreou and Mr Georgios Katiforis

Status : - Member Alternate

Article 18 : The European Commission

1. The European Commission safeguards the general European interest. It ensures the application of the Constitution, and measures taken by the institutions under the Constitution. **Except where the Constitution provides otherwise, the Commission exercises the executive function.** It also exercises coordinating, ~~executive~~ and management functions as laid down in the Constitution.
2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.
3. The Commission shall ~~consist of a President and up to fourteen other members. It may call on the help of deputy Commissioners.~~ **include one national of each of the Member States.**
4. 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 body.
5. **The President of the Commission shall lay down guidelines within the framework of which the Commission shall work. He shall decide on its internal organisation in order to ensure that it acts consistently, efficiently and on a collegiate basis.**

Without prejudice to Art. 19 para. 1, the President shall appoint vice-presidents from amongst members of the Commission.

A member of the Commission shall resign if the President so requests, after obtaining the approval of the College.

6. **The Commission shall act as a collegial body taking decisions by a majority of its members.**

Explanation (if any) :

Para 1 : The exercise of the executive function by the Commission should be explicitly stated as the general rule.

Para 3: This provision is of particular importance for it demonstrates that all Members States have an equal stake in the European project of integration.

Para 5, subparagraph 1: Is former Para 4 of draft article 18a.

Para 5, subparagraph 3 and Para 6 reproduce current Treaty articles of particular importance for the functioning and internal organization of the Commission on which there is broad consensus.

AMENDMENT FORM

Suggestion for amendment of Article : Art. 18

Suggestion for protocol :

By: Ernâni Lopes, Maria Eduarda Azevedo, António Nazaré Pereira, Manuel Lobo Antunes.

Status : - Members and Alternates

Article 18 : The European Commission

1. The European Commission shall ~~safeguard~~ **promote** the general European interest and **take every initiative to that end**. It shall ensure the application of the Constitution, and steps taken by the institutions under the Constitution.

2. **The Commission shall exercise the powers conferred to it by the Council for the implementation of the rules laid down by the latter.**

It shall also exercise coordinating, executive and management functions as laid down in the Constitution.

3. **The Commission shall operate as a College and all of its Members shall be equal. Its decisions are taken by a majority of its members. The Commission shall adopt its Rules of Procedure.**

4. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.

5. ~~The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~

The Commission must include one national of each of the Member States.

When the Union consists of 27 Members, the number of members of the Commission shall be less than the number of Member States. The Members of the Commission shall be chosen

according to a rotation system based on the principles of equality, the implementing arrangements for which shall be adopted by the Council, acting unanimously.

These implementing measures containing the criteria and rules necessary for determining the composition of successive colleges shall be based on the following principles:

- 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 be more than one;**
- Each successive college shall be composed as to reflect satisfactorily the demographic and geographical range of all the Member States of the Union.**

6. 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 body.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 18

By: **Danuta Hübner**

Status: **Member**

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
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. 2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal. 3. The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners. 4. 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 body.	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 co-ordinating, executive and management functions as laid down in the Constitution. 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 one national of each Member State. 4. The Commission shall remain in office for five years. 4.5. 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 body.
Explanation: It is of great importance for Member States, especially the new ones, to have a national in the Commission's body. The President of the Commission should have more freedom at restructuring its work in order to ensure high functionality.	

AMENDMENT FORM

Suggestion for amendment of Article : 18

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member - ~~Alternate~~

Artikel 18: Die Europäische Kommission

(1) Die Europäische Kommission wahrt die allgemeinen europäischen Interessen. Sie trägt für die Anwendung der Bestimmungen der Verfassung sowie der von den Organen kraft der Verfassung angenommenen Bestimmungen Sorge. Sie nimmt außerdem Koordinierungs-, Durchführungs- und Verwaltungsaufgaben ~~nach Maßgabe der von der Verfassung festgelegten Bestimmungen~~ wahr.

(2) Soweit in der Verfassung nichts anderes bestimmt ist, kann ein Rechtsakt der Union nur auf Vorschlag der Kommission angenommen werden.

