

FICHE AMENDEMENT 9

Proposition d'amendement à l'Article : Artículo 23

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

Artículo 23: Las organismos consultivos de la Unión

Modificar el título del artículo:

Artículo 23: Las *instituciones consultivas* de la Unión

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 23

By Mr : Joschka Fischer

Status : - Member

Artikel 23: Die beratenden Einrichtungen der Union

- (1) Das Europäische Parlament, der Ministerrat und die Kommission werden von einem Ausschuss der Regionen sowie einem Wirtschafts- und Sozialausschuss mit beratender Aufgabe unterstützt.
- (2) Der Ausschuss der Regionen setzt sich aus Vertretern der regionalen und lokalen Gebietskörperschaften zusammen, die entweder ein auf Wahlen beruhendes Mandat in einer regionalen oder lokalen Gebietskörperschaft innehaben oder gegenüber einer gewählten Versammlung politisch verantwortlich sind.
- (3) Der Wirtschafts- und Sozialausschuss besteht aus Vertretern der Organisationen der Arbeitgeber, der Arbeitnehmer und weiterer Akteure der repräsentativen Zivilgesellschaft, wobei die Schwerpunkte in den Bereichen Wirtschaft und Soziales, staatsbürgerliches Engagement, Beruf und Kultur liegen.
- (4) Die Mitglieder des Ausschusses der Regionen und des Wirtschafts- und Sozialausschusses sind an keine Weisungen gebunden. Sie üben ihre Tätigkeit in voller Unabhängigkeit zum allgemeinen Wohl der Union aus.
- (5) Die Bestimmungen über die Zusammensetzung dieser Ausschüsse, die Ernennung ihrer Mitglieder, ihre Befugnisse und ihre Arbeitsweise sind in den Artikeln XY des Teils II der Verfassung festgelegt. Die Bestimmungen über die Zusammensetzung werden in regelmäßigen Abständen vom Rat auf Vorschlag der Kommission überprüft, um der wirtschaftlichen, sozialen und demografischen Entwicklung in der Union Rechnung zu tragen.
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Explanation:

Absatz 2: Der Ergänzung sollte aufgrund ihrer demokratischen Zielrichtung aufgenommen werden (auf der Grundlage des Acquis).

AMENDMENT FORM

Suggestion for amendment of Article : 23, Title IV, Part I

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member

-
1. *OK.*
 2. *OK. (But see 518/03, the British Government's paper on the role of the regions in Europe, which makes several proposals for boosting the role of the Committee of the Regions, which should be incorporated in Part 2 of the Constitution.)*
 3. *OK.*
 4. *OK.*
 5. *OK.*
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Explanation (if any) :

AMENDMENT FORM

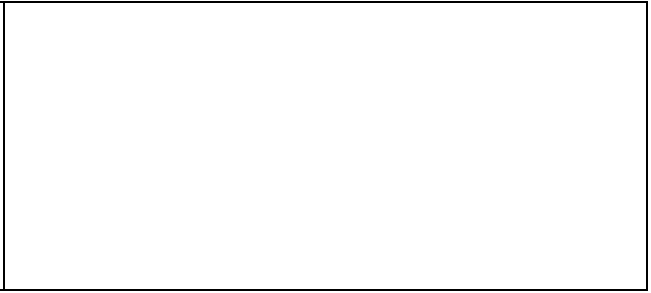
Suggestion for amendment of Article 23

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>Article 23 : The Union's Advisory Bodies</p> <p>1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions and an Economic and Social Committee, exercising advisory functions.</p> <p>2. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly.</p> <p>3. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional and cultural areas.</p> <p>4. The members of the Committee of the Regions and the Economic and Social Committee must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.</p> <p>5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the Constitution. The rules</p>	<p><i>DELETE</i></p>

governing their composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.



FICHE AMENDEMENT

Proposition d'amendement à l'Article: 23

Déposée par Mme SIGMUND, M. BRIESCH et M. FRERICHS

Qualité: Observateurs

Artikel 23 "Die beratenden Einrichtungen der Union" wie folgt ändern und ergänzen:

1. Das Europäische Parlament, der Ministerrat und die Kommission werden von einem ~~Ausschuss der Regionen sowie einem Wirtschafts- und Sozialausschuss~~ **Europäischen Wirtschafts- und Sozialausschuss und einem Ausschuss der Regionen** mit beratender Aufgabe unterstützt, **die bei der Ausarbeitung der Gemeinschaftspolitik und der Gesetzgebung eine beratende Aufgabe gemäß den Bestimmungen dieser Verfassung wahrnehmen.**
 2. Der **Europäische** Wirtschafts- und Sozialausschuss **gewährleistet die Vertretung, die Information und die Meinungsäußerung der organisierten Zivilgesellschaft.** Er besteht aus Vertretern der Organisationen der Arbeitgeber, der Arbeitnehmer und weiterer **repräsentativer** Akteure der ~~repräsentativen~~ Zivilgesellschaft, wobei die Schwerpunkte in den Bereichen Wirtschaft und Soziales, staatsbürgerliches Engagement, Beruf und Kultur liegen.
 3. Der Ausschuss der Regionen setzt sich aus Vertretern der regionalen und lokalen Gebietskörperschaften zusammen, die entweder ein Mandat in einer regionalen oder lokalen Gebietskörperschaft innehaben oder gegenüber einer gewählten Versammlung politisch verantwortlich sind.
 4. Die Mitglieder des ~~Ausschusses der Regionen und des Wirtschafts- und Sozialausschusses~~ **Europäischen Wirtschafts- und Sozialausschusses und des Ausschusses der Regionen** sind an keine Weisungen gebunden. Sie üben ihre Tätigkeit in voller Unabhängigkeit zum allgemeinen Wohl der Union aus.
 5. (Wortlaut unverändert)
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Erläuterung

1. Beide Ausschüsse haben zwar eine beratende Aufgabe und sind Funktionsglieder der partizipativen Demokratie, doch stehen EWSA und AdR für zwei grundlegend verschiedene Aspekte der europäischen Realität und des demokratischen Lebens der Union und nehmen eine unterschiedliche Vertretungsfunktion wahr: hier die organisierte Zivilgesellschaft, dort die Gebietskörperschaften. Die vorgeschlagenen Änderungen sollen dieser Unterscheidung besser Rechnung tragen.
 2. Durch die vorgeschlagene Änderung seiner Bezeichnung (**Europäischer** Wirtschafts- und Sozialausschuss) sollen darüber hinaus der europäische Charakter des Wirtschafts- und Sozialausschusses und seine besondere Stellung im institutionellen Gefüge der Union zum Ausdruck gebracht werden; sie würde ihn zum einen von entsprechenden einzelstaatlichen Einrichtungen und zum anderen von sektoralen - beratenden oder anderen - Ausschüssen, die von den EU-Organen eingerichtet wurden oder in deren Umfeld tätig sind, unterscheidbar machen.
 3. Nach Ansicht des EWSA sollte darüber hinaus die Entstehungsgeschichte der beiden beratenden Einrichtungen der Union respektiert werden: Zwischen beiden liegen beinahe vierzig Jahre, und der AdR wurde nach dem Vorbild des Wirtschafts- und Sozialausschusses gestaltet. Der EWSA sollte daher an erster Stelle genannt werden.
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FICHE AMENDEMENT

