

FICHE AMENDEMENT 4

Proposition d'amendement à l'Article : Artículo 18bis

Déposée par Messieurs : Borrell (miembro), Carnero y López Garrido (suplentes)

Artículo 18 bis: El presidente de la Comisión Europea

Modificar los punto 1, 2 y 5:

1. Teniendo en cuenta el resultado de las elecciones al Parlamento Europeo y *tras consulta con sus grupos políticos*, el Consejo Europeo propondrá al Parlamento Europeo, por mayoría cualificada, un candidato al cargo de presidente de la Comisión. El Parlamento Europeo elegirá al candidato por mayoría de sus miembros. En caso de que el candidato no obtenga dicha mayoría, el Consejo Europeo propondrá al Parlamento Europeo un nuevo candidato en el plazo de un mes, por el mismo procedimiento seguido anteriormente.
2. Cada Estado miembro elaborará una lista de tres personas, *no pudiendo ser todas del mismo sexo*, que considere idóneas para desempeñar el cargo de comisario europeo. De entre esas personas, y atendiendo a los equilibrios políticos y geográficos europeos, el presidente electo designará como miembros de la Comisión a un máximo de trece personalidades, elegidas en razón de su competencia y de su compromiso europeo y que ofrezcan plenas garantías de independencia; *la decisión del Presidente deberá respetar el criterio de equilibrio entre hombres y mujeres*. El presidente y las demás personalidades designadas para convertirse en miembros de la Comisión se someterán colegiadamente al voto de aprobación del Parlamento Europeo.
5. *La Comisión* podrá nombrar comisarios delegados, elegidos atendiendo a los mismos criterios empleados para los miembros de la Comisión. Su número no superará al de los miembros de la Comisión.

Explication éventuelle :

FICHE AMENDEMENT

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

Déposée par ~~Madame ou~~ Monsieur Oğuz DEMIRALP

Qualité : ~~-Membre~~ - Suppléant

Article 18 bis : Le Président de la Commission européenne :

- Supprimer le paragraphe 3 :

~~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 :

La suppression de ce paragraphe est une suite logique de l'amendement proposé pour l'Article 18.

AMENDMENT FORM

Suggestion for amendment of Article 18a

By Mrs Lena Hjelm-Wallén, government representative.

Status : - Member

Article 18a : The President of the European Commission

1. ~~Taking into account the elections to the European Parliament, the~~¹ European Council, deciding by qualified majority, shall ~~put forward to the European Parliament its proposed~~ **propose a** candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament **and the national Parliaments of the member states² for a term of five years³ by a majority of its members.** If the candidate does not receive ~~the required~~ a majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.
2. **When electing the President of the Commission the European Parliament and the national Parliaments collectively shall have the same number of votes. Each national Parliament shall have as many votes as the Member State in question has votes in the Council⁴. All members of national Parliaments and of the European Parliament shall be eligible to vote. The votes of each Parliament shall be proportionally distributed in relation to the outcome in that parliament. All parliaments should cast their vote simultaneously.⁵**
- ~~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 up to thirteen 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. The Council, acting by a qualified majority and by common accord with the President elect, shall adopt the list of the other persons whom it intends to appoint as Member of the Commission, drawn up in accordance with the proposals made by each Member State.⁶ The Members of the Commission shall be chosen on the grounds of their general competence and their independence shall be beyond doubt.⁷ The Council should aim at an equal representation of men and women in the Commission.⁸~~

¹ Unclear.

² Involving national Parliaments in the election of the President of the Commission would guarantee that the President receives the support of national Parliaments after being scrutinized directly by them. Through this procedure the general public would gain a good knowledge of him or her, thereby bringing the citizens closer to the Union.

³ The term of the President of the Commission must be stated in the Constitution.

⁴ This system is based on the division of power between member states as agreed in Nice.

⁵ To ensure a unified election procedure.

⁶ Replace with the present Article 214.2 EC.

⁷ Corresponds to Article 4.1 of the Protocol on the Enlargement of the European Union.

⁸ This fundamental democratic principle must also be manifested in the composition

3. The Commission, as a body, shall be responsible to **the European Council and** the European Parliament. Under the procedures set out at Art. X of the Constitution, **either or both of these institutions**⁹ 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.
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. He shall appoint vice-presidents from among the members of the Commission.
5. ~~The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~¹⁰

of the Commission.

⁹ The Commission must have the trust of the European Council to be able to work properly.

¹⁰ See comments on paragraph 2.

AMENDMENT FORM

Suggestion for amendment of Article : 18b

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

Article 18b: Election of the President of the European Commission and appointment of the other Members of the Commission

Either:

- 1. The European Council, deciding by qualified majority, shall put forward to the European Parliament a proposal for a list of up to three candidates for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of three fifths of the votes cast. If none of the candidates receives the required majority support, the European Council shall within one month put forward a new list of candidates, following the same procedure as before.**
- 2. The Council, deciding by qualified majority and by common accord with the elected President, shall adopt the list of other persons whom it intends to appoint as Members of the Commission, drawn up in accordance with the proposals made by each Member State.**

The President and the other Members of the Commission shall be subject as a body to a vote of approval by the European Parliament.

Or:

The European Council, deciding by qualified majority, shall put forward a proposal for a list of up to three candidates for the Presidency of the Commission to an Electoral College. This candidate would be elected by an Electoral College, consisting of two representatives of the national parliaments of each of the Member States and an equal number of Members of the European Parliament. This candidate would be elected by a majority of three fifths of the votes cast.

Explanation

AMENDMENT FORM

Suggestion for amendment of Article : 18a

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

Article 18a: The President of the European Commission

- 1. 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.**
 - 2. 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.**
 - 3. After obtaining the approval of the College, the President shall appoint Vice-Presidents from among its Members.**
 - 4. A Member of the Commission shall resign if the President so requests, after obtaining the approval of the College.**
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Explanation

The role of the President of the Commission and the method of the election/appointment of the Commission members should be set out in separate Articles of the Treaty and should reflect the terms of Article 217 TEC.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 18bis

Proposition d'amendement au protocole:

Déposée par Madame ou Monsieur : Gianfranco FINI – Francesco SPERONI

Qualité : - Membre - Suppléant

Articolo 18 bis: Il presidente della Commissione europea

1. Tenuto conto delle elezioni del Parlamento europeo il Consiglio europeo, deliberando a maggioranza qualificata, propone al Parlamento europeo un candidato alla carica di presidente della Commissione. Tale candidato è eletto dal Parlamento europeo alla maggioranza dei membri che lo compongono. Se il candidato non ottiene la maggioranza, il Consiglio europeo propone entro un mese un nuovo candidato al Parlamento europeo, secondo la stessa procedura seguita precedentemente.
2. Ciascuno Stato membro redige un elenco di tre **candidati persone**, tra le quali vi è almeno una donna, che ritiene qualificati e per esercitare la funzione di Commissario europeo. Tra di essi e il presidente eletto designa quali membri della Commissione, tenendo conto degli equilibri politici e geografici europei, fino a tredici persone, scelte per la loro competenza e il loro impegno europeo, che offrano ogni garanzia di indipendenza. **Il presidente può nominare dei commissari delegati, scelti tenendo conto degli stessi criteri seguiti per i membri della Commissione.** Il loro numero non può superare quello dei membri della Commissione. Il presidente e le persone designate per divenire membri della Commissione sono soggetti, collettivamente, ad un voto di approvazione da parte del Parlamento europeo.
3. La Commissione è responsabile collettivamente dinanzi al Parlamento europeo. Quest'ultimo può adottare una mozione di censura della Commissione secondo le modalità di cui all'articolo X della Costituzione. Se tale mozione è adottata, i membri della Commissione devono abbandonare collettivamente le loro funzioni. Essi continuano a curare gli affari di ordinaria amministrazione fino alla nomina dei loro successori.
4. Il presidente della Commissione definisce gli orientamenti nel cui quadro la Commissione esercita i suoi compiti. Egli ne decide l'organizzazione interna per assicurare la coerenza,

l'efficacia e la collegialità della sua azione. Egli nomina dei vicepresidenti scelti tra i membri della Commissione.

~~5. — Il presidente può nominare dei commissari delegati, scelti tenendo conto degli stessi criteri seguiti per i membri della Commissione.~~

Explication éventuelle :

AMENDMENT FORM

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

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

Status: Members and alternate members.

Article 18a: The President of the European Commission

1. Taking into account the elections to the European Parliament, ~~the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.~~ candidates to the office of President of the Commission can be nominated by a group of at least five Member States. The candidates shall be put forward to an Electoral College composed of an equal number of representatives of the European Parliament and the national parliaments. The President of the Commission shall be elected by a majority of the members of the Electoral College. The European Council should subsequently approve the election with qualified majority.
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 up to thirteen persons chosen for their competence, European commitment, and guaranteed independence.— The Council, acting by a qualified majority and by common accord with the President elect, 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. The Members of the Commission shall be chosen on the grounds of their general competence and their independence shall be beyond doubt.~~ 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.
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. He shall appoint vice-presidents from among the members of the Commission.

~~5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~

Explanation:

It is important that the role of the Commission is also strengthened in the new Constitutional Treaty. One way of doing this is by increasing the democratic legitimacy of the President of the Commission. This can best be achieved by giving both the European Parliament and the national parliaments a role in the election procedure. Furthermore, it is not enough to give the democratic elector of the President of the Commission only one option. The democratic elector should be given a real choice between several candidates, for instance three.

In line with the compromise from Nice each Member State should continue to nominate one member of the Commission.

Paragraph 2 establishes “European commitment” as a prerequisite for becoming a member of the Commission. Whereas the other criteria (competence and guaranteed independence) are objective in nature, the content of the criteria “European commitment” seems vague and difficult to translate into operational terms.

With regard to the size and composition of the Commission, we cannot accept a reopening of the compromise from Nice.

AMENDMENT FORM

Suggestion for amendment of Article 18a

By Ms Maria BERGER

Status: Alternate

Article 18a : The President of the European Commission **and the European Commissioners**

1. Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.

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 **as well as of gender balance**, shall, from among the names submitted, select as members of the Commission up to ~~thirteen~~ **eighteen** persons chosen for their competence, European commitment, and guaranteed independence. **Among equally qualified candidates priority is to be given to persons nominated by Member States whose candidates were not members of the outgoing Commission.** The President, ~~and~~ the persons so nominated for membership of the Commission **and the Union`s Foreign Minister** 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.

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. He shall appoint vice-presidents from among the members of the Commission.

~~5. The President may appoint Associate Commissioners, chosen according to the same criteria as
apply for members of the Commission. Their number must not exceed the number of
members of the Commission.~~

Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article: 18a

By Mr: Erwin Teufel

Status: Member

Text of the Praesidium

- (1) Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.

Proposed Amendment

- (1) **The European Parliament shall elect the President of the Commission by a majority of its members. The President-elect requires confirmation by the European Council, acting by qualified majority.**

Explanation:

In order to strengthen the Commission's democratic legitimation, the European Parliament must play a decisive role in choosing its President. The necessary support of the President of the Commission in the Member States is guaranteed through the required confirmation by the European Council.

FICHE AMENDEMENT

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

Texte du Praesidium

- (1) Der Europäische Rat schlägt dem Europäischen Parlament unter Berücksichtigung der Wahlen zum Europäischen Parlament mit qualifizierter Mehrheit einen Kandidaten für das Amt des Präsidenten der Kommission vor. Das Parlament wählt diesen Kandidaten mit der Mehrheit seiner Mitglieder. Erhält dieser Kandidat nicht die Mehrheit, schlägt der Europäische Rat dem Europäischen Parlament innerhalb eines Monats einen neuen Kandidaten vor, wobei dasselbe Verfahren wie zuvor zur Anwendung gelangt.