(3) Die Kommission besteht aus einem Präsidenten, *dem Außenminister und den sonstigen Mitgliedern* ~~und höchstens vierzehn weiteren Mitgliedern. Ihnen können delegierte Mitglieder der Kommission zur Seite gestellt werden. Der Kommission gehört je Mitgliedstaat ein Staatsangehöriger an.~~

(4) Die Kommission übt ihre Tätigkeit in voller Unabhängigkeit aus. Die Mitglieder der Kommission dürfen bei der Erfüllung ihrer Pflichten Anweisungen von einer Regierung oder einer anderen Stelle weder anfordern noch entgegennehmen.

Explanation (if any) :

Absatz 3:

Zum besseren Verständnis sollte hier klargestellt werden, dass auch der Außenminister, der kraft Amtes stellvertretender Kommissionspräsident ist (vgl. Art. 19 Abs. 3 des Präsidiumsentwurfs), Mitglied der Kommission ist.

AMENDMENT FORM

Suggestion for amendment of Article : 18

By Mr. Kimmo Kiljunen, Mr Matti Vanhanen, Ms Riitta Korhonen and Mr Antti Peltomäki

Status : - Kiljunen and Vanhanen – Members
 - Korhonen and Peltomäki - 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.
2. Except where the Constitution provides otherwise, ~~Union~~ **the legal acts of the Union shall** ~~can~~ be adopted only on the basis of a Commission proposal.
- 2a. **The Commission shall operate as a College and all of its Members shall be equal. Its decisions are taken by a majority of its members. The Commission shall adopt its Rules of Procedure.**
- ~~3. The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~
4. 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 body. **Each Member State undertakes to respect this principle and not to seek to influence the Members of the Commission in the performance of their tasks.**
5. **The Commission shall include a national of each Member State, of whom one shall be the President and one the Union's Foreign Minister. When the Commission consists of 27 Members, its functioning shall be subject to an evaluation by the European Council. If, on the basis of this evaluation, the European Council decides that the number of members of the Commission shall be less than the number of Member States, the number of Commissioners shall be chosen according to a rotation system based on the principle of equality, the implementing arrangements for which shall be adopted by the Council, acting unanimously.**

These shall be based on the principles as set out in Article Z of Part Two.

6. **The Commission, as a body, shall be responsible to the European Parliament, which may pass a censure motion on the Commission. If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the members of the European Parliament, the members of the Commission shall resign as a body. With the approval of the College, the President of the Commission shall be entitled to ask the**

European Parliament for a vote of confidence. If the vote of no-confidence is adopted by a two-thirds majority of the votes cast, representing a majority of the Members of the European Parliament, the Members of the Commission shall resign as a body.

FICHE AMENDEMENT

Titre IV

Proposition d'amendement à l'Article : Artigo 18.º - Comissão (1 palavra suprimida)

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. A Comissão Europeia salvaguarda o interesse geral europeu. Vela pela aplicação das disposições **do presente Tratado**, bem como das medidas aprovadas pelas Instituições por força **deste**. Exerce igualmente funções de coordenação, execução e gestão, **nos casos e** de acordo com as condições estabelecidas **no presente Tratado e na legislação adoptada em sua execução**.

2. Salvo disposição em contrário prevista (2 palavras suprimidas), os actos da União **são adoptados** (4 palavras suprimidas) sob proposta da Comissão.

3. A Comissão é composta **por um nacional de cada Estado membro**. (14 palavras suprimidas)

4. (novo) A Comissão é dirigida por um Presidente, nomeado nos termos previstos no artigo seguinte.

4. **(5 novo)** A Comissão exerce as suas responsabilidades com total independência. No cumprimento dos seus deveres, os membros da Comissão não solicitarão nem aceitarão instruções de nenhum Governo nem de nenhum organismo **nacional ou da União**.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 18.3 The European Commission

Suggestion for protocol :

By Mr Kenneth Kvist

Status : - Alternate

Article 18 : The European Commission

3. ~~The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~

The Members of the Commission should divide the tasks between themselves on an equal basis.

Explanation (if any) :

I have signed another amendment where it is proposed that the Nice provisions concerning the number of Commissioners should continue to be valid. The Commissioners should divide the tasks between themselves. The Commission could consist of eight to ten departments, each dealing with a different policy area. Each department should be headed by a Commissioner who has two Commissioners as vice-presidents. After one third of the Commission mandate period, the positions would change. After another third of the period, the third Commissioner would head the department. All members of the Commission have full voting rights all the time. Thereby, all members of the Commission will be equal and the Commission will have an efficient structure.

