

## AMENDMENT FORM

### Title IV

#### Suggestion for amendment of Article : 18 a

**By Members: Mr Andrew Duff, Mr Lamberto Dini, Lord Maclellan, Mr Adrian Severin.**

**Status :        Members and alternate members.**

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#### Article 18a : The President of the European Commission

1. *Immediately following its election, the European Parliament, acting by a majority of its members, will choose its candidate for the Presidency of the Commission and submit the nomination to the European Council.* The European Council, deciding by qualified majority, shall *elect the President*. If *the Parliament's* candidate does not receive the required majority support *of the European Council*, the *Parliament* shall within one month put forward a new candidate, following the same procedure as before.

*Ibis. The President of the Commission may be dismissed on the proposal of either the European Council or the European Parliament if confirmed by the other, according to the provisions in Part Two.*

2. Each Member State shall submit a list of three persons, of which at least one must be a woman, whom it considers qualified to be a European Commissioner. The President-elect, taking account of European political and geographical balance, shall, from among the names submitted, select as members of the *Commission persons* chosen for their competence, European commitment, and guaranteed independence. The President and the persons so nominated for membership of the Commission shall be submitted as a body to a vote of approval by the European Parliament.

3. 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. *Upon the passing of a motion of censure, the European Parliament will be dissolved.*

4. The Commission shall work to guidelines laid down by its President. He shall decide its internal organisation, ensuring that it acts consistently, efficiently and on a collegiate basis. *With the exception of the [Minister of Foreign Affairs/Secretary of the Union], who shall be appointed according to the provisions in Article 19, the President shall appoint vice-presidents from among the members of the Commission.*

*Each member of the Commission shall offer his or her resignation at the request of the President.*

5. Delete.

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#### **Explanation:**

*1. The Praesidium's proposal falls short of being a real election of the President, and is, indeed, not much of an improvement on the present system. The Parliament would be asked to rubber-stamp the European Council's nomination or to re-open nominations. Such a process would fail to connect directly with the European Parliamentary election campaign, and would therefore fail to give the President the extra democratic legitimacy he or she so badly needs.*

*We propose here, therefore, a reversal of the burden. Newly elected MEPs would choose a candidate and the European Council would elect him or her, or not, as the case may be. Support by a cross-party majority in the Parliament plus a qualified majority of heads of government would guarantee the incoming President a good start (at least).*

*Ibis. The joint appointment of the President of the Commission implies a joint procedure for dismissal. Inclusion of a constitutional procedure for the sacking of the President will serve to sharpen accountability.*

*2. We remove the reference to a specific number of Commissioners.*

*3. Faithful to our goal of heightening the responsibility of the European Union institutions, we propose the addition here of the dissolution of the Parliament if and when it sacks the Commission. This mirrors normal practice in Member States.*

*4. We propose in the next article a separate procedure for the appointment of the Secretary of the Union.*

*It would be appropriate here to repeat the sense of the agreement reached at Nice with respect to the sacking of individual members of the Commission.*

*5. We are not convinced that the creation of a formally separate class of Associate Commissioners is either necessary or prudent. In a large Commission with a strong President, portfolios can be distributed according to the tasks to be achieved. There are more important tasks and less important tasks.*