Amendement proposé

- (1) **Das Europäische Parlament wählt mit der Mehrheit seiner Mitglieder den Präsidenten der Kommission. Der Gewählte bedarf der Bestätigung durch den Europäischen Rat, der mit qualifizierter Mehrheit beschließt.**

Begründung:

Um die demokratische Legitimation der Kommission zu stärken, muss das Europäische Parlament bei der Auswahl ihres Präsidenten eine maßgebliche Rolle spielen. Der notwendige Rückhalt des Kommissionspräsidenten in den Mitgliedstaaten wird durch das Erfordernis der Bestätigung durch den Europäischen Rat sichergestellt.

AMENDMENT FORM

Title IV

Suggestion for amendment of Article : 18a

By Members: Voggenhuber, Wagener

Status : Members and alternate members.

Rewrite Article 18a as follows:

Article 18a : The President of the European Commission

1. The European Parliament, acting by a majority of its members, will elect the President of the Commission. The President elected shall be approved by the European Council acting by qualified majority.

The Commission's term in office shall be linked to the legislative period of the European Parliament.

2. The President-elect, ensuring that the Commission will not be dominated by single or groups of Member States, and taking into account the cultural and geographical balance in Europe, shall select as members of the Commission up to thirteen persons chosen for their competence, European commitment, and guaranteed independence. The President, the persons so chosen for membership of the Commission and the Foreign Minister shall be submitted as a body to a vote of approval by the European Parliament.

3. The Commission, as a body, and each of its individual members, including the Foreign Minister in all his activities 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 or on one of its members. If such a motion is passed, the Commission as a whole or the member concerned must resign.

They shall continue to handle everyday business until their successor/s are nominated.

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. He shall appoint vice-presidents from among the members of the Commission.

5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.

6. Commissioners and Associate Commissioner shall be sworn in on the Constitution detailing their absolute independence from interests and orders beyond theirs office.

Explanation:

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 18a: Der Präsident der Europäischen Kommission

(2) Jeder Mitgliedstaat erstellt eine Liste von drei Personen, darunter mindestens eine Frau, die er für geeignet erachtet, das Amt eines Mitglieds der Europäischen Kommission auszuüben. Aus dem Kreis dieser Personen benennt der gewählte Präsident unter Berücksichtigung des politischen und geografischen Gleichgewichts in Europa bis zu dreizehn Persönlichkeiten, die aufgrund ihrer Kompetenz und ihres Engagements für Europa ausgewählt werden und die jede Gewähr für Unabhängigkeit bieten, als Mitglieder der Kommission. Der Präsident und die als Mitglieder der Kommission benannten Persönlichkeiten stellen sich **nach einem Hearing** als Kollegium dem Zustimmungsvotum des Europäischen Parlaments.

Explanation (if any) :

Entspricht der gegenwärtigen Praxis und sollte Erwähnung finden.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 18bis

Déposée par Monsieur Alain Lamassoure

Qualité : Membre

Article 18 bis : Le Président de la Commission européenne

1. Compte tenu des élections au Parlement européen, le Conseil européen, statuant à la majorité qualifiée, propose au Parlement européen un candidat à la fonction de Président de la Commission. Ce candidat est élu par le Parlement européen à la majorité des membres qui le compose. Si ce candidat ne recueille pas la majorité, le Conseil européen propose, dans un délai d'un mois, un nouveau candidat au Parlement européen en suivant la même procédure que précédemment.
2. Chaque État membre établit une liste de trois personnes, comprenant au moins une femme *et au moins une personnalité n'appartenant pas à la majorité gouvernementale*, qu'il estime qualifiées pour exercer la fonction de Commissaire européen. Parmi ces personnes le Président élu désigne, comme membres de la Commission, en tenant compte des équilibres politiques et géographiques européens, ~~jusqu'à treize~~ **des** personnalités choisies pour leur compétence et leur engagement européen, et offrant toute garantie d'indépendance. Le Président et les personnalités désignées pour être membres de la Commission sont soumis, en tant que collègue, à un vote d'approbation du Parlement européen.
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.
4. Le Président de la Commission définit les orientations dans le cadre desquelles la Commission exerce sa mission. Il décide de son organisation interne afin d'assurer la cohérence, l'efficacité et la collégialité de son action. Il nomme des Vice-Présidents parmi les membres de la Commission.

5. Le Président peut nommer des Commissaires délégués, choisis en tenant compte des mêmes critères que pour les membres de la Commission. Leur nombre ne peut dépasser celui des membres de la Commission.

Explication : *Il s'agit d'accroître l'éventail politique des choix du Président de la Commission, pour lui permettre de mieux équilibrer la composition de son équipe. Et de veiller à ce que, dans chaque Etat, la majorité du moment n'ait pas un monopole dans la procédure de choix des Commissaires européens.*

FICHE AMENDEMENT

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

Déposée par Monsieur William ABITBOL

Qualité : - Suppléant

Article 18bis : le Président de la Commission européenne

Conv 691/03

1. Le Conseil européen, statuant à la majorité qualifiée, nomme le président de la Commission européenne et, le cas échéant, accepte sa démission.
2. Une fois nommé, le Président forme sa Commission librement dans le respect des dispositions du présent traité constitutionnel en choisissant ses membres sur proposition des Etats membres. Dans le délai d'un mois après sa nomination, le Président de la Commission demande la confiance du Parlement européen. Celle-ci ne peut être refusée qu'à la majorité absolue des membres du Parlement.
3. Si le Parlement européen ne vote pas la confiance, le Conseil européen nomme un nouveau Président de la Commission dans un délai d'un mois et selon la même procédure. Le Président forme une nouvelle Commission dans les mêmes conditions et se présente devant le Parlement européen. La confiance est réputée adoptée sauf si une motion de défiance est votée par la majorité absolue des membres du Parlement.
4. La Commission est responsable devant le Parlement européen, qui peut adopter une motion de censure mettant aux fonctions de celle-ci.

FICHE D'AMENDEMENT

Proposition d'amendement à l'article: 18 bis, Partie I, Titre IV du projet de Traité constitutionnel (CONV 691/03)

Déposée par: Monsieur le Professeur Jürgen Meyer, délégué du Bundestag allemand

Qualité: - Membre -

Objectif : Renforcement du Parlement européen dans la procédure d'élection

Article 18 bis : Le Président **et les membres** de la Commission européenne

1. Compte tenu **du résultat** des élections au Parlement européen, **et après avoir pris accord avec le Parlement européen,** le Conseil européen, statuant à la majorité qualifiée, propose au Parlement européen un candidat à la fonction de Président de la Commission. [...]

2. Chaque État membre établit une liste de trois personnes, comprenant au moins une femme, qu'il estime qualifiées pour exercer la fonction de Commissaire européen. Parmi ces personnes le Président élu désigne, comme membres de la Commission, en tenant compte des équilibres politiques et géographiques européens, jusqu'à treize personnalités choisies pour leur compétence et leur engagement européen, et offrant toute garantie d'indépendance. Le Président et les personnalités désignées pour être membres de la Commission sont soumis, en tant que collège, à un vote d'approbation du Parlement européen. **La durée du mandat de la Commission est de cinq ans.**

Explication:

La proposition du Conseil européen pour la fonction du président de la Commission doit tenir compte du résultat des élections au Parlement européen et des majorités politiques présentes au Parlement européen. Le Conseil européen est tenu de s'enquérir préalablement du comportement politique adopté par le Parlement européen vis-à-vis d'un candidat. En outre, la durée du mandat du collège doit être expressément prévue.

AMENDMENT FORM

Suggestion for amendment of: Article 18 a, Part I, Title IV of the draft Constitution (CONV 691/03)

By: Professor Jürgen Meyer, delegate of the German Bundestag

Status : - Member -

Aim: To strengthen the European Parliament in the election procedure.

Article 18a: The President and the Members of the European Commission

1. Taking into account **the result of** the elections to the European Parliament **and after having obtained the agreement of the European Parliament**, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. [...]
 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 up to thirteen 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. **The Commission's term of office shall be five years.**
[...]
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Explanation :

The European Council's proposal for the Presidency of the Commission must take into account the result of the European elections and the political majorities in the European Parliament. This will induce the European Council to consider the European Parliament's political position on a candidate at an early stage. The length of the College's term of office should also be specified.

AMENDMENT FORM

Vorschlag für die Änderung von: Artikel 18 a, Teil I, Titel IV des Verfassungsentwurfs (CONV 691/03)

von Herrn: Prof. Dr. Jürgen Meyer, Delegierter des Deutschen Bundestages

Status: - Mitglied -

Ziel: Stärkung des Europäischen Parlaments im Wahlverfahren

Artikel 18a: Der Präsident und die Mitglieder der Europäischen Kommission

(1) Der Europäische Rat schlägt dem Europäischen Parlament unter Berücksichtigung **des Ergebnisses** der Wahlen zum Europäischen Parlament **und nachdem er sich mit dem Europäischen Parlament ins Benehmen gesetzt hat** mit qualifizierter Mehrheit einen Kandidaten für das Amt des Präsidenten der Kommission vor. [...]

(2) Jeder Mitgliedstaat erstellt eine Liste von drei Personen, darunter mindestens eine Frau, die er für geeignet erachtet, das Amt eines Mitglieds der Europäischen Kommission auszuüben. Aus dem Kreis dieser Personen benennt der gewählte Präsident unter Berücksichtigung des politischen und geografischen Gleichgewichts in Europa bis zu dreizehn Persönlichkeiten, die aufgrund ihrer Kompetenz und ihres Engagements für Europa ausgewählt werden und die jede Gewähr für Unabhängigkeit bieten, als Mitglieder der Kommission. Der Präsident und die als Mitglieder der Kommission benannten Persönlichkeiten stellen sich als Kollegium dem Zustimmungsvotum des Europäischen Parlaments. **Die Amtszeit der Kommission beträgt fünf Jahre.**
[...]

Begründung:

Der Vorschlag des Europäischen Rates für das Amt des Kommissionspräsidenten muss das Ergebnis der Europawahl und die politischen Mehrheiten im Europäischen Parlament berücksichtigen. Der Europäische Rat wird veranlasst, sich frühzeitig mit der politischen Haltung des Europäischen Parlaments zu einem Kandidaten auseinander zu setzen. Außerdem sollte die Amtszeit des Kollegiums ausdrücklich vorgesehen werden.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : **18 bis**

Déposée par Madame : **Cristiana MUSCARDINI**

Qualité : **Membre**

Articolo 18 bis: Il Presidente della Commissione europea

Par. 3

La Commissione é responsabile **sia collettivamente sia individualmente** dinanzi al Parlamento europeo. Quest'ultimo può adottare una mozione di censura **sia nei confronti dell'organo collegiale sia nei confronti di un singolo commissario**, secondo le modalità di cui all'articolo X della Costituzione. Se tale mozione é adottata, i membri, **o il membro**, devono abbandonare le loro funzioni. Essi continuano a curare gli affari di ordinaria amministrazione fino alla nomina dei loro successori.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : Article 18a (Title IV)

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 18a : The President of the European Commission

1. Taking into account the elections to the European Parliament, the European Council, deciding by *[qualified majority]* **unanimity**, shall put forward to the European Parliament *[its]* **two** proposed candidates for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward [a] **two** new candidates, following the same procedure as before.

2. Each Member State's **Parliament** shall *[submit a list of three persons, of which at least one must be a woman,]* **nominate a person** whom it considers qualified to be a European Commissioner. *[Delete: The President-elect, taking account of European political and geographical balance, shall, from among the names submitted, select as members of the Commission up to thirteen 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]* **accountable** to the European Parliament **and the Council of ministers**. 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, **for a period not exceeding one month**.

4. The Commission shall work to guidelines laid down by *[its President]* the Council. He shall decide its internal organisation, ensuring that it acts consistently, efficiently and on a collegiate basis. *[He shall appoint vice-presidents from among the members of the Commission.]*

[Delete: 5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.]