AMENDMENT FORM

Suggestion for amendment of Article : 18

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 18.2 Delete ‘a Commission proposal’ and add “**an invitation from the national parliaments asking the Commission to prepare a proposal. National parliaments shall decide on the annual legislative programme and the Commission shall correspondingly act as a secretariat for the Council and the national parliaments.**”

Article 18.3 Delete all words after ‘and’ and substitute “a Commissioner from each Member-State”.

Article 18a.1 Delete first two sentences, ‘Taking.... members’, and substitute “The President of the European Commission shall be elected by an electoral college consisting of the members of the European Parliament and members of National Parliaments.”

Article 18a.2 Delete the second sentence and substitute: “**The President-elect shall, from the names submitted, select as members of the Commission a person from each Member State.**”

Article 18a.4 Delete last sentence.

Article 18a.5 Delete

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 18: The European Commission

By Mr Ivan Korčok, Ján Figel' and Juraj Migaš (Slovakia)

Status: I. Korčok and J. Figel' are members, J. Migaš is an alternate.

Article 18: The European Commission

1. The European Commission shall safeguard the general European interest. It shall ensure the application of the ~~Constitution~~ Constitutional Treaty, and steps taken by the institutions under the ~~Constitution~~ Constitutional Treaty. It shall also exercise coordinating, executive and management functions as laid down in the ~~Constitution~~ Constitutional Treaty. It shall operate as a College and all of its Members shall be equal.
 2. Except where the ~~Constitution~~ Constitutional Treaty provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.
 3. ~~The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~ The Commission shall include one national of each of the Member States.
 4. 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 body.
-

Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article : 18

By Mr. Péter Balázs, Mr. Hannes Farnleitner, Ms. Sandra Kalniete, Mr. Jan Kohout, Mr. Ivan Korčok, Mr. Rytis Martikonis, Mr. Lennart Meri, Mr. Dimitrij Rupel, Ms. Teija Tiilikainen

Status : - Members

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.
2. Except where the Constitution provides otherwise, ~~Union~~ **the legal acts of the Union shall** ~~can~~ be adopted only on the basis of a Commission proposal.
- 2a. **The Commission shall operate as a College and all of its Members shall be equal. Its decisions are taken by a majority of its members. The Commission shall adopt its Rules of Procedure.**
3. ~~The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~
4. 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 body. **Each Member State undertakes to respect this principle and not to seek to influence the Members of the Commission in the performance of their tasks.**
5. **The Commission shall include a national of each Member State, of whom one shall be the President and one the Union's Foreign Minister. When the Commission consists of 27 Members, its functioning shall be subject to an evaluation by the European Council. If, on the basis of this evaluation, the European Council decides that the number of members of the Commission shall be less than the number of Member States, the number of Commissioners shall be chosen according to a rotation system based on the principle of equality, the implementing arrangements for which shall be adopted by the Council, acting unanimously.**

These shall be based on the principles as set out in Article Z of Part Two.

6. **The Commission, as a body, shall be responsible to the European Parliament, which may pass a censure motion on the Commission. If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the members of the European Parliament, the members of the Commission shall resign as a body. With the**

approval of the College, the President of the Commission shall be entitled to ask the European Parliament for a vote of confidence. If the vote of no-confidence is adopted by a two-thirds majority of the votes cast, representing a majority of the Members of the European Parliament, the Members of the Commission shall resign as a body.

AMENDMENT FORM

Suggestion for amendment of Article 18

By **Prof Peter Serracino Inglott, Member**

Mr John Inguanez, Alternate

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.
2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.
3. The Commission shall consist of a President and up to ~~fourteen~~twenty-four other members on the basis of not more than one Commissioner per Member State nominated for a term of five years.~~It may call on the help of Associate Commissioners.~~

When the number of Commissioners is less than the number of Member States, the members of the Commission shall be chosen according to a rotation system based on the principle of equality.