Proposition d'amendement à l'Article : 23

Déposée par Mme SIGMUND, M. BRIESCH et M. FRERICHs

Qualité : Observateurs

Modifier et compléter comme suit l'article 23 : les organes consultatifs de l'Union

1. Le Parlement européen, le Conseil des Ministres et la Commission sont assistés d'un ~~Comité des régions et d'un Comité économique et social~~ **Comité économique et social européen et d'un Comité des régions** qui exercent des fonctions consultatives *dans le cadre de la formation des politiques et du processus législatif, conformément aux dispositions de la présente Constitution.*
 2. Le Comité économique et social *eupéen assure la représentation, l'information et l'expression de la société civile organisée. Il* est constitué de représentants des organisations d'employeurs, de salariés et d'autres acteurs *représentatifs* de la société civile ~~représentative~~, en particulier dans les domaines socio-économique, civique, professionnel et culturel.
 3. Le Comité des Régions est composé de représentants des collectivités régionales et locales qui sont soit titulaires d'un mandat au sein d'une collectivité régionale ou locale, soit politiquement responsables devant une assemblée élue.
 4. Les membres du ~~Comité des régions et d'un Comité économique et social~~ **Comité économique et social européen et du Comité des régions** ne doivent être liés par aucun mandat impératif. Ils exercent leur fonction en pleine indépendance, dans l'intérêt général de l'Union.
 5. (texte inchangé)
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Explication:

1. Bien qu'ils aient tous deux un rôle consultatif et soient des instruments de la démocratie participative, le CESE et le CdR représentent deux dimensions distinctes de la réalité européenne et de la vie démocratique de l'Union et assume un rôle distinct de représentation: la société civile organisée, d'une part, et les collectivités territoriales, d'autre part. Les amendements proposés visent ainsi à mieux refléter cette spécificité.
2. Le changement d'appellation proposé (Comité économique et social *eupéen*) vise en outre à mieux souligner le caractère européen du Comité économique et social et sa spécificité dans le cadre institutionnel de l'Union en le distinguant, d'une part, de ses homologues dans les États membres et, d'autre part, des comités sectoriels, consultatifs ou autres, créés par ou qui gravitent autour des institutions.
3. Enfin, le CESE est de l'avis que la chronologie historique entre les deux organes consultatifs de l'Union devrait être respectée : près de 40 ans les séparent et le Comité des régions a été créé sur le modèle du Comité économique et social. Celui-ci devrait donc être mentionné en premier lieu.

AMENDMENT FORM

Suggestion for amendment to Article: 23

Tabled by Mrs Sigmund, Mr Briesch et Mr Frerichs

Capacity : Observers

Modify and supplement as follows Article 23 : The Union's Advisory Bodies

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a ~~Committee of the Regions and an Economic and Social Committee~~*European Economic and Social Committee and a Committee of the regions* exercising advisory functions *in the policy-shaping and the legislative processes, in accordance with the provisions of this Constitution.*
 2. The *European* Economic and Social Committee *shall represent, inform and act as the mouthpiece for organised civil society. It* shall consist of representatives of organisations of employers, of the employed, and of others *representative* players in ~~representative~~ civil society, notably in socio-economic, civic, professional and cultural areas.
 3. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly.
 4. The members of the ~~Committee of the Regions and the Economic and Social Committee~~*European Economic and Social and of the Committee of the Regions* must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
 5. (text unchanged)
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Reason

1. Although the EESC and the CoR both have an advisory role and are both instruments of participatory democracy, they represent two distinct dimensions of the life and democracy of the Union and they have different representative roles: organised civil society on the one hand and local and regional authorities on the other. The purpose of the proposed amendments is to reflect this specific role.
 2. The proposed change of the name (*European* Economic and Social Committee) aims at highlighting the European character of the Economic and Social Committee and its specific place in the institutional framework of the Union, distinguishing it, on the one hand, from its counterparts in the Member States and, on the other hand, from sectoral committees, advisory or otherwise, set up by or dependent on the institutions.
 3. The EESC also feels that the respective histories of the Union's two advisory bodies should be respected. They are separated by almost 40 years and the Committee of the Regions was set up on the model of the Economic and Social Committee. It should therefore be mentioned first.
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AMENDMENT FORM

Suggestion for amendment of Article 23:

By Mr. Jozsef Szajer

Status: Member, National Parliament, Hungary

Article 23 : The Union's Advisory Bodies

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions, an Economic and Social Committee, **and a Committee of National and Ethnic Minorities** exercising advisory functions.
2. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly.
3. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional, and cultural areas.
4. **The Committee of National and Ethnic Minorities consists of representatives of national and ethnic minorities living in the member states of the union expressing the diversity of minorities in the union.**
5. The members of the Committee of the Regions, the Economic and Social Committee **and the Committee of National and Ethnic Minorities** must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
6. Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the Constitution. The rules governing their composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.

Explanation:

Introduction and Arguments

The Charter of Fundamental Rights declares that the respect of the diversity of cultures, languages and traditions of the peoples of Europe is a contribution to the preservation and to the development of the basic common values of the union. (Preamble, Art. 22)

The Charter and the TEC prohibits any discrimination based on ethnic origin or language, membership of national minority, and more generally on grounds of nationality. (Art. 21 Charter; Art. 13 TEC)

Beyond these general – and highly important - declarations no significant legal and institutional protection of national minorities exist within the framework of the European Union.

The Copenhagen criteria of democracy oblige the candidate countries to enforce national minority rights.

There is presently a striking contradiction between the practice of the EU enforcing the protection of minority rights in the accession candidate countries by the Copenhagen criteria, the Europe Agreements and the recommendations made in the framework of the Accession Partnership on one hand and the lack of legal basis in this field for the adoption of the same kind of measures in the Community on the other hand.

The Europe Agreements remaining in force after the first round of enlargement will maintain this controversial „double standard” situation despite the fact that the Charter provides for the non-discrimination of persons on the grounds of their membership in a national minority.

Recently Ambassador Rolf Ekeus High Commissioner for National Minorities drew the attention to this contradiction between the *acquis* and the minority protection obligations of the candidate states. The High Commissioner expressed his well founded fears that accession could diminish the readiness for national minority protection.