Explanation (if any) : An improved model would be for the Council to propose two candidates, one of whom is selected by the European Parliament. He then attributes Portfolios to candidates selected by national parliaments.

Reference to « European commitment » is removed as vague, unquantifiable and undemocratic.

On the resignation of the Commission, a period of one month is suggested in order to prevent the ex-Commission from remaining in post over an extended period.

AMENDMENT FORM

Suggestion for amendment of Article : 18a

Suggestion for Part I

By Mr : Vytenis Povilas Andriukaitis, Gintautas Šivickas

Status : Member, alternate

Article ~~18a~~ 17a: The President of the European Commission

1. Taking into account the elections to the European Parliament, **geographical balance and diversity of all Member States**, the European Council, deciding by qualified majority, shall put forward to **the parliaments of the Member States** ~~the European Parliament~~ its proposed candidates for the Presidency of the Commission.
 2. **The parliaments of the Member States within two months shall hear the candidates and hold debates on their programs and on the same day throughout the Union shall rate the candidates and submit the results to the European Council.**
 3. **Taking into account the results of the rating by the parliaments of the Member States,** ~~This candidate shall be elected by the European Council~~ **shall submit the two highest rated candidates to the European Parliament which shall elect among the candidates the President of the Commission by a majority of its members a qualified majority of 2/3 of the votes cast.** If this candidate does not receive the required **qualified** majority support, the European Council shall within one month put forward ~~a new~~ **the other** candidates **ranked by the parliaments of the Member States. The European Parliament shall following** the same procedure as before.
-
2. Each Member State shall submit a list of three persons, of which at least one must be a ~~woman~~ **of opposite gender**, whom it considers qualified to be a ~~European Commissioner~~ **Member of the European Commission**. The President-elect, taking account of European political and geographical balance, shall, from among the names submitted, select **the Vice-Presidents and** as Members of the Commission ~~up to thirteen 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.
4. The Commission shall work to guidelines laid down by its President. ~~He~~ **The President** shall decide ~~it's~~ the internal organisational **structure of the Commission based on the principle of equality of all the members of the Commission, including the Vice-Presidents,** ensuring that it acts consistently, efficiently and on a collegiate basis. ~~He shall appoint vice-presidents from among the members of the Commission.~~
5. ~~The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 18a

By Mr : Josef ZIELENIEC

Status : - Member

Article 18a : The President of the European Commission

1. Taking into account the result of the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before. *If even this candidate does not receive the required majority support, the European Parliament shall elect by a majority of its members the President of the Commission from among candidates proposed by its political groups. If the European Parliament fails to elect the President of the Commission within one month after its refusal of the second candidate proposed by the European Council, the President of the Union shall dissolve it.*
2. Each Member State shall submit a list of ~~three~~ five persons *chosen for their competence, European commitment, and guaranteed independence*, of which at least one must be a woman, whom it considers qualified to be a European Commissioner. The President *of the Commission*, ~~elect~~ *within two weeks following his election by the European Parliament*, ~~taking account of European political and geographical balance shall, from among the names submitted, select as~~ *the Commissioners, one from each Member State.* ~~members of the Commission up to thirteen persons chosen for their competence, European commitment, and guaranteed independence. The President and~~ ~~t~~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.

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. He shall appoint vice-presidents from among the members of the Commission.

5. *The President, after consultation of the college of the Commissioners, may submit to the European Parliament a vote of non-confidence against any member of the Commission. When the non-confidence is voted by the majority of the members of the European Parliament, a new Member of the Commission is nominated accordingly to the procedure laid down in the article 18.6.*

~~5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~

Explanation:

- there should be a clear link between the President of the Commission and the political majority within the newly elected European Parliament. The proposed mechanism (§1) of a possible third, purely parliamentary election of the President of the Commission should guarantee the real respect by the European Council of the result of the elections to the EP.

AMENDMENT FORM

Title IV

Suggestion for amendment of Article 18 a

By Mr. Adrian Severin

Status : Alternate Member

Add a new sentence at the end of the paragraph 5:

Once an Associated Commissioner is confirmed by a vote of the European Parliament, he/she has the right to vote within the Commission as the full fledged commissioners do.

Explanation:

This is a compromise solution. In this way the number of the commissioners will remain limited to the real needs but, at the same time, the associated commissioner will be able to exercise a real role in shaping the general policy of the Commission. The application of this clause could be limited to the new member states and only for a five years time.

AMENDMENT FORM

Suggestion for amendment of Article 18aa : The President of the European Commission

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

Article 18aa : The President of the European Commission

- 1. 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.**
- 2. 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.**
- 3. After obtaining the approval of the College, the President shall appoint Vice-Presidents from among its Members.**
- 4. A Member of the Commission shall resign if the President so requests, after obtaining the approval of the College.**

Explanation (if any) :

The role of the President of the Commission and the method of their election should be set out in separate Articles of the Treaty and should reflect the terms of Article 217 TEC.

AMENDMENT FORM

Suggestion for amendment of Article 18a: Election of the President of the European Commission

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

Article 18a: Election of the President of the European Commission

Delete the Article and replace with:

1. The President of the Commission shall be elected by the European Parliament and the national Parliaments of Member States. The European Parliament and the national Parliaments collectively shall have the same number of votes. All national Parliaments shall have an equal share of the national Parliaments' vote.
 2. The election for the President of the Commission shall be held six weeks following the first meeting of the European Parliament after its election.
 3. Candidates may be nominated by a minimum of 5 Member States. Nominations must be made to the European Council on or before a date to be designated.
 4. All members of national Parliaments and of the European Parliament shall be eligible to cast a vote in favour of a single candidate. The votes of each Parliament shall be assigned to each candidate in proportion to the outcome in that Parliament.
 5. If, when all votes have been received, a candidate has received more than 50% of the overall vote, that candidate shall be deemed elected. If no candidate has reached this threshold, the candidate with the fewest votes shall be eliminated and a further vote held on remaining candidates. This process shall be repeated, as necessary, until one candidate receives a simple majority.
 6. The successful candidate shall be affirmed in office by the Council, acting by QMV.
-

Explanation (if any) :

As proposed in my paper (CONV 496/03), election of the President of the Commission in this way will help to bring greater transparency and openness, enhancing the President's perceived democratic legitimacy and authority. This will tend to strengthen both the President and the Commission in the fulfilment of their roles.

The process of election – a campaign period during which candidates can meet with national parliaments and with the European Parliament, and the casting of votes on a single day – offers a unique opportunity to create a greater sense of political interest and to bring the representatives of the peoples of Europe together with a common purpose and would create a sense of occasion. It would also allow candidates for the post to hear at first hand the concerns and aspirations of the people of Europe.

AMENDMENT FORM

Suggestion for amendment of Article 18a

By Mr : Józef Oleksy

Status : Member

Article 18a:

Para 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 up to thirteen 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.

Explanation (if any) :

Affirmative action may become part of the Union's informal custom (usus), however, it should not be inscribed in the Constitutional Treaty.

AMENDMENT FORM

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

By Ms : GIANNAKOU Marietta

Status : - Member - Alternate

Suggestion

TITLE IV: The Union's Institutions

Article 18a : The President and the members of the European Commission

3. *The President and the other members of the Commission are elected for a period of five years.*

3.4. 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.

4.5. 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. He shall appoint vice-presidents from among the members of the Commission.

5. ~~The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission~~

Explanation (if any) :

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AMENDMENT FORM

Suggestion for amendment of Article : IV 18a

Suggestion for protocol :

By: Mr Caspar EINEM

Status : Member

Artikel 18a: Der Präsident der Europäischen Kommission

- (1) Der Europäische Rat schlägt dem Europäischen Parlament unter Berücksichtigung der Wahlen zum Europäischen Parlament mit qualifizierter Mehrheit einen Kandidaten für das Amt des Präsidenten der Kommission vor. Das Parlament wählt diesen Kandidaten mit der Mehrheit seiner Mitglieder. Erhält dieser Kandidat nicht die Mehrheit, schlägt der Europäische Rat dem Europäischen Parlament innerhalb eines Monats einen neuen Kandidaten vor, wobei dasselbe Verfahren wie zuvor zur Anwendung gelangt.
- (2) **Erhält auch der zweite vom Europäischen Rat benannte Kandidat nicht die erforderliche Mehrheit, so wählt das Europäische Parlament einen Kandidaten, der von der Mehrheit seiner Mitglieder benannt wird. In diesem Falle wird die Wahl wirksam, wenn der Europäische Rat sie bestätigt. Eine Bestätigung durch den Europäischen Rat ist nicht erforderlich, wenn das Europäische Parlament mit zwei Dritteln seiner Mitglieder entschieden hat.**
- (3) **Der Präsident der Kommission benennt die Mitglieder der Kommission und weist ihnen gleich gewichtete Aufgabengebiete zu.**
- (4) Jeder Mitgliedstaat erstellt eine Liste von drei Personen, darunter mindestens eine Frau, die er für geeignet erachtet, das Amt eines Mitglieds der Europäischen Kommission auszuüben. Aus **diesem** Kreis ~~dieser Personen~~ benennt der gewählte Präsident unter Berücksichtigung des politischen und geografischen Gleichgewichts in Europa **und unter Berücksichtigung eines ausgewogenen Geschlechterverhältnisses jene Persönlichkeiten zu Mitgliedern der Kommission bis zu dreizehn Persönlichkeiten**, die aufgrund ihrer Kompetenz und ihres Engagements für Europa ~~ausgewählt werden~~ **dafür am besten geeignet erscheinen** und die jede Gewähr für Unabhängigkeit bieten, ~~als Mitglieder der Kommission~~. Der Präsident und die als Mitglieder der Kommission benannten Persönlichkeiten stellen sich als Kollegium dem Zustimmungsvotum des Europäischen Parlaments.
- (5) Die Kommission ist als Kollegium dem Europäischen Parlament verantwortlich. Dieses kann gemäß den Bestimmungen des Artikels X der Verfassung ein Misstrauensvotum gegen die Kommission annehmen. Wird ein solches Misstrauensvotum angenommen, so müssen die Mitglieder der Kommission geschlossen ihr Amt niederlegen. Sie führen die laufenden Geschäfte bis zur

Ernennung ihrer Nachfolger weiter.

- (6) Der Präsident der Kommission bestimmt die Leitlinien, nach denen die Kommission ihre Aufgaben ausübt. Er beschließt über ihre interne Organisation, um die Kohärenz, die Wirksamkeit und das Kollegialitätsprinzip im Rahmen ihrer Tätigkeit sicherzustellen. Er ernennt ~~die~~ **bis zu vier** stellvertretenden Präsidenten aus dem Kreis der Mitglieder der Kommission, **wobei einer von ihnen zugleich das Amt des Außenministers der Union bekleidet.**
- ~~(5) Der Präsident kann delegierte Mitglieder der Kommission ernennen, bei deren Auswahl dieselben Kriterien wie bei den Mitgliedern der Kommission zugrundegelegt werden. Ihre Anzahl darf die Anzahl der Mitglieder der Kommission nicht übersteigen.~~

Explanation (if any) :

Abs. 2 sieht für den Fall, dass der Europäische Rat dem Parlament zwei Kandidaten präsentiert, die nicht die erforderliche Mehrheit bekommen, vor, dass dann die Auswahlentscheidung auf das EP übergeht. Der gewählte Kandidat bedarf in diesem Fall allerdings der Zustimmung des Europäischen Rats, s sei denn er wäre mit einer Zweidrittelmehrheit gewählt worden. Diese Lösung gibt dem EP das letzte Wort und erscheint ausgewogen.

Abs. 3 macht auch sprachlich deutlich, dass dieser Artikel vom Präsidenten der EK handelt und nicht von den Mitgliedstaaten. Zugleich wird das Prinzip gleich gewichteter Portefeuilles für die Kommissare festgeschrieben.