4. 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 body.
-

Explanation (if any) :

A Commission comprising a maximum of twenty-five members on an equal footing can operate without the need to create an associate Commissioner level. Any rotation system devised when the number of Commissioners is less than the number of Member States should be based on the principle of equality.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 18 (Titre IV de la Partie I)

Déposée par Madame Palacio

Qualité : - Membre - Suppléant

Article 18 : La Commission européenne

1. La Commission européenne sauvegarde l'intérêt général ~~européen~~ de l'Union. Elle veille à l'application et au respect des dispositions de la Constitution ainsi que des dispositions prises par les institutions en vertu de celle-ci. Elle exerce également des fonctions de coordination, d'exécution et de gestion selon les conditions fixées par la Constitution.

La Commission recommande au Conseil européen des programmes de travail stratégiques pluriannuels.

2. Sauf lorsque la Constitution en dispose autrement, un acte de l'Union ne peut être adopté que sur proposition de la Commission.
 3. ~~La Commission est composée d'un Président et d'un maximum de quatorze autres membres. Elle peut être assistée par des Commissaires délégués.~~
 3. Remplacer le projet de paragraphe 3 par les dispositions de l'article 4 du Protocole sur l'élargissement adopté à Nice en décembre 2000.
 4. La Commission exerce ses responsabilités en pleine indépendance. Dans l'accomplissement de leurs devoirs, les membres de la Commission ne sollicitent ni n'acceptent d'instructions d'aucun gouvernement ni d'aucun organisme.
-

Explication:

L'ajout d'un alinéa au paragraphe 1 vise à reprendre l'accord du Conseil européen de Nice sur l'importance de la programmation stratégique au sein de l'Union, mais aussi à sauvegarder le monopole d'initiative de la Commission.

À Nice les Etats membre ont longuement discuté sur la composition de la Commission. Un accord a été finalement trouvé à Quinze dans le cadre d'un « paquet institutionnel ». Cet accord a été confirmé après lors des négociations du Traité d'adhésion des nouveaux Etats membres. Finalement, l'accord de Nice sur la composition de la Commission a été confirmé de nouveau, à Vingt Cinq cette fois-ci, lors de la signature du Traité d'adhésion ce 16 avril à Athènes.

Je crois sincèrement qu'il faut s'en tenir aux arrangements accordés à Nice, surtout tenant compte du fait que le Traité d'adhésion est en train d'être ratifié (ratification précédée même d'un referendum populaire dans les Etats qui vont adhérer).

AMENDMENT FORM

Suggestion for amendment of Article : Title IV

By Ms / Mr : Jan Kohout

Status : - Member

18. Qualified Majority Voting

1.The qualified majority will be defined as double-majority within the system one Member State – one vote, reflecting two-thirds (three-fifths?) of Member States representing two-thirds (three-fifths?) of the whole population of the Union. Superqualified majority will be defined by the threshold of four-fifths of Member States, representing four-fifths of the whole population of the Union. Superqualified majority vote will be used for decision-making on special constitutional matters.

Explanation (if any) :

18.1 : *Examples where superqualified majority may be introduced : autonomous revision clauses, Statutes of the institutions, composition of the Commission, budget, triggering enhanced cooperation.*

FICHE AMENDEMENT

Proposition d'amendement à l'Article 18, partie I de la Constitution:

Déposée par Mme Anne VAN LANCKER, Mme Linda McAVAN, M. Carlos CARNERO,
 Mme Helle THORNING-SCHMIDT

Qualité: - Membres et Suppléants

ARTICLE 18 – La Commission européenne

3. La Commission est composée d'un Président et d'un maximum de quatorze autres membres.
 (8 mots supprimés).

Explication éventuelle:

AMENDMENT FORM

Title IV

Suggestion for amendment of Article : 18

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Algirdas Gricius, Mrs Lone Dybkjaer, Lord Maclellan, Mr Adrian Severin.

Status : **Members and alternate members.**

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 *ensure the proper functioning of the Union and* exercise coordinating, executive and management functions as laid down in the Constitution.
 2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal. *The Commission shall determine the annual legislative programme.*
 3. The Commission shall consist of *one national per Member State*.
 4. 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 body.
-

Explanation:

1. *We include the phrase about the proper functioning of the Union drawn from Article 211 TEC in order to avoid the impression that the Convention has wished to reduce in any way the classical role of the Commission.*
2. *The production of the annual legislative programme is a key Commission prerogative,*

and deserves a reference in Part One.