National and ethnic minorities, indigenous peoples without statehood exist in great number in Europe both in the territory of the 15 and of the future new member states.

The Eastern and Central European part of the continent, which is about to join the EU brings into the union also a great number of national and ethnic minorities, among them the very specific situation of the roma population. The recent decade in Yugoslavia has demonstrated to us clearly how significant it is to find a democratic way for the dissolution of ethnic and national conflicts.

The EU must face this problem: the important number of national or ethnic minorities, most of them having kin-states in the neighbouring countries. Indifferently to the ongoing theoretical debate about nation, national minority, national community, the existence of these millions of people, is a question of fact. The individuals belonging to these minorities do have the right to the free choice of identity and promotion of this identity. Therefore, the EU will have to work on common principles, accepted by those mostly affected, in order to give the right, EU compatible answer to the question these countries in Europe have to confront: how to keep their original identity and language.

The national and ethnic minorities are constitutive elements of our common and united Europe. The EU finally have to face this enduring issue of promoting ethnic peace and cooperation through democratic institutions.

The special situation of the minorities in Europe should be reflected also within the institutional structure of the European Union. Therefore I propose to the Convention to consider setting up the advisory Committee of National and Ethnic Minorities after the already existing pattern of Economic, Social and Regional Committees.

This new committee should be provided with the advisory competences in areas which are closely related to the life and the interests of the national and ethnic minorities like culture, education, cross-border cooperation, employment policy...

The goal is the same for the whole Europe: to promote stability, democratic security, and peace. Cultural diversity, which consists of the different cultures and not just folklore of these nations, national minorities,

national communities constitutes richness for the European Union and is a precondition to ethnic peace and to an ever closer integration in Europe.

Composition and Competences

The Committee of National and Ethnic Minorities (CONEM) would be set up from the representatives of the national, ethnic minorities and indigenous peoples living in the Member States.

The presence of national minorities in the EU institutional system would reinforce the protection of their rights on an all-European level. It would add new dimensions to subsidiarity, partnership and proximity in the decision making process of the European Union.

A close cooperation between the CONEM and the Committee of Regions would promote two dimensions of local-regional and ethnic identity.

The European minorities would get an important new role setting up a representative advisory institution by this. It would make possible the participation of national and ethnic minorities, to get their voice heard, to present their special interests within the EU institutional system, which because of their minority position would be impossible in the majoritarian European Parliament. Given the large size of European Parliament constituencies national minorities could present themselves only by special measures of positive discrimination in the EU system of institutions.

The number of representatives and their ethnic proportions would be determined by the Council by unanimous vote based on the statistical information about autochthon minorities living in Europe. Member State's Governments should nominate representatives to the CONEM from the members of the respective minorities, which are the citizens of that member state.

The proportions of representation between minorities should be determined according to the principle of positive discrimination giving the right to each minority which amounts to at least 15.000 members in a respective state to have 1 representative. More minorities which amount less than 15.000 members have the right together to delegate 1 representative.

The number of representatives would increase by each 100.000 to an upper ceiling of maximum 5 representatives to keep a limit to the size of the CONEM. Given the present minorities in the 15+10 member/candidate states it would not amount to more than a 200 member committee by rough calculation.

It would be desirable to set the ceiling of minority-representatives to 250.

Majority peoples should be provided with the possibility of being present in the CONEM by 2-2 representative each. (A national minority which amounts to more than 30% in its respective state should not be considered a minority from the point of view of delegation to the CONEM).

It would be a new feature of this Committee that member states would not be represented there by their size, but this comes from the principle of preferential treatment.

The term of the membership of the CONEM should be 4 years.

The procedural rights of the CONEM would be identical to the two already existing Committees.

AMENDMENT FORM

Suggestion for amendment of: PART I OF THE CONSTITUTION, TITLE IV: The Union's Institutions, Article 23 : The Union's Advisory Bodies

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

Status : - Member - Alternate

Suggestion

TITLE IV: The Union's Institutions

Article 23 : The Union's Advisory Bodies

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions and an Economic and Social Committee, exercising advisory functions.
2. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly. *The Committee's advice shall ensure that the Union gives due regard to the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels, as well as to the principles of subsidiarity and proximity to the Union's citizens.*
3. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional, *environmental* and cultural areas. *It shall ensure that the Union is in constant and regular dialogue with the organised civil society.*

4. The members of the Committee of the Regions and the Economic and Social Committee must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the Constitution. The rules governing their composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.

Explanation (if any) :

The important role of the Committee of the Regions should be more clearly specified in the Constitution.

AMENDMENT FORM

Suggestion for amendment of Article : 23
Suggestion for Part I

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

Status : Member, member, alternate, alternate

Article 23: The Union's Advisory Bodies

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions and an Economic and Social Committee, exercising advisory functions.
 2. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly.
 3. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional and cultural areas.
 4. The members of the Committee of the Regions and the Economic and Social Committee must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
 5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the Constitution. The rules governing their composition shall be reviewed at regular intervals by **the European Parliament and Council of Ministers**, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.
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Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr :

Status : - Member - Alternate

PART I OF THE CONSTITUTION

TITLE IV: The Union's Institutions

Article 23 : The Union's Advisory Bodies

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions and an Economic and Social Committee, exercising advisory functions.
 2. The Committee of the Regions shall consist of **ELECTED** representatives of regional and local bodies who have either been elected to a regional or local authority(delete: or are politically accountable to an elected assembly.
 3. The Economic and Social Committee shall consist of **ELECTED** representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional and cultural areas.
 4. The members of the Committee of the Regions and the Economic and Social Committee must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
 5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the **TREATY [DELETE: Constitution]**. The rules governing their composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.
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Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement : Nouvel Article 23 ter

Déposée par Madame ou Monsieur : M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention

Qualité : - Membre - Suppléant

Nouvel article 23 ter

Le Parlement et le Conseil adoptent, conformément à la procédure législative, les règles relatives à la protection des personnes physiques à l'égard du traitement des données à caractère personnel par les institutions et les organes de l'Union, ainsi que par les États membres dans l'exercice d'activités qui relèvent du champ d'application du droit de l'Union, et à la libre circulation de ces données.

Explication éventuelle :

La protection des données personnelles par les institutions de l'Union doit, tout en évitant de répéter la Charte qui doit figurer dans la IIe partie de la Constitution, être mentionné dans le Titre sur les institutions et non à l'article 36 bis qui fait partie d'un Titre relatif à la démocratie participative.