Abs. 4 soll auch ein ausgewogenes Geschlechterverhältnis in der Kommission sicher stellen.

Insgesamt soll dieser Artikel dem Präsidenten der Kommission freie Hand für seine Kommission geben – auch was die Zahl der Kommissare betrifft. Freilich muss der Präsident bei seiner Entscheidung bedenken, dass er die Zustimmung des Europäischen Parlaments braucht und auf Kooperation mit den Mitgliedstaaten angewiesen ist. Er wird daher gut beraten sein, vorläufig jedem Mitgliedstaat einen Kommissar zu geben. Die Regelung ist allerdings auf Dauer angelegt und erlaubt daher auch die Bildung einer kleineren (oder auch einer größeren) Kommission, sollte sich das als zweckmäßig erweisen.

Juniorkommissare, also Kommissare unterschiedlichen Rechts und Gewichts - soll es nicht geben, daher soll der vorgeschlagene Absatz 5 entfallen.

FICHE AMENDAMENT

Proposition d'amendement à l'Article 18 bis

Déposé par Monsieur Eckstein-Kovács Péter

Qualité: membre suppléant

Article 18 bis - Para 2

Effacer les mots: jusqu'à treize.

FICHE AMENDAMENT

Proposition d'amendement à l'Article 18

Déposé par Monsieur Eckstein-Kovács Péter

Qualité: membre suppléant

Article 18 bis - Para 1 modifier comme suit

La Commission est composée d'un Président et des membres. La Commission doit comprendre un national de chacun des Etats membres.

AMENDMENT FORM

Suggestion for amendment of: **PART I, TITLE IV: The Union's Institutions, Article 18a: The President of the European Commission**

By: **Mr Paraskevas AVGERINOS and Ms Marietta GIANNAKOU**

Status: **Members**

REPLACE

2. Chaque État Membre désigne une personne qu'il estime qualifiée pour exercer la fonction de Commissaire Européen. Le Président élu, le ministre des affaires étrangères nommé conformément à l'article 19 et les personnes aussi désignées sont soumis, en tant que collègue, à un vote d'approbation du Parlement Européen.

Explanation:

AMENDMENT FORM

Suggestion for amendment of Article : 18a, 2.

Title IV of Part I of the Constitutional Treaty

By Ms. Dybkjær

Status : - Member X Alternate

Article 18a: The President of the European Commission

2. Each Member State shall submit a list of **two** persons, **one male, one female**, 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 one person from each member state chosen for their competence, European commitment, and guaranteed independence. **The President-elect shall, when selecting members, ensure a gender-balanced Commission, where one sex is not represented with less than 40%.**

Explanation (if any) :

The Union pleads equality in all its policies. The Commission is the heart of policy-formulation, often requiring in its own programmes a female representation of at least 40%. The Commission just as all other institutions ought to reflect society as it is - composed of both women and men.

It is time to live up to the promises. If gender equality demands are not written down and required explicitly they will not become reality!

AMENDMENT FORM

Suggestion for amendment of Article :18a

By Mr : M. Attalides

Status : - Member

Art18aattalides.doc

Article 18a : The President of the European Commission

Delete paras 1,2 and 3 and replace with the following para.

- 1. The European Council, deciding by qualified majority, shall put forward to the European Parliament a proposal for a list of at least three candidates for the Presidency of the European Commission. The President of the Commission shall be elected by the European Parliament from this list by a majority of three fifths of the votes cast. If none of the candidates receives the required support, the European Council shall within one month put forward a new list of candidates, following the same procedure.*

Renumber para 4 to become 2

Add para. 3

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

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 18bis

Déposée par : Pervenche Berès

Qualité : - Membres et Suppléants

Article 18 bis : Le Président de la Commission européenne

2. Chaque État membre établit une liste de trois personnes, **représentant les deux sexes**, qu'il estime qualifiées pour exercer la fonction de Commissaire européen. Parmi ces personnes le Président élu désigne, comme membres de la Commission, en tenant compte des équilibres politiques et géographiques européens, jusqu'à treize personnalités choisies pour leur compétence et leur engagement européen, et offrant toute garantie d'indépendance. Le Président et les personnalités désignées pour être membres de la Commission sont soumis, en tant que collègue, à un vote d'approbation du Parlement européen.

AMENDMENT FORM

Suggestion for amendment of Article 18a

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

Status : Members and Alternates

Article 18a : Appointment of the Commission ~~The President of the European Commission~~

1. Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.
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 ~~up to thirteen~~ **the** persons chosen for their competence, European commitment, and guaranteed independence. The President and the persons so nominated for membership of the Commission, **including the Foreign Minister**, 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.
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. He shall appoint vice-Presidents from among the members of the Commission. (moved to Article 18)~~

~~5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~

Explanation :

Paragraph 2

These amendments are consequential of amendments to articles 18 and 19.

Paragraphs 4 and 5

These amendments are consequential of the amendment to article 18.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 18 bis

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

Qualité : Membres et Suppléants

Article 18 bis : Nomination de la Commission ~~Le Président de la Commission européenne~~

1. Compte tenu des élections au Parlement européen, le Conseil européen, statuant à la majorité qualifiée, propose au Parlement européen un candidat à la fonction de Président de la Commission. Ce candidat est élu par le Parlement européen à la majorité des membres qui le compose. Si ce candidat ne recueille pas la majorité, le Conseil européen propose, dans un délai d'un mois, un nouveau candidat au Parlement européen en suivant la même procédure que précédemment.
2. Chaque État membre établit une liste de trois personnes, comprenant au moins une femme, qu'il estime qualifiées pour exercer la fonction de Commissaire européen. Parmi ces personnes le Président élu désigne, comme membres de la Commission, en tenant compte des équilibres politiques et géographiques européens, ~~jusqu'à treize~~ **les** personnalités choisies pour leur compétence et leur engagement européen, et offrant toute garantie d'indépendance. Le Président et les personnalités désignées pour être membres de la Commission, **y compris le Ministre des Affaires étrangères**, sont soumis, en tant que collège, à un vote d'approbation du Parlement européen.
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 **traiter** ~~expédier~~ les affaires courantes jusqu'à la nomination de leurs successeurs.
4. ~~Le Président de la Commission définit les orientations dans le cadre desquelles la Commission exerce sa mission. Il décide de son organisation interne afin d'assurer la cohérence, l'efficacité et la collégialité de son action. Il nomme des Vice-Présidents parmi les~~

~~membres de la Commission.~~ *(déplacé à l'article 18)*

~~5. Le Président peut nommer des Commissaires délégués, choisis en tenant compte des mêmes critères que pour les membres de la Commission. Leur nombre ne peut dépasser celui des membres de la Commission.~~

Explication :

Paragraphe 2

Amendements qui sont la conséquence des amendements aux articles 18 et 19.

Paragraphes 4 et 5

Amendements qui sont la conséquence d'amendements à l'article 18.

AMENDMENT FORM

Suggestion for amendment of Article : 18a

By Mr : Joschka Fischer

Status : - Member

Artikel 18a: Der Präsident der Europäischen Kommission

- (1) Ein vom Europäischen Parlament und Europäischem Rat paritätisch besetztes Findungskomitee ~~Der Europäische Rat~~ schlägt dem Europäischen Parlament unter Berücksichtigung der Wahlen zum Europäischen Parlament ~~mit qualifizierter Mehrheit~~ einen Kandidaten für das Amt des Präsidenten der Kommission vor. Das Parlament wählt diesen Kandidaten mit der Mehrheit seiner Mitglieder. Er wird vom Europäischen Rat mit qualifizierter Mehrheit zum Präsidenten der Kommission ernannt. Erhält dieser Kandidat nicht die Mehrheit des Europäischen Parlaments oder wird er nicht vom Europäischen Rat ernannt, ~~schlägt der Europäische Rat dem Europäischen Parlament~~ wird innerhalb eines Monats einen ~~neuen~~ Kandidaten vorgeschlagen, wobei dasselbe Verfahren wie zuvor zur Anwendung gelangt.]
- (2) ~~Jeder Mitgliedstaat erstellt eine Liste von drei Personen, darunter mindestens eine Frau, die er für geeignet erachtet, das Amt eines Mitglieds der Europäischen Kommission auszuüben. Aus dem Kreis dieser Personen benennt d~~Der gewählte Präsident benennt unter Berücksichtigung des politischen und geografischen Gleichgewichts in Europa bis zu dreizehn Persönlichkeiten, die aufgrund ihrer Kompetenz und ihres Engagements für Europa ausgewählt werden und die jede Gewähr für Unabhängigkeit bieten, als Mitglieder der Kommission. Der Präsident und die als Mitglieder der Kommission benannten Persönlichkeiten stellen sich als Kollegium dem Zustimmungsvotum des Europäischen Parlaments. Ein Mitglied der Kommission erklärt seinen Rücktritt, wenn der Präsident es dazu auffordert.
- (3) Die Kommission ist als Kollegium dem Europäischen Parlament verantwortlich. Dieses kann gemäß den Bestimmungen des Artikels X der Verfassung ein Misstrauensvotum gegen die Kommission annehmen. Wird ein solches Misstrauensvotum angenommen, so müssen die Mitglieder der Kommission geschlossen ihr Amt niederlegen. Sie führen die laufenden Geschäfte bis zur Ernennung ihrer Nachfolger weiter.

(4) Der Präsident der Kommission bestimmt die Leitlinien, nach denen die Kommission ihre Aufgaben ausübt. Er beschließt über ihre interne Organisation, um die Kohärenz, die Wirksamkeit und das Kollegialitätsprinzip im Rahmen ihrer Tätigkeit sicherzustellen. Er ernennt die stellvertretenden Präsidenten aus dem Kreis der Mitglieder der Kommission.

(5) Der Präsident kann delegierte Mitglieder der Kommission ernennen, bei deren Auswahl dieselben Kriterien wie bei den Mitgliedern der Kommission zugrundegelegt werden. Ihre Anzahl darf die Anzahl der Mitglieder der Kommission nicht übersteigen.

Explanation:

Absatz 1: Ein aus Europäischem Parlament und Europäischem Rat paritätisch zusammengesetztes Komitee sollte die Auswahl des Kandidaten vornehmen.

Absatz 2: Eine Vorauswahl von drei Persönlichkeiten pro Mitgliedstaat ist nicht praktikabel. Sie könnte das Ansehen der nicht vom Kommissionspräsidenten ausgewählten Kandidaten beschädigen.

Es wird ausdrücklich begrüßt, dass dem Kommissionspräsidenten die Prärogative zur Auswahl der Kommissare und zur Festlegung ihrer definitiven Zahl bis zu der in der Verfassung definierten Höchstzahl zuerkannt wird.

Absatz 3: Der Kommissionspräsident sollte das Recht behalten, den Rücktritt eines Kommissionsmitglieds zu erwirken. Diese Bestimmung sollte nicht für den Europäischen Außenminister gelten (in Teil II der Verfassung zu regeln).

AMENDMENT FORM

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

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member

-
1. OK.
 2. Each Member State shall submit ~~one person~~ ~~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 [up to thirteen 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 ~~accountable~~ ~~responsible~~ to the European Parliament ~~and to the Council of Ministers~~. 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.
- 4,5 OK.
-

Explanation (if any) :

Article 18a 2 The success of such a system depends on its ability to attract candidates of the highest calibre. The complexity of the proposed system risks dissuading the best candidates from putting themselves forward. A system whereby each country put forward only one candidate is more likely to attract good candidates. We support the aim of making the Commission more representative of the diverse population of the Union.

More generally, while we support the aim of a smaller Commission, we had expected this to be addressed on the basis agreed at Nice.