3. We have concluded that the political argument for having one Commissioner per Member State outweighs the technical advantages of moving to a smaller college. What it might lose in terms of efficiency it will gain in terms of legitimacy. In any case, as the Commission is set gradually to gain more powers in an enlarged and more competent Union there should be plenty to do.

AMENDMENT FORM

Suggestion for amendment of Article: 18: The European Commission

By the Earl of Stockton MEP and Joachim Wuermeling MEP

Status : - Alternate

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.
2. Union acts can be adopted on the basis of a proposal by either the Commission or the European Parliament.
3. The Commission shall consist of a President and as many members as deemed necessary by the President with the approval of the European Parliament.
4. 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 body. The Commission or individual Commissioners may be dismissed by majority vote in the European Parliament.

Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article: 18, Part I

By Ms Liene Liepina, Mr Rihards Piks, Mr Arturs Krisjanis Karins, Mr Guntars Krasts.

Status: - Member: L.Liepina; R.Piks
- Alternate: A.K.Karins; G.Krasts

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.**
 - (a) **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 4, 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 President and 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.

Explanation (if any) :

The composition of the Commission based on the grounds of the principle of one commissioner from each Member State symbolizes the equality of the nation states.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 18, Titre IV à la Partie I de la Constitution.

Déposée par ~~Madame ou~~ Monsieur Oğuz DEMIRALP

Qualité : ~~-Membre~~ - Suppléant

Article 18 : La Commission européenne :

- Transférer le paragraphe 3 de l'Article 18 bis dans cet Article.
 - 3. La Commission, en tant que collège, est responsable devant le Parlement européen. Celui-ci peut adopter une motion de censure de la Commission selon les modalités figurant à l'article X de la Constitution. Si une telle motion est adoptée, les membres de la Commission doivent abandonner collectivement leurs fonctions. Ils continuent à expédier les affaires courantes jusqu'à la nomination de leurs successeurs.
-

Explication éventuelle :

Ce paragraphe traite, d'une manière générale, du fonctionnement de la Commission. Il conviendrait dès lors de l'insérer dans cet Article.

AMENDMENT FORM

Suggestion for amendment of Article 18

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives, and Mr Sören Lekberg, Mr Kenneth Kvist and Mr Ingvar Svensson, national parliament representatives.

Status : - Member: Hjelm-Wallén and Lekberg
 - Alternate: Petersson, Kvist and Svensson

Article 18 : The European Commission

1. The European Commission shall safeguard the general European interest. It shall ensure **that the provisions of this Constitution and measures taken by the institutions are applied** ~~the application of the Constitution, and steps taken by the institutions under the Constitution.~~¹ It shall also exercise coordinating, executive and management functions as laid down in the Constitution.
2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.
3. ~~The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~ **The Commission shall include one national of each of the Member States.**

When the Union consists of 27 Member States, the number of the Members of the Commission must be less than the number of Member States. The 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 adopted by the Council, acting unanimously.

These implementing measures containing the criteria and rules necessary for determining the composition of successive colleges shall be based on the following principles:

- 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 be more than one;
- Each successive college shall be composed as to reflect satisfactorily the demographic and geographical range of all the Member States of the Union.²

4. 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 body.
5. **The Commission shall act by a majority of its Members.**³

¹ The proposed text is more precise and corresponds to Article 211 EC.

² The Convention should keep to the provisions of the Treaty of Nice concerning the composition of the Commission.

³ Corresponds to Article 219 EC.

AMENDMENT FORM

Suggestion for amendment of Article : 18

**By: Mr Tunne Kelam
Mr Rein Lang
Mr Urmas Reinsalu
Mrs Liina Tõnisson**

Article 18 : The European Commission

1. The European Commission shall safeguard the general European **Union** 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 include a national of each Member State, of whom one shall be the President and one the Union's Foreign Minister. When the Commission consists of 27 Members, its functioning shall be subject to an evaluation by the European Council. If, on the basis of this evaluation, the European Council decides that the number of Members of the Commission shall be less than the number of Member States, the number of Commissioners shall be chosen according to a rotation system based on the principle of equality, the implementing arrangements for which shall be adopted by the Council, acting unanimously.**
 - ~~3. The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~
 4. 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.
-

Explanation

The arrangements proposed by the Praesidium do not guarantee the equality of Member States. 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. Therefore it is also important to guarantee a Commissioner's portfolio for every Member State.