FICHE AMENDEMENT

Proposition d'amendement : Nouvel Article 23 bis

Déposée par Madame ou Monsieur : M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention

Qualité : - Membre - Suppléant

Nouvel article 23 bis : Transparence

1. Le Parlement européen et le Conseil fixent, conformément à la procédure législative, les principes généraux, les conditions et les limites qui, pour des raisons d'intérêt public ou privé, régissent le droit d'accès aux documents visé à l'article (...) de la IIe partie de la Constitution (= Article 42 de la Charte).

2. Chaque institution, organe consultatif ou agence ou organe créés par les institutions définit dans son règlement intérieur des dispositions particulières concernant l'accès à ses documents.

Explication éventuelle :

L'accès aux documents des institutions de l'Union doit, tout en évitant de répéter la Charte qui doit figurer dans la IIe partie de la Constitution, être mentionné dans le Titre sur les institutions et non à l'article 36 qui fait partie d'un Titre relatif à la démocratie participative.

FICHE AMENDEMENT

Proposition d'amendement : Nouvel article 23 quater

Déposée par Madame ou Monsieur : M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention ainsi que M. Patrick Dewael, observateur à la Convention

Qualité : - Membre - Suppléant

Nouvel article 23 quater : Agences et organes de l'Union

Les agences et organes créés par les institutions de l'Union en vue de les assister dans leurs missions sont tenues, au même titre que ces institutions, au respect des droits fondamentaux énoncés dans la partie II de la Constitution (= Charte).

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 23

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

Status : - Member -~~Alternate~~

Artikel 23: Die beratenden ~~Einrichtungen~~ *Organe* der Union

- (1) Das Europäische Parlament, der ~~Ministerrat~~ **Rat** und die Kommission werden ~~von einem vom~~ Ausschuss der Regionen sowie ~~einem vom~~ Wirtschafts- und Sozialausschuss mit beratender Aufgabe unterstützt.
 - (2) Der Ausschuss der Regionen setzt sich aus Vertretern der regionalen und lokalen Gebietskörperschaften zusammen, die entweder ein Mandat in einer regionalen oder lokalen Gebietskörperschaft innehaben oder gegenüber einer gewählten Versammlung politisch verantwortlich sind.
 - (3) Der Wirtschafts- und Sozialausschuss besteht aus Vertretern der Organisationen der Arbeitgeber, der Arbeitnehmer und weiterer Akteure der repräsentativen Zivilgesellschaft, wobei die Schwerpunkte in den Bereichen Wirtschaft und Soziales, staatsbürgerliches Engagement, Beruf und Kultur liegen.
 - (4) Die Mitglieder des Ausschusses der Regionen und des Wirtschafts- und Sozialausschusses sind an keine Weisungen gebunden. Sie üben ihre Tätigkeit in voller Unabhängigkeit zum allgemeinen Wohl der Union aus.
 - (5) ~~Die Bestimmungen über die Zusammensetzung dieser Ausschüsse, die Ernennung ihrer Mitglieder, ihre Befugnisse und ihre Arbeitsweise sind in den Artikeln XY des Teils II der Verfassung festgelegt. Die Bestimmungen über die Zusammensetzung werden in regelmäßigen Abständen vom Rat auf Vorschlag der Kommission überprüft, um der wirtschaftlichen, sozialen und demografischen Entwicklung in der Union Rechnung zu tragen.~~
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Explanation (if any) :

Streichung von Absatz 5: Diese Regelungen gehören in den Teil II der Verfassung.

FICHE AMENDEMENT

Titre IV

Proposition d'amendement à l'Article : Artigo 23.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. O Parlamento Europeu, o Conselho (2 palavras suprimidas) e a Comissão são assistidos por um Comité das Regiões e por um Comité Económico e Social, que exercem funções consultivas.
2. O Comité das Regiões é composto por representantes das autarquias regionais e locais, quer titulares de um mandato a nível regional ou local, quer politicamente responsáveis perante uma assembleia eleita.
3. O Comité Económico e Social é composto por representantes das organizações de empregadores, de trabalhadores e de outros actores da sociedade civil representativa **dos Estados-Membros**, em especial nos domínios socioeconómico, cívico, profissional e cultural.
4. Os membros do Comité das Regiões e do Comité Económico e Social não devem estar vinculados a quaisquer instruções. Exercem as suas funções com total independência (5 palavras suprimidas).
5. As regras relativas à composição destes Comités, à designação dos seus membros, às suas atribuições e ao seu funcionamento são definidas nos artigos XY da Parte II da Constituição.
As regras relativas à composição serão revistas periodicamente pelo Conselho, sob proposta da Comissão, por forma a acompanhar a evolução económica, social e demográfica da União.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article 23

By Prof Peter Serracino Inglott, Member

Mr John Inguanez, Alternate

Article 23 : The Union's Advisory Bodies

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions and an Economic and Social Committee, exercising advisory functions.
2. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly.
2. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional and cultural areas.
4. The members of the Committee of the Regions and the Economic and Social Committee must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the Constitution. The rules governing their composition* shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.

* In the composition of these Committees, a minimum threshold ensuring six representatives per Member State should be established.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 23

By Mr Peter SKAARUP

Member of the Convention

In article 23 delete item 2 concerning the Committee of the Regions.

(If the amendment is adopted, as a consequence the reference to this committee shall also be deleted in item 1, 3, 4 and 5)

Explanation :

A Committee of the Regions is not needed. The regional interests already are represented by the governments of the member states – which constitute the nucleus of the European Union. It is also necessary for the union to have as slim an organization as possible. The committee of the Regions each year costs 270 million kroner which could be spent more reasonably.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 23, partie I de la Constitution:

Déposée par Mme Maria BERGER, Mme Anne VAN LANCKER, M. Olivier DUHAMEL, Mme Linda McAVAN, M. Luis MARINHO, Mme Pervenche BERÈS, M. Carlos CARNERO, Mme Elena PACIOTTI, Mme Helle THORNING-SCHMIDT

Qualité: - Membres et Suppléants

ARTICLE 23 – Les organes consultatifs de l'Union

5. Les règles relatives à la composition de ces Comités, à la désignation de leurs membres, à leurs attributions et à leur fonctionnement sont définies par les articles XY de la Partie II de la Constitution. Les règles relatives à la composition sont revues à intervalle régulier par le **Parlement européen et le Conseil** sur proposition de la Commission, pour accompagner l'évolution économique, sociale, et démographique de l'Union.
-

Explication éventuelle:

FICHE AMENDEMENT

I ERE PARTIE TITRE IV : LES INSTITUTIONS DE L'UNION

Proposition d'amendement pour un nouvel article 23

Déposée par: **M.J.CHABERT**
 M.M.DAMMEYER
 M.P.DEWAEL
 Mme C. du GRANRUT
 M.C.MARTINI
 M.R.VALCARCEL SISO

Qualité : - **Membre** - **Suppléant** - **Observateur**

Libellé comme suit :