Article 18a 3 The Commission should continue to be accountable to the Council as well as to the Parliament in order to maintain the current institutional balance.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 18bis

Déposée par MM. Hubert Haenel, membre titulaire, et Robert Badinter, membre suppléant

Article 18 bis : Le Président de la Commission européenne

1. Compte tenu des élections au Parlement européen, le Conseil européen, statuant à la majorité qualifiée, propose au Parlement européen un candidat à la fonction de Président de la Commission. Ce candidat est élu par le Parlement européen à la majorité des membres qui le compose. Si ce candidat ne recueille pas la majorité, le Conseil européen propose, dans un délai d'un mois, un nouveau candidat au Parlement européen en suivant la même procédure que précédemment.

2. Chaque État membre établit une liste de trois personnes, comprenant au moins une ~~femme~~, **personne de chaque sexe**, qu'il estime qualifiées pour exercer la fonction de Commissaire européen. Parmi ces personnes le Président élu désigne, comme membres de la Commission, en tenant compte des équilibres politiques et géographiques européens, jusqu'à treize personnalités choisies pour leur compétence et leur engagement européen, et offrant toute garantie d'indépendance. Le Président et les personnalités désignées pour être membres de la Commission sont soumis, en tant que collège, à un vote d'approbation du Parlement européen.

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. **Dans le mois qui suit l'adoption d'une telle motion, le Président de la Commission peut demander au Conseil européen de prononcer à la majorité qualifiée la dissolution du Parlement européen.**

4. Le Président de la Commission définit les orientations dans le cadre desquelles la Commission exerce sa mission. Il décide de son organisation interne afin d'assurer la cohérence, l'efficacité et la collégialité de son action. Il nomme des Vice-Présidents parmi les membres de la Commission.

5. Le Président peut nommer des Commissaires délégués, choisis en tenant compte des mêmes critères que pour les membres de la Commission **sur les listes établies par les États membres à raison de trois personnes par État, dont une personne de chaque sexe au moins.** Leur nombre ne peut dépasser celui des membres de la Commission.

Explication éventuelle :

2. Cette rédaction permettra une réelle mixité des candidatures présentées par les États membres, qui ne pourront ainsi présenter ni trois candidatures masculines, ni trois candidatures féminines.

3. L'équilibre des régimes parlementaires européens repose sur la possibilité de recourir à l'arbitrage du peuple lorsqu'un conflit apparaît au sein des institutions. Il convient donc de donner au Président de la Commission la possibilité de demander au Conseil européen de dissoudre le Parlement européen en cas d'adoption d'une motion de censure.

5. Les Commissaires délégués doivent être choisis selon la même procédure que les Commissaires, à l'exception du vote du parlement européen.

AMENDMENT FORM

Suggestion for amendment of Article 18a

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>Article 18a: The President of the European Commission</p> <p>1. Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.</p> <p>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 up to thirteen 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.</p>	<p>Article 18a: <u>Commission Chairman</u></p> <p>1. The European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Commission Chairman. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before. <u>The Commission Chairman shall be a former civil servant from either an EU institution or a Member State.</u></p> <p>2. <u>Each Member State shall nominate one person whom it considers qualified to be a European Commissioner. The person shall be a current or former civil servant from that Member State.</u> The President-elect, taking account of European political and geographical balance, <u>shall allocate portfolios for each of the Commissioners.</u> The President and the persons so nominated for membership of the Commission shall be submitted <u>individually</u> to a vote of approval by the European Parliament.</p>

<p>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.</p> <p>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. He shall appoint vice-presidents from among the members of the Commission.</p> <p>5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.</p>	<p>3. The Commission, as a body, shall be responsible to the European Parliament <u>and Council</u>. Under the procedures set out at Art. X of the <u>simplifying Treaty, the European Parliament and Council acting jointly</u> may pass a censure motion on the Commission <u>as a whole or on individual Commissioners</u>. If such a motion is passed, the member(s) of the Commission <u>to which the motion applies</u> must resign. They shall continue to handle everyday business until their successors are nominated.</p> <p>4. The Commission shall work to guidelines laid down by its <u>Commission Chairman</u>. <u>They</u> shall decide its internal organisation, ensuring that it acts consistently, efficiently and on a collegiate basis. <u>They</u> shall appoint vice-presidents from among the members of the Commission.</p> <p><i>DELETE</i></p>
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FICHE AMENDEMENT

Proposition d'amendement à l'Article 18 bis

Déposée par Olivier Duhamel, titulaire
Pervenche Berès, suppléante

Article 18 bis - Le Président de la Commission européenne

Paragraphe 2

2- ...pour exercer la fonction de commissaire européen. Parmi ces personnes le Président élu désigne *les membres de la Commission, et le cas échéant leurs adjoints, choisis pour leur compétence et leur engagement européen et offrant toute garantie d'indépendance, en tenant compte des équilibres géographiques*. Le Président et les personnalités ...(suite inchangée).

Justification

Le nombre des membres de la Commission n'est pas fixé par la Constitution. La possibilité est ouverte d'avoir des commissaires adjoints.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 18 bis

Déposée par Olivier Duhamel, titulaire
Anne Van Lancker, titulaire
Pervenche Berès, suppléante

Article 18 bis - Le Président de la Commission européenne

Paragraphe 1

1 - ... à la majorité des membres qui le composent. Si ce candidat ne recueille pas la majorité, le Conseil européen propose, dans un délai d'un mois, un nouveau candidat au Parlement européen. ***Il est élu par celui-ci à la majorité des suffrages exprimés.***

Justification

Il faut éviter la persistance d'une coalition de minorités de blocage. La confirmation de la proposition du Conseil à la majorité simple correspond à l'état actuel du droit.

AMENDMENT FORM

Suggestion for amendment of TArt18a.doc

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 18a : The President of the European Commission

1. Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.
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 ~~up to thirteen 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.
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. He shall appoint vice-presidents from among the members of the Commission. **A Member of the Commission shall resign if the President so requests, after obtaining the approval of the College.**
5. ~~The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~

Explanation (if any) :

All arrangements related to the role of the President of the Commission as provided by the Treaty of Nice should be maintained.

FICHE AMENDEMENT

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

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

Qualité : - Membres

Article ~~18 bis~~ 20 : Le Président de la Commission européenne

1. ~~Compte tenu des élections au Parlement européen, le Conseil européen, statuant à la majorité qualifiée, propose au Parlement européen un candidat à la fonction de Président de la Commission. Ce candidat est élu par le Parlement européen à la majorité des membres qui le compose. Si ce candidat ne recueille pas la majorité, le Conseil européen propose, dans un délai d'un mois, un nouveau candidat au Parlement européen en suivant la même procédure que précédemment.~~

Le Président de la Commission est élu par le Parlement européen à la majorité des 3/5^{ème} de ses membres; cette élection est confirmée par le Conseil européen, statuant à la majorité qualifiée.

- ~~2. Chaque État membre établit une liste de trois personnes, comprenant au moins une femme, qu'il estime qualifiées pour exercer la fonction de Commissaire européen. Parmi ces personnes le Président élu désigne, comme membres de la Commission, en tenant compte des équilibres politiques et géographiques européens, jusqu'à treize personnalités choisies pour leur compétence et leur engagement européen, et offrant toute garantie d'indépendance. Le Président et les personnalités désignées pour être membres de la Commission sont soumis, en tant que collège, à un vote d'approbation du Parlement européen.~~
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.~~

42. Le Président de la Commission définit les orientations dans le cadre desquelles la Commission exerce sa mission. Il décide de son organisation interne afin d'assurer la cohérence, l'efficacité et la collégialité de son action. Il nomme des Vice-Présidents parmi les membres de la Commission.

~~5. — Le Président peut nommer des Commissaires délégués, choisis en tenant compte des mêmes critères que pour les membres de la Commission. Leur nombre ne peut dépasser celui des membres de la Commission.~~

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

AMENDMENT FORM

Suggestion for amendement of Article : 18a

Suggestion for Part I

By ~~Ms/~~ Mr : Georgios Papandreou and Mr Georgios Katiforis

Status : - Member Alternate

Article 18a : ~~The President~~ The nomination of the European Commission

1. ~~Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidates for the Presidency of the Commission. This candidate~~ **The President of the European Commission** is elected by the European Parliament by a majority of **three fifths** of its members. **Candidatures for the Presidency of the Commission shall be put forward by the political groups of the European Parliament or 1/10 of its members, following the European Parliament elections.** ~~If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before. His/her election is subsequently confirmed by the European council acting by qualified majority.~~
 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 ~~up to thirteen~~ persons chosen for their competence, European commitment, and guaranteed independence. The President and the nominated persons, **the Minister for Foreign Affairs included,** in order to be members 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, this institution 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.
 4. ~~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. He shall appoint vice-presidents from amongst members of the Commission.~~
 5. ~~The President may appoint deputy Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~
-

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : Art. 18 a

Suggestion for protocol :

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

Status : - Members and Alternates

Article 18a : The President of the European Commission and the Commissioners

~~1. Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.~~

Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament a proposal for a list of up to three candidates for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of three fifths of the votes cast. If none of the candidates receives the required majority support, the European Council shall within one month put forward a new list of candidates, following the same procedure as before¹.

¹ Another option which could be discussed is the following : The European Council, deciding by qualified majority, shall put forward a proposal for a list of up to three candidates for the Presidency of the Commission to an Electoral College. This Candidate shall be elected by the Electoral College, consisting of two representatives of the national parliaments of each of the Member States and an equal number of Members of the European Parliament. This candidate shall be elected by a majority of three fifths of the votes cast. The rules of procedure of the Electoral College shall be settled in Part I of the

~~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 up to thirteen 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.~~

~~The Council, deciding by qualified majority and by common accord with the elected President, shall adopt the list of other persons whom it intends to appoint as Members of the Commission, drawn up in accordance with the proposals made by each Member State.~~

~~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.~~

2. The Council, acting by qualified majority and by common accord with the [nominee for] President, 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.

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 President and the other Members of the Commission shall be appointed for a period of five years by the Council, acting by a qualified majority.

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.

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. **The President** he shall appoint vice-presidents from among the members of the Commission,

subject to the approval of the College.

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

~~5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 18a

By: **Danuta Hübner**

Status: **Member**

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
Article 18a : The President of the European Commission	Article 18a : The President of the European Commission
<p>1. Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.</p>	<p>1. Taking into account the elections to the European Parliament, The European Council, deciding by qualified majority, shall put forward to the European Parliament two its proposed candidates for the Presidency of the Commission. This candidate The President of the European Commission shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.</p>
<p>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 up to thirteen 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.</p>	<p>2. Each Member State shall submit a candidate 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 up to thirteen persons chosen for their competence, European commitment, and guaranteed independence. The European Council, acting by a qualified majority and by common accord with the President-elect shall adopt the list of the persons whom it intends to appoint as Members of the Commission, drawn up in accordance with the proposals made by each Member State. The President and the</p>
<p>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</p>	

<p>motion is passed, the members of the Commission must all resign. They shall continue to handle everyday business until their successors are nominated.</p> <p>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. He shall appoint vice-presidents from among the members of the Commission.</p> <p>5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.</p>	<p>persons so nominated for membership of the Commission shall be submitted as a body to a vote of approval by the European Parliament.</p> <p>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.</p> <p>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. He shall appoint vice-presidents from among the members of the Commission. A Commissioner shall resign on a request of the President.</p> <p>5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.</p>
<p>Explanation: Paragraph 1: The European Parliament should enjoy the possibility of a real election of the President of the Commission and not only confirm the choice done by the European Council. Paragraph 2: The nomination of other Commissioners should occur in co-operation between the President-elect and Member States.</p>	

AMENDMENT FORM

Suggestion for amendment of Article : 18a

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

Status : - Member - ~~Alternate~~

Artikel 18a: Der Präsident der Europäischen Kommission

~~(1) Der Europäische Rat schlägt dem Europäischen Parlament unter Berücksichtigung der Wahlen zum Europäischen Parlament mit qualifizierter Mehrheit einen Kandidaten für das Amt des Präsidenten der Kommission vor. Das Parlament wählt diesen Kandidaten mit der Mehrheit seiner Mitglieder. Erhält dieser Kandidat nicht die Mehrheit, schlägt der Europäische Rat dem Europäischen Parlament innerhalb eines Monats einen neuen Kandidaten vor, wobei dasselbe Verfahren wie zuvor zur Anwendung gelangt.~~

Das Europäische Parlament wählt mit der Mehrheit seiner Mitglieder den Präsidenten der Kommission. Der gewählte Präsident wird vom Europäischen Rat mit qualifizierter Mehrheit bestätigt. Die Amtszeit der Kommission lehnt sich an die Legislaturperiode des Parlaments an.