AMENDMENT FORM

Suggestion for amendment of Article: 18, Part I – Title IV

By Mr: Henning Christophersen, Poul Schlüter, Henrik Dam Kristensen and Niels Helveg Petersen.

Status: Members and alternate members.

Article 18: The European Commission

(...)

3. ~~The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~ The Commission shall include one national of each of the Member States. The number of Members of the Commission may be altered by the Council, acting unanimously

3bis. When the Union consists of 27 Member States, the number of Members of the Commission shall be less than the number of Member States. The 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 adopted by the Council, acting unanimously.

The number of Members of the Commission shall be set by the Council, acting unanimously.

The Council, acting unanimously after signing the treaty of accession of the twenty-seventh Member State of the Union, shall adopt:

- 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 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 be 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.

Any State which accedes to the Union shall be entitled, at the time of its accession, to have one of its nationals as a Member of the Commission until paragraph 3bis applies.

Explanation:

A compromise on the size of the Commission has only just been reached after difficult negotiations in Nice. We see no need to reopen this compromise. Furthermore, the draft proposal does not deal with the important issue of equality between the Member States.

AMENDMENT FORM

Suggestion for amendment of Article 18

By Ms Maria BERGER

Status: Alternate

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.
 2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.
 3. The Commission shall consist of a President and up to ~~fourteen~~ **nineteen** other members. ~~It may call on the help of Associate Commissioners.~~
 4. 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 body.
-

Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article: 18

By Mr: Erwin Teufel

Status: Member

Text of the Praesidium

- (4) 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 body.

Proposed Amendment

- (4) In carrying out its responsibilities, the Commission shall, **in the general interest of the Union**, be completely independent. ~~In the discharge of their duties members of the Commission shall neither seek nor take instructions from any government or other body.~~

Explanation:

The provision should be modelled on the existing text of Article 213 Paragraph 2 Subparagraph 1 TEC. In contrast the more detailed provisions in Article 213 Paragraph 2 Subparagraphs 2 and 3 TEC should be included into Part Two. A mixture of the different provisions in connection with a limited introduction into Part One could be misinterpreted.

FICHE AMENDEMENT

Proposition d'amendement à l'Article:	18
Déposée par Monsieur:	Erwin Teufel
Qualité:	Membre

Texte du Praesidium

- (4) Die Kommission übt ihre Tätigkeit in voller Unabhängigkeit aus. Die Mitglieder der Kommission dürfen bei der Erfüllung ihrer Pflichten Anweisungen von einer Regierung oder einer anderen Stelle weder anfordern noch entgegennehmen.

Amendement proposé

- (4) Die Kommission übt ihre Tätigkeit in voller Unabhängigkeit **zum allgemeinen Wohl der Union** aus. ~~Die Mitglieder der Kommission dürfen bei der Erfüllung ihrer Pflichten Anweisungen von einer Regierung oder einer anderen Stelle weder anfordern noch entgegennehmen.~~

Begründung:

Die Regelung sollte an die bestehende Regelung in Artikel 213 Absatz 2 Unterabsatz 1 EG-Vertrag angeglichen werden. Die detaillierteren Regelungen in Artikel 213 Absatz 2 Unterabsätze 2 und 3 EG-Vertrag sollten in den Teil II aufgenommen werden. Eine Mischung der verschiedenen Regelungen verbunden mit einer nur partiellen Übernahme in Teil I könnte Anlass für Missverständnisse sein.

AMENDMENT FORM

Suggestion for amendment of Article : Organe
Entwurf von Artikeln für Titel IV des Teils I der Verfassung

Suggestion for protocol :

By Mr : Joachim Wuermeling

Status : - Alternate

Artikel 18: Die Europäische Kommission

(1) Die Europäische Kommission wahrt die allgemeinen europäischen Interessen. Sie trägt für die Anwendung der Bestimmungen der Verfassung sowie der von den Organen kraft der Verfassung angenommenen Bestimmungen Sorge. Sie nimmt außerdem Koordinierungs-, Durchführungs- und Verwaltungsaufgaben nach Maßgabe der von der Verfassung festgelegten Bestimmungen wahr.