Article 23 : Le Comité des régions

- 1. Le Parlement européen, le Conseil des Ministres et la Commission européenne sont assistés d'un Comité des régions en vue de garantir la prise en compte de la dimension locale, régionale et territoriale ainsi que de la diversité des cultures et des traditions des peuples de l'Europe dans l'élaboration, la mise en œuvre et l'évaluation des politiques de l'Union. Il contribue, par ailleurs, au contrôle du respect des principes de subsidiarité, de proximité et de proportionnalité.**
 - 2. Le Comité des Régions est composé de représentants des collectivités régionales et locales qui sont soit titulaires d'un mandat au sein d'une collectivité régionale ou locale, soit politiquement responsables devant une assemblée élue.**
 - 3. Les membres du Comité des régions ne doivent être liés par aucun mandat impératif. Ils exercent leur fonction en pleine indépendance, dans l'intérêt général de l'Union.**
 - 4. Les règles relatives à la composition de ce Comité, à la désignation de ses membres, à ses attributions et à son fonctionnement sont définies par les clauses 268, 269 et 270 de la Partie II de la Constitution. Les règles relatives à sa composition sont revues à intervalle régulier par le Conseil sur proposition de la Commission et après avis du Parlement européen et du Comité des Régions pour accompagner l'évolution économique, sociale, et démographique de l'Union.**
-

Explication éventuelle :

Les débats du 7 février au sein de la Convention ont fait ressortir un large consensus pour reconnaître de façon solennelle le rôle des autorités régionales et locales dans l'Union européenne. En tant que représentant de ces autorités, le Comité des Régions doit accéder au rang d'Institution et développer son action et ses compétences de façon à garantir la pleine participation des ces autorités aux politiques de l'Union qui les concernent.

Un tel changement ne modifie en rien l'équilibre institutionnel, pas plus que la transformation de la Cour des Comptes en Institution par le traité de Maastricht n'avait à l'époque modifié cet équilibre. Ce changement répond à la volonté de donner plus de corps au principe de subsidiarité, en prenant en compte les autorités élues à chaque niveau de démocratie : locale, régionale, nationale et européenne.

En tout état de cause, il est nécessaire que le Parlement européen soit pleinement associé à la modification éventuelle de la composition du Comité des Régions.

AMENDMENT FORM

Suggestion for amendment of Article 23

By Ms Maria BERGER

Status: Alternate

Article 23: The Unions Advisory Bodies

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions and an Economic and Social Committee, exercising advisory functions.
 2. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly.
 3. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socioeconomic, civic, professional and cultural areas.
 4. The members of the Committee of the Regions and the Economic and Social Committee must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
 5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the Constitution. The rules governing their composition shall be reviewed at regular intervals by the **European Parliament and** the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.
-

Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article: 23

By Mr: Erwin Teufel

Status: Member

Text of the Praesidium

Article 23: The Union's Advisory Bodies

- (1) The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions and an Economic and Social Committee, exercising advisory functions.
- (3) The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional and cultural areas.
- (4) The members of the Committee of the Regions and the Economic and Social Committee must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
- (5) Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the Constitution. The rules governing their

Proposed Amendment

Article 23: The Committee of the Regions

- (1) The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions ~~and an Economic and Social Committee, exercising advisory functions.~~
- ~~(3) The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional and cultural areas.~~
- (4) The members of the Committee of the Regions ~~and the Economic and Social Committee~~ must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
- (5) Rules governing the composition of **the Committee of the Regions**, the designation of **its** members, **its** powers and **its** operations, are set out in Articles XY of Part II of the Constitution. ~~The rules governing~~

composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.

~~their composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.~~

Explanation:

In general:

Due to its status as an institution (Article 14), a separate article has to be devoted to the Committee of the Regions.

Paragraph 1

As a consequence of the status as an institution, the Committee of the Regions' remit cannot be limited to purely consultative activities (e.g. it has a right of action, too).

Paragraph 5

It would be contrary to the status of the Committee of the Regions, too, if the Commission and the Council could change its composition on their own authority.

FICHE AMENDEMENT

Proposition d'amendement à l'Article:	23
Déposée par Monsieur:	Erwin Teufel
Qualité:	Membre

Texte du Praesidium

Amendement proposé

Artikel 23: Die beratenden Einrichtungen der Union

- (1) Das Europäische Parlament, der Minister-rat und die Kommission werden von einem Ausschuss der Regionen sowie einem Wirtschafts- und Sozialausschuss mit be-ratender Aufgabe unterstützt.
- (3) Der Wirtschafts- und Sozialausschuss be-steht aus Vertretern der Organisationen der Arbeitgeber, der Arbeitnehmer und weite-rer Akteure der repräsentativen Zivilgesell-schaft, wobei die Schwerpunkte in den Be-reichen Wirtschaft und Soziales, staatsbür-gerliches Engagement, Beruf und Kultur liegen.
- (4) Die Mitglieder des Ausschusses der Regi-onen und des Wirtschafts- und Sozialaus-schusses sind an keine Weisungen gebun-den. Sie üben ihre Tätigkeit in voller Un-abhängigkeit zum allgemeinen Wohl der Union aus.
- (5) Die Bestimmungen über die Zusammen-setzung dieser Ausschüsse, die Ernennung

Artikel 23: Der Ausschuss der Regionen

- (1) Das Europäische Parlament, der Minister-rat und die Kommission werden von einem Ausschuss der Regionen ~~sowie einem Wirtschafts- und Sozialausschuss mit be-ratender Aufgabe~~ unterstützt.
- (3) ~~Der Wirtschafts- und Sozialausschuss be-steht aus Vertretern der Organisationen der Arbeitgeber, der Arbeitnehmer und weite-rer Akteure der repräsentativen Zivilgesell-schaft, wobei die Schwerpunkte in den Be-reichen Wirtschaft und Soziales, staatsbür-gerliches Engagement, Beruf und Kultur liegen.~~
- (4) Die Mitglieder des Ausschusses der Regi-onen ~~und des Wirtschafts- und Sozialaus-schusses~~ sind an keine Weisungen gebun-den. Sie üben ihre Tätigkeit in voller Un-abhängigkeit zum allgemeinen Wohl der Union aus.
- (5) Die Bestimmungen über die Zusammen-setzung **des Ausschusses der Regionen,**

ihrer Mitglieder, ihre Befugnisse und ihre Arbeitsweise sind in den Artikeln XY des Teils II der Verfassung festgelegt. Die Bestimmungen über die Zusammensetzung werden in regelmäßigen Abständen vom Rat auf Vorschlag der Kommission überprüft, um der wirtschaftlichen, sozialen und demografischen Entwicklung in der Union Rechnung zu tragen.

die Ernennung **seiner** Mitglieder, **seine** Befugnisse und **seine** Arbeitsweise sind in den Artikeln XY des Teils II der Verfassung festgelegt. ~~Die Bestimmungen über die Zusammensetzung werden in regelmäßigen Abständen vom Rat auf Vorschlag der Kommission überprüft, um der wirtschaftlichen, sozialen und demografischen Entwicklung in der Union Rechnung zu tragen.~~

Begründung:

allgemein:

Entsprechend dem Organstatus des Ausschusses der Regionen (Artikel 14) muss diesem ein eigener Artikel gewidmet sein.