~~(2) Jeder Mitgliedstaat erstellt eine Liste von drei Personen, darunter mindestens eine Frau, die er für geeignet erachtet, das Amt eines Mitglieds der Europäischen Kommission auszuüben. Aus dem Kreis dieser Personen benennt der gewählte Präsident unter Berücksichtigung des politischen und geografischen Gleichgewichts in Europa bis zu dreizehn Persönlichkeiten, die aufgrund ihrer Kompetenz und ihres Engagements für Europa ausgewählt werden und die jede Gewähr für Unabhängigkeit bieten, als Mitglieder der Kommission. Der Präsident wählt unter Berücksichtigung des politischen Gleichgewichts in Europa die übrigen Mitglieder der Kommission mit Ausnahme des Außenministers aus. Der Präsident, der Außenminister und die übrigen als Mitglieder der Kommission benannten Persönlichkeiten stellen sich als Kollegium dem Zustimmungsvotum des Europäischen Parlaments.~~

(3) Die Kommission ist als Kollegium dem Europäischen Parlament verantwortlich. Dieses kann gemäß den Bestimmungen des Artikels X der Verfassung ein Misstrauensvotum gegen die Kommission annehmen. Wird ein solches Misstrauensvotum angenommen, so müssen die Mitglieder der Kommission geschlossen ihr Amt niederlegen. Sie führen die laufenden Geschäfte bis zur Ernennung ihrer Nachfolger weiter.

(4) Der Präsident der Kommission bestimmt die Leitlinien, nach denen die Kommission ihre Aufgaben ausübt. Er beschließt über ihre interne Organisation, um die Kohärenz, die Wirksamkeit und das Kollegialitätsprinzip im Rahmen ihrer Tätigkeit sicherzustellen. Er ernennt ~~die stellvertre-~~
~~tenden~~ *stellvertretende* Präsidenten aus dem Kreis der Mitglieder der Kommission.

~~(5) — Der Präsident kann delegierte Mitglieder der Kommission ernennen, bei deren Auswahl die-~~
~~selben Kriterien wie bei den Mitgliedern der Kommission zugrundegelegt werden. Ihre Anzahl darf~~
~~die Anzahl der Mitglieder der Kommission nicht übersteigen.~~

Explanation (if any) :

Absatz 2:

Abgesehen vom Außenminister sind die Mitglieder der Kommission durch den Präsidenten auszuwählen. Zudem muß der Wortlaut unzweideutig klarstellen, dass auch der Außenminister vom Zustimmungsvotum des Europäischen Parlaments erfasst sein muss.

Absatz 4:

Der Präsident ernennt nicht alle Stellvertreter, da der Außenminister von Amts wegen Stellvertreter des Präsidenten ist (vgl. Art. 19 Abs. 3).

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 18 bis

Déposée par : Dominique de Villepin

Qualité : - Membre ~~- Suppléant~~

Article 18 bis : Le Président de la Commission européenne

1. Compte tenu des élections au Parlement européen **et après consultation de son président**, le Conseil européen, statuant à la majorité qualifiée, propose au Parlement européen **un ou plusieurs** candidats à la fonction de Président de la Commission. ~~Ce candidat~~ **Le président** est élu, **pour un mandat de cinq ans**, par le Parlement européen à la majorité des membres qui le composent. **Le Conseil européen, statuant à la majorité qualifiée, approuve cette désignation** ~~Si ce candidat ne recueille pas la majorité~~ **Si aucun des candidats proposés n'est élu**, le Conseil européen propose, dans un délai d'un mois, ~~un nouveau~~ **un ou plusieurs** candidats au Parlement européen en suivant la même procédure que précédemment.
2. Chaque État membre établit une liste de trois personnes, comprenant au moins une femme, qu'il estime qualifiées pour exercer la fonction de Commissaire européen. Parmi ces personnes le Président élu désigne, comme membres de la Commission, en tenant compte des équilibres politiques et géographiques européens, jusqu'à treize personnalités choisies pour leur compétence et leur engagement européen, et offrant toute garantie d'indépendance. Le Président et les personnalités désignées pour être membres de la Commission sont soumis, en tant que collègue, à un vote d'approbation du Parlement européen.
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.

4. Le Président de la Commission définit les orientations dans le cadre desquelles la Commission exerce sa mission. Il décide de son organisation interne afin d'assurer la cohérence, l'efficacité et la collégialité de son action. Il nomme des Vice-Présidents parmi les membres de la Commission.
5. Le Président peut nommer des Commissaires délégués, choisis en tenant compte des mêmes critères que pour les membres de la Commission. Leur nombre ne peut dépasser celui des membres de la Commission.

Explication éventuelle :

La durée du mandat n'est pas précisé dans le projet d'article.

AMENDMENT FORM

Suggestion for amendment of Article : 18 a

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

Status : - Kiljunen and Korhonen – Members
 - Korhonen and Peltomäki - Alternates

Article 18a : The President of the European Commission

- ~~1. Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.~~
 - ~~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 up to thirteen 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.~~
 4. The Commission shall work **under the political guidance of** to guidelines laid down by its President, ~~He who~~ shall decide **on** its internal organisation, **in order to** ensureing that it acts consistently, efficiently and on a collegial basis. ~~He shall appoint vice-presidents from among the members of the Commission.~~
 - 4a. **Without prejudice to Article 18 paragraph 2a, the President shall appoint Vice-Presidents from among its members.**
 - 4b. **A Member of the Commission shall resign if the President so requests, after obtaining the approval of the College.**
 - ~~5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~
-

AMENDMENT FORM

Suggestion for amendment of Article : 18 b

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

Status : - Kiljunen and Vanhanen – Members
 - Korhonen and Peltomäki - Alternates

Article 18b:

- 1. The European Council, deciding by qualified majority, shall put forward to the European Parliament a proposal for a list of up to three candidates for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of three fifths of the votes cast. If none of the candidates receives the required majority support, the European Council shall, within one month, put forward a new list of candidates, following the same procedure as before.¹**
- 2. The Council, deciding by qualified majority and by common accord with the elected President, shall adopt the list of other persons whom it intends to appoint as Members of the Commission, drawn up in accordance with the proposals made by each Member State.**

The President and the other Members of the Commission shall be subject as a body to a vote of approval by the European Parliament.

¹ Another option which could be discussed is the following: The European Council, deciding by qualified majority, would put forward a proposal for a list of up to three candidates for the Presidency of the Commission to an Electoral College. This candidate would be elected by an Electoral College, consisting of two representatives of the national parliaments of each of the Member States and an equal number of Members of the European Parliament. This candidate would be elected by a majority of three fifths of the votes cast.

AMENDMENT FORM

Suggestion for amendment of Article :

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

Status : - Kiljunen and Vanhanen – Members
 - Korhonen and Peltomäki - Alternates

Article 18b:

- 1. The European Council, deciding by qualified majority, shall put forward to the European Parliament a proposal for a list of up to three candidates for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of three fifths of the votes cast. If none of the candidates receives the required majority support, the European Council shall, within one month, put forward a new list of candidates, following the same procedure as before.¹**
- 2. The Council, deciding by qualified majority and by common accord with the elected President, shall adopt the list of other persons whom it intends to appoint as Members of the Commission, drawn up in accordance with the proposals made by each Member State.**

The President and the other Members of the Commission shall be subject as a body to a vote of approval by the European Parliament.

¹ Another option which could be discussed is the following: The European Council, deciding by qualified majority, would put forward a proposal for a list of up to three candidates for the Presidency of the Commission to an Electoral College. This candidate would be elected by an Electoral College, consisting of two representatives of the national parliaments of each of the Member States and an equal number of Members of the European Parliament. This candidate would be elected by a majority of three fifths of the votes cast.

FICHE AMENDEMENT

Titre IV

Proposition d'amendement à l'Article : Artigo 18.º-A

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. Tendo em conta as eleições para o Parlamento Europeu, o Conselho Europeu, deliberando por **unanimidade, designa a personalidade que tenciona nomear como Presidente da Comissão** (12 palavras suprimidas). **Esta é submetida a parecer favorável do Parlamento Europeu** por maioria dos membros que o compõem. Caso o candidato não recolha **o parecer previsto no período anterior**, o Conselho Europeu **submeterá** ao Parlamento Europeu, no prazo de um mês, **uma nova personalidade**, de acordo com o processo anteriormente seguido.

2. **O Conselho, de comum acordo com o Presidente indigitado, designa, as outras personalidades que tenciona nomear como membros da Comissão . Estes serão escolhidos** pela sua competência (suprimir palavras)e independência. O Presidente e as personalidades designadas para membros da Comissão são colegialmente sujeitos a um voto de aprovação **prévia** do Parlamento Europeu. **E são nomeados pelo Conselho, deliberando por unanimidade. É igualmente membro da Comissão o Representante Europeu para as relações externas.**

3. A Comissão, enquanto colégio, é responsável perante o Parlamento Europeu. Este pode aprovar uma moção de censura à Comissão, de acordo com as modalidades enunciadas no artigo X **do presente Tratado**. Caso tal moção seja aprovada, os membros da Comissão (1 palavra suprimida) **abandonam** colectivamente as suas funções, **exercendo meros poderes de gestão** (6 palavras suprimidas) até à nomeação dos seus sucessores.

4. O Presidente da Comissão define as orientações no âmbito das quais a Comissão exerce a sua missão. Decide da sua organização interna, a fim de assegurar a coerência, a eficácia e a colegialidade da sua acção. Nomeia **os** Vice-Presidentes de entre os membros da Comissão, **com excepção do Representante Europeu para as Relações Externas, designado nos termos previstos no artigo 19.º.**

(Suprimir o n.º 5 do presente Artigo)

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article :18a1

By Mr Sören Lekberg and Mr Kenneth Kvist

Status : - Member: Sören Lekberg Alternate: Kenneth Kvist

Article 18a : The President of the European Commission

1. The European Council, deciding by qualified majority, should put forward two or four candidates for the Presidency of the Commission. At least half of the candidates should be women. The European Parliament should hold an indicative vote among these candidates. Each national parliament will then hold a vote on the candidates. Each national parliament will have the same number of votes as the number of that Member States' representatives in the European Parliament. The candidate which receives the highest number of votes from the national parliaments is elected.

~~1. Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.~~

Explanation (if any) :

The procedure outlined above would give the national parliaments an active role, in line with the Nice and Laeken Declarations. National parliaments are deeply rooted in the Member States and among the citizens. Thus, with this procedure the EU and the Commission could gain in legitimacy among the citizens. Other technical solutions are possible, for instance the European Parliament could be given the right to nominate candidates. The proposal is presented in greater detail in CONV 500/03 "Election of the European Commission President by the National Parliaments".