(2) Soweit in der Verfassung nichts anderes bestimmt ist, kann ein Rechtsakt der Union nur auf Vorschlag der Kommission angenommen werden. **Die Kommission nimmt Stellung zu Aufforderungen des Parlaments, Vorschläge vorzulegen.**

(3) Die Kommission besteht aus einem Präsidenten und höchstens vierzehn weiteren Mitgliedern. Ihnen können delegierte Mitglieder der Kommission **mit Stimmrecht im Kollegium** zur Seite gestellt werden.

Explanation (if any) :

(2) Ergebnis AG Vereinfachung (S. 18)

FICHE AMENDEMENT

Proposition d'amendement à l'Article 18

Déposée par Monsieur Alain Lamassoure

Qualité : Membre

Article 18 : La Commission européenne

1. La Commission européenne sauvegarde l'intérêt général européen. Elle veille à l'application des dispositions de la Constitution ainsi que des dispositions prises par les institutions en vertu de celle-ci. Elle exerce également des fonctions de coordination, d'exécution et de gestion selon les conditions fixées par la Constitution.
 2. Sauf lorsque la Constitution en dispose autrement, un acte de l'Union ne peut être adopté que sur proposition de la Commission.
 3. *Supprimer*
 4. La Commission exerce ses responsabilités en pleine indépendance. Dans l'accomplissement de leurs devoirs, les membres de la Commission ne sollicitent ni n'acceptent d'instructions d'aucun gouvernement ni d'aucun organisme.
-

Explication

AMENDMENT FORM

Suggestion for amendment of Article 18

By Ms / Mr : Helle THORNING-SCHMIDT

Status : - Alternate

Article 18: European Commission

3. The Commission shall consist of a President and up to fourteen other members. *The Members of the Commission shall be chosen according to a rotation system based on the principle of equality.*

Explanation (if any) :

This amendment is a direct reference to the Nice Treaty. It should be ensured that all Member States are treated equal.

AMENDMENT FORM

Suggestion for amendment of Article 18

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : - Alternate

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.

2. The Commission shall publish annually, not later than a month before the opening of the session of the European Parliament, a general report on the activities of the Community as well as an annual working plan of the Commission.

3. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.

4. The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.

5. 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 body.

6. The Commission, as a body, shall be responsible to the European Parliament. Under the procedures set out at Art. X of the Constitution, it may pass a censure motion on the Commission. If such a motion is passed, the members of the Commission must all resign. They shall continue to handle everyday business until their successors are nominated.

Explanation (if any) :

Paragraph 2 is inspired of Article 212 in the Nice Treaty.

Paragraph 6 is taken from Art. 18a paragraph 3. This paragraph should not be placed under the Article on the President of the Commission

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 18; Titre IV ; Partie I

Déposée par M. Alexandru ATHANASIU

Qualité: - Membre

Article 18 : La Commission européenne

1. La Commission européenne sauvegarde l'intérêt général européen. Elle veille à l'application des dispositions de la Constitution ainsi que des dispositions prises par les institutions en vertu de celle-ci. Elle exerce également des fonctions de coordination, d'exécution et de gestion selon les conditions fixées par la Constitution.
 2. Sauf lorsque la Constitution en dispose autrement, un acte de l'Union ne peut être adopté que sur proposition de la Commission.
 3. La Commission est composée d'un Président et d'un maximum de quatorze autres membres. Elle peut être assistée par des Commissaires délégués.
Les membres de la Commission seront désignés de telle manière afin que le principe de leur rotation équitable par rapport au pays d'origine soit pleinement garanti a tous les etats membres.
 4. La Commission exerce ses responsabilités en pleine indépendance. Dans l'accomplissement de leurs devoirs, les membres de la Commission ne sollicitent ni n'acceptent d'instructions d'aucun gouvernement ni d'aucun organisme.
-

Explication eventuelle:

Il est souhaitable que les représentants des nouveaux membres puissent accéder à un régime juridique tout à fait égal et équilibré concernant l'exercice de leurs droits et responsabilités en tant que membres de la Commission européenne de l'Union.