Abs. 1

Aus dem Organstatus folgt auch, dass der Ausschuss der Regionen nicht auf eine rein beratende Aufgabe beschränkt sein kann, z.B. hat er auch ein Klagerecht.

Abs. 5

Der Stellung des Ausschusses der Regionen widerspräche es schließlich, wenn Kommission und Rat in eigener Verantwortung seine Zusammensetzung ändern könnten.

AMENDMENT FORM

Suggestion for amendment of Article: 23a

By Mr: Erwin Teufel

Status: Member

Text of the Praesidium

Proposed Amendment

Article 23a: The Economic and Social Committee

- (1) The European Parliament, the Council of Ministers and the Commission shall be assisted by an Economic and Social Committee, exercising advisory functions.
- (2) The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional and cultural areas.
- (3) The members of the Economic and Social Committee must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
- (4) Rules governing the composition of the Economic and Social Committee, the designation of its members, its powers and its operations, are set out in Articles XY of Part II of the Constitution. ~~The rules gov-~~

~~erning their composition shall be reviewed
at regular intervals by the Council, on the
basis of a Commission proposal, in the
light of economic, social and demographic
developments within the Union.~~

Explanation:

In general:

This is a consequence of the treatment of the Committee of the Regions in separate article.

Paragraph 4

It would be contrary to the status of the Economic and Social Committee if the Commission and the Council could change its composition on their own authority.

FICHE AMENDEMENT

Proposition d'amendement à l'Article:	23^{bis}
Déposée par Monsieur:	Erwin Teufel
Qualité:	Membre

Texte du Praesidium

Amendement proposé

Artikel 23a: Der Wirtschafts- und Sozialausschuss

- (1) Das Europäische Parlament, der Ministerrat und die Kommission werden von einem Wirtschafts- und Sozialausschuss mit beratender Aufgabe unterstützt.
- (2) Der Wirtschafts- und Sozialausschuss besteht aus Vertretern der Organisationen der Arbeitgeber, der Arbeitnehmer und weiterer Akteure der repräsentativen Zivilgesellschaft, wobei die Schwerpunkte in den Bereichen Wirtschaft und Soziales, staatsbürgerliches Engagement, Beruf und Kultur liegen.
- (3) Die Mitglieder des Wirtschafts- und Sozialausschusses sind an keine Weisungen gebunden. Sie üben ihre Tätigkeit in voller Unabhängigkeit zum allgemeinen Wohl der Union aus.
- (4) Die Bestimmungen über die Zusammensetzung des Wirtschafts- und Sozialausschusses, die Ernennung seiner Mitglieder, seine Befugnisse und seine Arbeitsweise

sind in den Artikeln XY des Teils II der Verfassung festgelegt. ~~Die Bestimmungen über die Zusammensetzung werden in regelmäßigen Abständen vom Rat auf Vorschlag der Kommission überprüft, um der wirtschaftlichen, sozialen und demografischen Entwicklung in der Union Rechnung zu tragen.~~

Begründung:

allgemein:

Folgeänderung durch die Behandlung des Ausschusses der Regionen in einem eigenen Artikel.

Abs. 4

Der Stellung des Wirtschafts- und Sozialausschusses widerspräche es, wenn Kommission und Rat in eigener Verantwortung seine Zusammensetzung ändern könnten.

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 23: Die beratenden Institutionen ~~Einrichtungen~~ der Union

- (1) Das Europäische Parlament, der Ministerrat und die Kommission werden von ~~einem~~
~~Ausschuss der Versammlung~~ der Regionen sowie einem Wirtschafts- und
Sozialausschuss mit beratender Aufgabe unterstützt.
- (2) **(alte Ziffer 4)** Die Mitglieder des Ausschusses der Regionen und des Wirtschafts- und
Sozialausschusses sind an keine Weisungen gebunden. Sie üben ihre Tätigkeit in voller
Unabhängigkeit zum allgemeinen Wohl der Union aus.
- ~~(5)~~ **(3)** Die Bestimmungen über die Zusammensetzung dieser Ausschüsse, die Ernennung ihrer
Mitglieder, ihre Befugnisse und ihre Arbeitsweise sind in den Artikeln XY des Teils II der Verfas-
sung festgelegt. Die Bestimmungen über die Zusammensetzung werden in regelmäßigen Abständen
vom Rat auf Vorschlag der Kommission überprüft, um der wirtschaftlichen, sozialen und demogra-
fischen Entwicklung in der Union Rechnung zu tragen.

Art. 23 a Die Versammlung der Regionen

~~Der Ausschuss~~ **Die Versammlung** der Regionen setzt sich aus Vertretern der regionalen und
lokalen Gebietskörperschaften zusammen, die entweder ein Mandat in einer regionalen oder
lokalen Gebietskörperschaft innehaben oder gegenüber einer gewählten Versammlung politisch
verantwortlich sind.

Art. 23 b Der Wirtschafts- und Sozialausschuss

Der Wirtschafts- und Sozialausschuss besteht aus Vertretern der Organisationen der Arbeit-geber,
der Arbeitnehmer und weiterer Akteure der repräsentativen Zivilgesellschaft, wobei die
Schwerpunkte in den Bereichen Wirtschaft und Soziales, staatsbürgerliches Engagement, Beruf und
Kultur liegen.

Explanation (if any) :

Angesichts der künftigen Größe des Gremiums von bis zu 300 Mitgliedern ist die Bezeichnung « Ausschuss » nicht mehr angemessen.

AMENDMENT FORM

Suggestion for amendment of Article 23

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : - Alternate

Article 23 : The Union's Advisory Bodies

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions and *a Civil and Social Committee*, exercising advisory functions.
2. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly.
3. *The Civil and Social Committee shall consist of representatives of the social partners as well as from the civil society.*
4. The members of the Committee of the Regions *and of the Civil and Social Committee* must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the Constitution. The rules governing their composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.

Explanation (if any) :

We suggest to create a new Committee replacing the Economic and Social Committee. This Committee shall consist of representatives of the social partners as well as representatives from the civil society.