AMENDMENT FORM

Suggestion for amendment of Article 18a: The President of 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 18a: The President of the European Commission

1. Taking into account the elections to the European Parliament, the European Council, ~~deciding by qualified majority,~~ shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. ~~This~~ The President of the Commission ~~candidate~~ shall be elected by the European Parliament by a three fifth majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.
 2. Each Member State shall submit a list of three persons 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 one person from each Member State up to thirteen 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~~ Constitutional Treaty, 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.
 4. The Commission shall work to guidelines laid down by its President. He shall decide its internal organization, ensuring that it acts consistently, efficiently and on a collegiate basis. He shall appoint vice-presidents from among the members of the Commission.
 5. ~~The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of~~ members of the Commission.
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Explanation (if any):

AMENDMENT FORM

Suggestion **B** for amendment of Article : 18 bis

Suggestion for protocol :

By Mr : Valdo Spini

Status : - Alternate

In caso di mancata accettazione dell'emendamento A all'articolo 18 bis si propone in subordine il seguente emendamento:

Articolo 18 bis: Il presidente della Commissione europea

1. Tenuto conto delle elezioni del Parlamento europeo il Consiglio europeo, deliberando a maggioranza qualificata, propone al Parlamento europeo ~~un candidato~~ **una rosa di tre candidati** alla carica di presidente della Commissione. ~~Tale candidato~~ **Il Presidente della Commissione** è eletto dal Parlamento europeo alla maggioranza dei membri che lo compongono. ~~Se il candidato non ottiene la maggioranza, il Consiglio europeo propone entro un mese un nuovo candidato al Parlamento europeo, secondo la stessa procedura seguita precedentemente. Se dopo il terzo scrutinio nessun candidato ottiene un numero di voti pari alla maggioranza dei suoi componenti, si procede al ballottaggio tra i primi due.~~
2. Ciascuno Stato membro redige un elenco di tre persone, tra le quali vi è almeno una donna, che ritiene qualificate per esercitare la funzione di Commissario europeo. Tra di esse il presidente eletto designa quali membri della Commissione, tenendo conto degli equilibri politici e geografici europei, fino a tredici persone, scelte per la loro competenza e il loro impegno europeo, che offrano ogni garanzia di indipendenza. Il presidente e le persone designate per divenire membri della Commissione sono soggetti, collettivamente, ad un voto di approvazione da parte del Parlamento europeo.
3. La Commissione è responsabile collettivamente dinanzi al Parlamento europeo. Quest'ultimo può adottare una mozione di censura della Commissione secondo le modalità di cui all'articolo X della Costituzione. Se tale mozione è adottata, i membri della Commissione devono abbandonare collettivamente le loro funzioni. Essi continuano a curare gli affari di ordinaria amministrazione fino alla nomina dei loro successori.
4. Il presidente della Commissione definisce gli orientamenti nel cui quadro la Commissione esercita i suoi compiti. Egli ne decide l'organizzazione interna per assicurare la coerenza, l'efficacia e la collegialità della sua azione. Egli nomina dei vicepresidenti scelti tra i membri della Commissione.
5. Il presidente può nominare dei commissari delegati, scelti tenendo conto degli stessi criteri seguiti per i membri della Commissione. Il loro numero non può superare quello dei membri della Commissione.

Explanation (if any) :

La formulazione del presidium secondo cui il Parlamento Europeo può solo accettare o bocciare un unico candidato espresso dal Parlamento Europeo è assolutamente insoddisfacente. Infatti la libertà del Parlamento europeo è fortemente limitata: o ratifica la proposta del Consiglio Europeo, e quindi non ha di fatto alcun ruolo, o si deve porre in opposizione frontale rispetto al Consiglio bocciando il suo candidato, ipotesi questa poco più che di scuola. Con questo emendamento, il Parlamento Europeo potrebbe almeno scegliere tra una rosa di nomi tutti graditi al Consiglio.

AMENDMENT FORM

Suggestion A for amendment of Article : 18 bis

Suggestion for protocol :

By Mr : Valdo Spini

Status : - Alternate

Articolo 18 bis: Il presidente della Commissione europea

~~1. Tenuto conto delle elezioni del Parlamento europeo il Consiglio europeo, deliberando a maggioranza qualificata, propone al Parlamento europeo un candidato alla carica di presidente della Commissione. Tale candidato è eletto dal Parlamento europeo alla maggioranza dei membri che lo compongono. Se il candidato non ottiene la maggioranza, il Consiglio europeo propone entro un mese un nuovo candidato al Parlamento europeo, secondo la stessa procedura seguita precedentemente.~~

1. Possono proporre candidature per l'elezione del presidente della Commissione europea da parte del Parlamento europeo:

- il Consiglio Europeo a maggioranza qualificata (il Consiglio Europeo può indicare una o più candidature fino al massimo di tre);*
- dopo l'espressione del Consiglio Europeo, anche i deputati europei, sulla base di una mozione programmatica che raccolga le firme di un numero di deputati pari ad almeno il 15% dei componenti il Parlamento Europeo.*

Risulta eletto il candidato che abbia conseguito un numero di voti equivalenti alla metà più uno dei componenti del Parlamento Europeo. Dopo tre scrutini eventualmente andati a vuoto, nel caso di più candidature si procede ad un ballottaggio tra i due candidati meglio piazzati, nel caso di una sola candidatura formulata dal Consiglio, si ripete la procedura di cui sopra.

2. Ciascuno Stato membro redige un elenco di tre persone, tra le quali vi è almeno una donna, che ritiene qualificate per esercitare la funzione di Commissario europeo. Tra di esse il presidente eletto designa quali membri della Commissione, tenendo conto degli equilibri politici e geografici europei, fino a tredici persone, scelte per la loro competenza e il loro impegno europeo, che offrano ogni garanzia di indipendenza. Il presidente e le persone designate per divenire membri della Commissione sono soggetti, collettivamente, ad un voto di approvazione da parte del Parlamento europeo.

3. La Commissione è responsabile collettivamente dinanzi al Parlamento europeo. Quest'ultimo può adottare una mozione di censura della Commissione secondo le modalità di cui all'articolo X della Costituzione. Se tale mozione è adottata, i membri della Commissione devono abbandonare collettivamente le loro funzioni. Essi continuano a curare gli affari di ordinaria amministrazione fino alla nomina dei loro successori.

4. Il presidente della Commissione definisce gli orientamenti nel cui quadro la Commissione esercita i suoi compiti. Egli ne decide l'organizzazione interna per assicurare la coerenza, l'efficacia e la collegialità della sua azione. Egli nomina dei vicepresidenti scelti tra i membri della Commissione.

5. Il presidente può nominare dei commissari delegati, scelti tenendo conto degli stessi criteri seguiti per i membri della Commissione. Il loro numero non può superare quello dei membri della Commissione.

Explanation (if any) :

La formulazione proposta dal presidium secondo cui il Parlamento Europeo può solo accettare o bocciare un unico candidato espresso dal Parlamento Europeo è assolutamente insoddisfacente. Infatti la libertà del Parlamento europeo è fortemente limitata: o ratifica la proposta del Consiglio Europeo, e quindi non ha di fatto alcun ruolo, o si deve porre in opposizione frontale rispetto al Consiglio bocciando il suo candidato, ipotesi questa poco più che di scuola.

Con questo emendamento si dà almeno la possibilità al Consiglio Europeo di proporre una rosa fino a tre nomi, ma soprattutto si dà al Parlamento Europeo, qualora questo non sia soddisfatto di quelle candidature e sia in grado di proporre altre forti di un consenso di partenza sufficientemente ampio, di poterle esprimere e portarle anch'esse al voto.

Ma lo scopo dell'emendamento è soprattutto quello di incrementare la democrazia in Europa, cioè di dare cioè al voto dei cittadini per la elezione del Parlamento Europeo un'influenza, seppure indiretta, sull'elezione del presidente della commissione. Si verrebbe così a dare alla campagna elettorale per l'elezione dello stesso Parlamento europeo una maggiore capacità di interessare gli elettori e l'opinione pubblica europea. Si verrebbe anche a stimolare la formazione di forze politiche veramente europee, perché i partiti europei potrebbero condurre la campagna elettorale non solo presentando agli elettori un manifesto programmatico ma anche il nome del candidato o la rosa dei candidati alla Presidenza della Commissione Europea che sarebbero disposti a sostenere o a votare nel Parlamento Europeo.

AMENDMENT FORM

Suggestion for amendment of Article : 18 a

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 18a : The President of the European Commission

- ~~1. Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.~~
 - ~~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 up to thirteen 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.~~
 4. The Commission shall work **under the political guidance of** to guidelines laid down by its President, **He who** shall decide **on** its internal organisation, **in order to** ensureing that it acts consistently, efficiently and on a collegial basis. **He** shall appoint vice-presidents from among the members of the Commission.
 - 4a. **Without prejudice to Article 18 paragraph 2a, the President shall appoint Vice-Presidents from among its members.**
 - 4b. **A Member of the Commission shall resign if the President so requests, after obtaining the approval of the College.**
 - ~~5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~
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AMENDMENT FORM

Suggestion for amendment of Article : 18 b

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 18b:

- 1. The European Council, deciding by qualified majority, shall put forward to the European Parliament a proposal for a list of up to three candidates for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of three fifths of the votes cast. If none of the candidates receives the required majority support, the European Council shall, within one month, put forward a new list of candidates, following the same procedure as before.¹**
- 2. The Council, deciding by qualified majority and by common accord with the elected President, shall adopt the list of other persons whom it intends to appoint as Members of the Commission, drawn up in accordance with the proposals made by each Member State.**

The President and the other Members of the Commission shall be subject as a body to a vote of approval by the European Parliament.

¹ Another option which could be discussed is the following: The European Council, deciding by qualified majority, would put forward a proposal for a list of up to three candidates for the Presidency of the Commission to an Electoral College. This candidate would be elected by an Electoral College, consisting of two representatives of the national parliaments of each of the Member States and an equal number of Members of the European Parliament. This candidate would be elected by a majority of three fifths of the votes cast.

AMENDMENT FORM

Suggestion for amendment of Article : 18a

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

Article 18a : The President of the European Commission

1. ~~Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.~~ **The Members of the Commission shall be appointed, in accordance with the procedure referred to in paragraph 2, for a period of five years. Their term of office shall be renewable.**
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 up to thirteen 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.~~ **The Council, meeting in the composition of Heads of State or Government and acting by a qualified majority, shall nominate the person it intends to appoint as President of the Commission; the nomination shall be approved by the European Parliament. The Council, acting by a qualified majority and by common accord with the nominee for President, 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. 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**

President and the other Members of the Commission shall be appointed by the Council, acting by a qualified majority. ¹

3. The Commission, as a body, shall be responsible to **the European Council and** the European Parliament. Under the procedures set out at Art. X of the Constitution, ~~it~~ **either or both of these** 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.
4. The Commission shall work to guidelines laid down by its President. He/**she** shall decide its internal organisation, ensuring that it acts consistently, efficiently and on a collegiate basis. He/**she** shall appoint vice-presidents from among the members of the Commission. **One of the vice-presidents shall be responsible for the Union's common foreign and security policy.** ²
5. ~~The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~

¹ According to the Nice Treaty.

² Only one hat for the common foreign and security policy is needed and has to be in the Commission.

AMENDMENT FORM

Suggestion for amendment of Article 18a

By Prof Peter Serracino Inglott, Member

Mr John Inguanez, Alternate

Article 18a : The President of the European Commission

- ~~Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before. The European Council shall by consensus nominate at least two candidates for the Presidency of the Commission. An electoral college, composed of an equal number of members of the European Parliament and members of national parliaments, the latter being appointed on the basis of equal representation of Member States' parliaments, shall elect the President of the Commission by an absolute majority of votes cast. If no candidate receives the required majority support at the first ballot, further ballots will be held each time eliminating the candidate polling the least number of votes, until the required majority is attained.~~
- Each Member State, with the exception of those Member States of which the President-elect and the Foreign Minister are nationals and of any Member States excluded on a rotation basis, 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 up to ~~thirteen~~ twenty-three persons chosen in accordance with article 18(3) 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.
- 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.