FICHE AMENDEMENT**Proposition d'amendement à l'Article : 18**

Déposée par MM. Alexandru ATHANASIU et Hubert HAENEL

Qualité : Membres

Article 18 : La Commission européenne

3. La Commission est composée d'un Président et d'un maximum de quatorze autres membres. Elle peut être assistée par des Commissaires délégués. Les Commissaires délégués exercent les missions qui leur sont confiées par le président. Ils participent aux décisions de la Commission directement liées à ces missions.

Explication éventuelle :

Il s'agit de préciser le rôle et les responsabilités des commissaires délégués.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 18- Partie I - Architecture constitutionnelle Titre IV Des institutions de l'Union

Déposée par Monsieur William ABITBOL

Qualité : - Suppléant

Article 18 : La Commission européenne

Conv 691/03

1. La Commission européenne met en œuvre la politique de l'Union dans les domaines de compétence de celle-ci. Elle veille à l'intérêt général de l'Union tel que le définit le Conseil européen.
2. Dans le respect de ces dispositions, et sauf lorsque le traité constitutionnel en dispose autrement, l'initiative des lois appartient à la Commission européenne.
3. Idem.
4. La Commission européenne exerce ses responsabilités en toute indépendance. Dans l'accomplissement de leurs devoirs, les membres de la commission ne sollicitent ni n'acceptent d'instructions d'aucun gouvernement, **d'aucun parti**, ni d'aucun organisme.
La Commission européenne a son siège à Bruxelles.

AMENDMENT FORM

Suggestion for amendment of Article : 18, para 2 - CONV 691/03

By ~~Ms~~ / Mr : František Kroupa

Status : - ~~Member~~ - Alternate

~~2. Except where the Constitution provides otherwise, Union acts can be adopted only on the basis of a Commission proposal.~~

2. Union acts can be adopted on the basis of the Commission or Member State proposal.

AMENDMENT FORM

Suggestion for amendment of Article : 18, para 3 - CONV 691/03

By Ms / Mr : František Kroupa

Status : - Member - Alternate

~~3. The Commission shall consist of a President and up to fourteen other members. It may call on the help of Associate Commissioners.~~

3. The Commission shall consist of a President and one Commissioner from every Member State. When the Commissioner from his Member State is present, the President of the Commission cannot vote.

AMENDMENT FORM

Suggestion for amendment of ArtI-25.Demiralp.doc

By ~~Ms or~~ Mr Oğuz DEMIRALP

Status: ~~–Member~~ - Alternate

Article I-25: The European Commission:

- Insert “one Commissioner per Member State” and delete the last two sentences:

3. The Commission shall consist of a President and one Commissioner per Member State up to fourteen other members. ~~It may call on the help of Associate Commissioners. This will not take effect before 1 November 2009.~~
-

Explanation :

The composition of the Commission in an enlarged Union should continue to reflect the principle of equality of all Member States. Therefore the arrangement should be made to provide one Commissioner per Member State.

FICHE AMENDEMENT

Proposition d'amendement à l'Article I-25

Déposée par Monsieur Ben Fayot (Chambre des Députés, Luxembourg)

Qualité : - Membre

3. The Commission shall consist of a President and up to 14 other members. It may call on the help of associate commissioners. **The members of the Commission and the associate commissioners will be chosen by equal votation.**

This will not take effect before November 1st 2009.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : I-25

By Mr : Hain

Status : - Member

-
1. The European Commission shall safeguard ~~promote the general European interest and take appropriate initiatives to that end.~~ It shall ensure the application ensure that the provisions of the Constitution, and steps the measures taken by the institutions under the Constitution are applied, in order to safeguard the general European interest. It shall also exercise coordinating, executive and management functions as laid down in the Constitution.
 2. *Okay.*
 3. *Okay.*
 4. *Okay.*
 5. ~~The Commission, as a body, shall be responsible to the European Parliament.~~ Under the procedures set out in Article III-238 of the Constitution, it may pass a censure motion on the Commission. If such a motion is passed, the members of the Commission must all resign. ~~They~~ **The Commission** shall continue to handle everyday business until ~~their successors are a new college is~~ nominated.
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Explanation (if any) :

I.25.1 : This provision is clearer in scope than the Praesidium draft.

I.25.5 : The Commission as a body is independent.