The Economic and Social Committee as we know it today is too costly and is not adding sufficient value. Added to this is the fact that the social dialogue is playing a different and more important role today than was foreseen 50 years ago when the Committee was established. We therefore have to reconsider the advisory structure of the Committee.

AMENDMENT FORM

Suggestion for amendment of Article : Article 23

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 23 : The Union's Advisory Bodies

Delete all

Explanation (if any) : The role of these bodies has been superceded by the European Parliament.

As they operate at a cost of tens of millions of Euros per year, employing some 800 permanent and temporary staff, they do not provide value-added.

AMENDMENT FORM

Suggestion for a new Article 23a

By the European Ombudsman, Mr P. Nikiforos DIAMANDOUROS

Status : - Observer

Add a new Article 23a :

The European Ombudsman

1. The European Parliament shall elect the European Ombudsman to investigate and report on instances of maladministration within the Union institutions, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.
2. The Ombudsman shall be completely independent in the performance of his duties. In the performance of those duties, he shall neither seek nor take instructions from any body.
3. Rules governing the powers and operations of the Ombudsman are set out in Articles XY of Part II of the Constitution.

Explanation (if any) :

Like the Committee of the Regions and the Economic and Social Committee, the Ombudsman is established by the EC Treaty. The Ombudsman also has the same budgetary and administrative status as the two Committees. The Ombudsman should therefore be included in the institutional title of Part 1 of the Constitution.

The proposed Article fulfils a different function from Article 35 in the title on “The democratic life of the Union”. The latter Article specifically concerns the right of citizens and residents to complain to the Ombudsman.

Paragraphs 1 and 2 of the proposed Article 23a closely follow the wording of Article 195 EC. Paragraph 1 defines the Ombudsman’s functions as regards maladministration by the Union institutions in a way that encompasses inquiries begun on the Ombudsman’s own initiative. The power to begin own-initiative inquiries, which is expressly mentioned in Article 195 EC, could be set out in Part 2 of the Constitution.

Paragraph 3 is based on the draft of Article 23.

AMENDMENT FORM

Title IV

Suggestion for amendment of Article 23

By **Mr. Adrian Severin**

Status : **Alternate Member**

The paragraph 5 should be modified as follows:

Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the Constitution. The rules governing their composition shall be reviewed at regular intervals by **the European Parliament and the Legislative Council**, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.

Explanation:

1. One should keep the rule according to which the laws and regulations are changed at the initiative of the Commission by the legislative power of the UE consisting in the European Parliament and the Legislative Council.

AMENDMENT FORM

Suggestion for amendment of Article 23: The Economic and Social Committee

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

Article 23 : The Economic and Social Committee

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a ~~Committee of the Regions and~~ an Economic and Social Committee, exercising advisory functions.
- ~~2. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly.~~
3. The Economic and Social Committee shall consist of representatives of **various economic and social components of organised civil society.** ~~organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional and cultural areas.~~
4. The members of the ~~Committee of the Regions and~~ the Economic and Social Committee must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
5. Rules governing the composition of these Committees, the designation of **its** ~~their~~ members, ~~their~~ powers and ~~their~~ operations, are set out in Article X of Part II of the Constitution. The rules governing **its** ~~their~~ composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.

Explanation (if any) :

To appropriately reflect their standing, the Council of Regions and the Economic and Social Committee should be the subject of separate Articles.

As rules governing the Committee's membership etc. are to be set out in Part Two of the Treaty – it seems more appropriate to include the generic language existing Article 257 TEC in paragraph 3.

AMENDMENT FORM

Suggestion for amendment of Article 23a : The Committee of the Regions

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

Article 23a : The Committee of the Regions

- 1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions exercising advisory functions.**
- 2. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly.**
- 3. The members of the Committee of the Regions must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.**
- 5. Rules governing the composition of the Committee, the designation of its members, powers and operations, are set out in Articles Y of Part II of the Constitution. The rules governing its composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.**

Explanation (if any) :

To appropriately reflect their standing, the Council of Regions and the Economic and Social Committee should be the subject of separate Articles.

AMENDMENT FORM

Suggestion for amendment of: PART I OF THE CONSTITUTION, TITLE IV: The Union's Institutions, Article 23 : The Union's Advisory Bodies

By Ms: GIANNAKOU Marietta

Status : - Member

Suggestion

TITLE IV: The Union's Institutions

Article 23 : The Union's Advisory Bodies

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions and an Economic and Social Committee, exercising advisory functions.
2. The Committee of the Regions shall consist of representatives of regional and local bodies who have either been elected to a regional or local authority or are politically accountable to an elected assembly. *The Committee's advice shall ensure that the Union gives due regard to the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels, as well as to the principles of subsidiarity and proximity to the Union's citizens.*
3. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others in representative civil society, notably in socio-economic, civic, professional, *environmental* and cultural areas. *It shall ensure that the Union is in constant and regular dialogue with the organised civil society.*

4. The members of the Committee of the Regions and the Economic and Social Committee must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations, are set out in Articles XY of Part II of the Constitution. The rules governing their composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal, in the light of economic, social and demographic developments within the Union.

Explanation (if any) :

The important role of the Committee of the Regions should be more clearly specified in the Constitution.

AMENDMENT FORM

Suggestion for amendment of Article : Article 23 (TITLE IV)

Suggestion for protocol :

By Mr :Emilio GABAGLIO

Status : Observer

TITLE IV

Amendment : Article 23

In paragraph 3, replace the words « of the employed » by :

trade unions

Explanation (if any) :

To avoid any misunderstanding concerning the organisations representing working people. The expression « trade unions » matches with « organisation of employers » utilised in the text.

AMENDMENT FORM

Suggestion for amendment of Article : IV 23

Suggestion for protocol :

By: **Mr Caspar EINEM**

Status : **Member**

Artikel 23: Die beratenden Einrichtungen der Union

- (1) Das Europäische Parlament, der Ministerrat und die Kommission werden von einem Ausschuss der Regionen sowie einem Wirtschafts- und Sozialausschuss mit beratender Aufgabe unterstützt.
- (2) Der Ausschuss der Regionen setzt sich aus Vertretern der regionalen und lokalen Gebietskörperschaften zusammen, die entweder ein Mandat in einer regionalen oder lokalen Gebietskörperschaft innehaben oder gegenüber einer gewählten Versammlung politisch verantwortlich sind.
- (3) Der Wirtschafts- und Sozialausschuss besteht aus Vertretern der Organisationen der Arbeitgeber, der Arbeitnehmer und weiterer Akteure der repräsentativen Zivilgesellschaft, wobei die Schwerpunkte in den Bereichen Wirtschaft und Soziales, **Umwelt und Verbraucherfragen**, staatsbürgerliches Engagement, Beruf, **Bildung** und Kultur liegen.
- (4) Die Mitglieder des Ausschusses der Regionen und des Wirtschafts- und Sozialausschusses sind an keine Weisungen gebunden. Sie üben ihre Tätigkeit in voller Unabhängigkeit zum allgemeinen Wohl der Union aus.
- (5) Die Bestimmungen über die Zusammensetzung dieser Ausschüsse, die Ernennung ihrer Mitglieder, ihre Befugnisse und ihre Arbeitsweise sind in den Artikeln XY des Teils II der Verfassung festgelegt. Die Bestimmungen über die Zusammensetzung werden in regelmäßigen Abständen vom **Europäischen Parlament und vom Rat** auf Vorschlag der Kommission überprüft, um der wirtschaftlichen, sozialen und demografischen Entwicklung in der Union Rechnung zu tragen.