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. He shall appoint vice-presidents from among the members of the Commission.

~~5. The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~

Explanation (if any) :

The election of the President of the Commission by an electoral college is preferable, to minimise the possibility of unduly politicising the election process.

FICHE AMENDEMENT

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

Déposée par Madame Palacio

Qualité : - Membre - Suppléant

Article 18 bis : Le Président et les membres de la Commission européenne

1. Compte tenu des résultats des élections au Parlement européen, le Conseil européen, statuant à la majorité qualifiée, propose au Parlement européen un candidat à la fonction de Président de la Commission. Ce candidat est élu par le nouveau Parlement européen à la majorité des membres qui le compose. Si ce candidat ne recueille pas la majorité, le Conseil européen propose, dans un délai d'un mois, un nouveau candidat au Parlement européen en suivant la même procédure que précédemment.
2. Chaque État membre établit une liste de trois personnes, comprenant au moins une femme, qu'il estime qualifiées pour exercer la fonction de Commissaire européen. Parmi ces personnes le Président élu désigne, comme membres de la Commission, en tenant compte des équilibres politiques et géographiques européens, ~~jusqu'à treize~~ des personnalités choisies pour leur compétence et leur engagement européen, et offrant toute garantie d'indépendance. Le Président et les personnalités désignées pour être membres de la Commission sont soumis, en tant que collègue, à un vote d'approbation du Parlement européen.
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, à l'exception du ministre des Affaires étrangères de l'Union en ce qui concerne la conduite de la politique étrangère et de sécurité commune de l'Union. Ils continuent à expédier les affaires courantes jusqu'à la nomination de leurs successeurs.
4. Le Président de la Commission définit les orientations dans le cadre desquelles la Commission exerce sa mission. Il décide de son organisation interne afin d'assurer la cohérence, l'efficacité et la collégialité de son action. Il nomme des Vice-Présidents parmi les membres de la Commission.

5. ~~Le Président peut nommer des Commissaires délégués, choisis en tenant compte des mêmes critères que pour les membres de la Commission. Leur nombre ne peut dépasser celui des membres de la Commission.~~
-

Explication:

Il faut que l'intitulé de l'article reflète plus clairement le contenu.

Les amendements au paragraphe 1 essayent de rendre plus claire la procédure d'élection du Président de la Commission.

Les amendements aux paragraphes 2 et 5 visent à maintenir les accords de Nice sur la composition de la Commission (cf. les amendements présentés sur l'article 18).

L'amendement au paragraphe 3 veut mettre au clair que le ministre des Affaires étrangères de l'Union ne peut être relevé de ses fonctions, en ce qui concerne la conduite de la politique étrangère et de sécurité commune de l'Union, que par le Conseil européen.

FICHE AMENDEMENT

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

Déposée par Mme Anne VAN LANCKER, Mme Linda McAVAN, M. Carlos CARNERO,
Mme Elena PACIOTTI

Qualité: - Membres et Suppléants

ARTICLE 18bis – Le Président de la Commission européenne

2. **(24 mots supprimés).** Le Président élu désigne, comme membres de la Commission, en tenant compte des équilibres politiques et géographiques européens **ainsi que de l'équilibre entre les hommes et les femmes**, jusqu'à treize personnalités choisies pour leur compétence et leur engagement européen, et offrant toute garantie d'indépendance. Le Président et les personnalités désignées pour être membres de la Commission sont soumis, en tant que collège, à un vote d'approbation du Parlement européen.

 5. **Supprimer**
-

Explication éventuelle:

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.

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.

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.

AMENDMENT FORM

Suggestion for amendment of Article: 18a: The President of the European Commission

By the Earl of Stockton MEP

Status : - Alternate

Article 18a : The President of the European Commission

1. Immediately following the European Parliamentary election, a special committee of the European Parliament shall receive nominations or applications for the post of President of the Commission and shall draw up a list of not less than six and not more than twelve candidates to be interviewed by this Committee. The special Committee shall then produce a short list of three candidates to appear before a special Plenary of the European Parliament in September.
2. The European Parliament shall vote for the preferred candidate by overall majority who would then be presented to the Council for endorsement. This shall be decided by a qualified majority vote. In the event of the preferred candidate failing to receive endorsement by the Council, the European Parliament shall submit a further candidate.
3. The President shall submit a list of Commissioners and their portfolio. Each of his/her nominations shall appear before a special Committee of the European Parliament and, if endorsed, would then be presented before a Parliamentary Plenary for full ratification of the decision by an absolute majority vote in the Council.
4. The President shall be allowed a maximum of two terms of five years and shall have to resubmit his/her Commission for the second term.
5. The President during his/her term may appoint associate Commissioners who will follow the same endorsement procedure as the Commissioners before the European parliament and the Council. Their number must not exceed that of the Commission. He must also try to ensure that the responsibilities of Commissioners and associate Commissioners parallel as far as possible the areas of accountability of the Committees of the European parliament and shall liaise with the President of the European Parliament to ensure that any reorganisation of these committees meet this criterion.
6. The President, Commissioners and associate Commissioners shall appear before the European Parliament and its Committees at the request of the European Parliament and may also ask in their turn to do so. At the beginning of each half session the President shall lay out a work program for the subsequent two and half years before the European Parliament.
7. The special committee of the European Parliament shall have the power to examine, and if necessary, recommend the removal of any individual Commissioner at any time with the endorsement of a special Parliamentary Plenary by an absolute majority vote and in the Council by qualified majority vote.

Explanation (if any):

The function of the Commission should be the running of the EU. It does not need democratic legitimacy per se.; that is provided by the European Parliament. It does not need to represent national interest; that is the function of the Council. What it needs is ability, efficiency and probity. If the President did not reflect the political, national and structural concerns of Europe (large nation/small nation; north/south, protestant/catholic; Atlantic/Mediterranean etc) then the Parliament would be reluctant to endorse the candidate. It should also be the responsibility of the Council to ensure that the balance of the Commissioners reflects fairly the national and political composition of the Member States.

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 18-A

Déposée par Messieurs:

Alberto Costa - membre

Guilherme d'Oliveira Martins – suppléant

Article 18-A

Le Président de la Commission européenne

1.
2. Chaque État membre établit une liste de **quatre personnes, deux hommes et deux femmes**, qu'il estime qualifiées pour exercer la fonction de Commissaire européen. Une de ces personnes est désignée comme membre de la Commission par le Président. Le Président et les personnalités désignées pour être membres de la Commission sont soumis, en tant que collègue, à un vote d'approbation du Parlement européen.
3.
4.
5. **Indépendamment des façons d'organisation et de répartition interne de responsabilité, tous les commissaires participent aux décisions de la Commission sur une base égalitaire.**

FICHA DE ALTERAÇÃO

Proposta de alteração ao Artigo : 18-A

Apresentada por :

Alberto Costa - membro

Guilherme d'Oliveira Martins - suplente

Artigo 18º - A

Presidente da Comissão Europeia

1.
2. Cada Estado-Membro elabora uma lista de **quatro** pessoas, **dois homens e duas mulheres**, que considere qualificadas para exercer as funções de Comissário Europeu, das quais uma será designada pelo Presidente para membro da Comissão. O Presidente e as personalidades designadas para membros da Comissão são colegialmente sujeitos a um voto de aprovação pelo Parlamento Europeu.
3.
4.
5. **Independentemente das formas de organização e distribuição interna de responsabilidades, todos os comissários participam nas deliberações da Comissão em posição de igualdade.**

AMENDMENT FORM

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

By Ms / Mr : **BROK; SANTER; TAJANI; TEUFEL; VAN DER LINDEN; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FRENDON; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LAMASSOURE; LENNMARKER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; WÜRMELING; ZIELENIEC; ZILE**

Status : - Member - Alternate

Suggestion

TITLE IV: The Union's Institutions

Article 18a : The President and the members of the European Commission

1. Taking into account the *result of the* elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the *newly elected* European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.
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, *including the candidate for the office of the Foreign Minister*, shall, from among the names submitted, select *as the other* members of the Commission ~~up to thirteen 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 *after having been heard individually by the European Parliament*.
3. *The President and the other members of the Commission are elected for a period of five years.*

- 3.4. 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.
- 4.5. 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. He shall appoint vice-presidents from among the members of the Commission.

Explanation (if any) :

It is necessary that the President of the Commission will be elected on the background of the results of the elections to the European Parliament. It is also important that he will be elected for 5 years and that this will be done by the European Parliament at its first session after the elections. Otherwise there is no clear link to the results of the elections and to any provision in terms of timing.

The role of the Commission President in proposing the Members of the Commission should be strengthened. It is therefore questionable if a list of three persons per Member State would not significantly reduce his “marge de manoeuvre”. The selection process for the Minister for Foreign Affairs should reflect his “double-hatted” legitimacy. Therefore the process should be identical – to the extent possible – to the one for the other Commissioners.

AMENDMENT FORM

Suggestion for amendment of Article : 18a, para 5 - CONV 691/03

By Ms / Mr : František Kroupa

Status : - Member - Alternate

~~The President may appoint Associate Commissioners, chosen according to the same criteria as apply for members of the Commission. Their number must not exceed the number of members of the Commission.~~

AMENDMENT FORM

Suggestion for amendment of Article : I-26

By Mr : Hain

Status : - Member

-
1. *Okay.*
 2. Each Member State shall submit ~~a list of three~~one persons, ~~of whom 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 up to thirteen persons chosen for their competence, European commitment, and guaranteed independence. The President, the persons so nominated for membership of the Commission **including the future Minister for Foreign Affairs**, shall be submitted as a body to a vote of approval by the European Parliament. **The Commission's term of office shall be five years.**
 3. *Okay.*
 4. *Okay.*
-

Explanation (if any) :

I.26.1 : The success of such a system depends on its ability to attract candidates of the highest calibre. The complexity of the proposed system risks dissuading the best candidates from putting themselves forward. A system whereby each country put forward only one candidate is more likely to attract good candidates.

AMENDMENT FORM

Suggestion for amendment of ArtI-26.Dervis.doc

By ~~Ms or~~ Mr Kemal DERVIS and Professor Valdo SPINI

Status: - Member - Alternate

Article I-26: The President of the European Commission:

- Delete the first paragraph and replace by a new one:

~~1. Taking into account the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.~~

1. The President of the Commission shall be elected by the European Parliament by a majority of its members. Candidates must be nominated by at least 10 percent of MEP's, coming from at least one third of member countries. The European Council, deciding by qualified majority, must endorse the candidate elected.

Explanation :

The “balance” between the respective roles of the Council President and of the President of the Commission is at the heart of the Institutional Structure proposed for Europe by the Paesidium. The proposal as it stands foresees the election of the Council President by the Council and the election of the Commission President by the European Parliament. It tilts this “apparent” balance towards the Council, by stipulating that it is the Council that nominates the candidate to be President of the Commission. In effect, therefore, it is the Council which designates both “leaders” of the Union, with the Parliament having to endorse the latter.

This will perpetuate the “democratic deficit” and the relative disinterest of Europe’s citizens for European Institutions. A certain dose of pan-European politics is necessary to inject dynamism and enthusiasm into the construction of the enlarged Europe. This carries risks, but these risks must be taken if “Europe” is to gain greater democratic legitimacy of a kind that people recognize and have strong positive feelings about. It would be much better to foresee a nomination procedure for the President of the Commission that comes from the Parliament itself and that has a degree of pan-European flavour. There can be variants of the process proposal but the essential idea is that the Commission President

derives real pan-European democratic legitimacy from his or her election. The Council President is more of a Chairman, a respected Statesman and a symbol for the fact that Europe is both a Union of States and a Union of people. But failure to move a step further also in the direction of a “political” Europe will prevent us from creating the forward movement in terms of governance without which a Europe of 25 and eventually perhaps 30 Member States cannot really function and fulfill its promise