Explanation (if any) :

Die Ergänzung in Absatz 3 entspricht tw. bereits der Realität, jedenfalls aber einer sinnvollen Erweiterung.

Die Ergänzung in Absatz 5 trägt der Absicht Rechnung, das Europäische Parlament, als direkte Vertretung der Bürgerinnen und Bürger Europas zu stärken.

AMENDMENT FORM

Suggestion for a new Article 23 a

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

Status : Members and Alternates

Article 23 a : The Court of Auditors

- 1. The task of the European Investment Bank shall be to contribute, by having recourse to the capital market and utilising its own resources, to the balanced and steady development of the common market in the interest of the Community, under the conditions set by the Constitution and the Statute of the Bank. For this purpose the Bank shall, operating on a non-profit-making basis, grant loans and give guarantees which facilitate the financing of the following projects in all sectors of the economy:**

- (a) projects for developing less-developed regions;**
- (b) projects for modernising or converting undertakings or for developing fresh activities called for by the progressive establishment of the common market, where these projects are of such a size or nature that they cannot be entirely financed by the various means available in the individual Member States;**
- (c) projects of common interest to several Member States which are of such a size or nature that they cannot be entirely financed by the various means available in the individual Member States.**

In carrying out its task, the Bank shall facilitate the financing of investment programmes in conjunction with assistance from the Structural Funds and other Community Financial Instruments.

- 2. The European Investment Bank shall have legal personality. The members of the European Investment Bank shall be the Member States.**

The organs of the Bank, their composition and their operating methods are set out in articles X to Y of Part II, as well as in the Statute of the Bank.

Explanation :

The importance of the European Investment Bank makes it appropriate to mention this Union body in Part I of the Constitution, as is done currently in the EC Treaty, following the presentation of the Institutions and other bodies of the Union (Article 9 EC).

The amendment seeks to insert the essential elements of Articles 266 and 267 EC.

FICHE AMENDEMENT

Proposition d'amendement pour un nouvel article 23 bis

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

Qualité : Membres et Suppléants

Article 23 : La Banque européenne d'investissement

1. La Banque européenne d'investissement a pour mission de contribuer, en faisant appel aux marchés des capitaux et à ses ressources propres, au développement équilibré et sans heurt du marché intérieur dans l'intérêt de l'Union, dans les conditions fixées par la Constitution et les statuts de la Banque. À cette fin, elle facilite, par l'octroi de prêts et de garanties, sans poursuivre de but lucratif, le financement des projets visés ci-après, dans tous les secteurs de l'économie:

- a) projets envisageant la mise en valeur des régions moins développées;**
- b) projets visant la modernisation ou la conversion d'entreprises ou la création d'activités nouvelles appelées par l'établissement progressif du marché intérieur, qui, par leur ampleur ou par leur nature, ne peuvent être entièrement couverts par les divers moyens de financement existant dans chacun des États membres;**
- c) projets d'intérêt commun pour plusieurs États membres, qui, par leur ampleur ou par leur nature, ne peuvent être entièrement couverts par les divers moyens de financement existant dans chacun des États membres.**

Dans l'accomplissement de sa mission, la Banque facilite le financement de programmes d'investissement en liaison avec les interventions des fonds structurels et des autres instruments financiers de l'Union.

2. La Banque européenne d'investissement est dotée de la personnalité juridique. Les membres de la Banque sont les États membres.

Les organes de la Banque, leur composition et modalités du fonctionnement sont définis aux Articles X à Y de la Partie II, ainsi que dans le statut de la Banque.

Explication :

En raison de l'importance de la Banque européenne d'investissement, il convient de faire mention de cet organe de l'Union dans la Partie I de la Constitution, comme cela est fait actuellement dans le traité CE, immédiatement après la présentation des institutions et autres organes de l'Union (article 9 CE).

L'amendement vise à reprendre l'essentiel des articles 266 et 267 CE

AMENDMENT FORM

PART I, TITLE IV: THE UNION'S INSTITUTIONS - REVISED TEXT

Suggestion for amendment of Article I-31: The Union's Advisory Bodies

By Ms / Mr : **M. J. CHABERT**
 M. M. DAMMEYER
 M. P. DEWAEL
 Ms. C. du GRANRUT
 M. C. MARTINI
 M. R. VALCARCEL SISO

Status : ~~-Member~~ ~~-Alternate~~ - Observer

New article:

Article I-31: The Union's Advisory Bodies The Committee of the Regions

1. The European Parliament, the Council of Ministers and the Commission shall be assisted by a Committee of the Regions in order to guarantee that the local, regional and territorial dimension as well as the diversity of the cultures and traditions of the people of Europe are taken into account in the elaboration, the establishment and the evaluation of Union policies. It also contributes in the control of the application of the respect of the principles of subsidiarity, proximity and proportionality.
2. The Committee of the Regions shall consist of representatives of regional and local bodies who hold a regional or local authority mandate or are politically accountable to an elected assembly. The members of the Committee of the Regions must not be bound by any mandatory instructions. They shall be completely independent, in the performance of their duties, in the Union's general interest.
3. The Committee of the Regions shall be consulted by the European Parliament, by the Council or by the Commission in the areas referred to in Articles I-13, I-14 and I-16 and under the conditions provided in Part III.
4. The Committee of the Regions may be consulted by the European Parliament, by the Council or by the Commission in all other cases in particular those which concern cross border cooperation, where one of these ~~two~~ three institutions considers it appropriate.
5. The Committee of the Regions may issue an opinion on its own initiative in cases where it considers such actions appropriate.
6. Rules governing the composition of this Committee, the designation of its members, its powers and its operations, are set out in Articles ~~268, 269, 270~~ III 288 to III 290 of Part ~~H-III~~ of the Constitution. The rules governing its composition shall be reviewed at regular intervals by the Council, on the basis of a Commission proposal following the opinion of the European Parliament and the Committee of the Regions in the light of ~~economic, social and~~ demographic developments within the Union.