

AMENDMENT FORM

Suggestion for amendment of Article : 45

By **Mr Hannes FARNLEITNER**
Mr Reinhard Eugen BÖSCH

Mr Gerhard TUSEK
Mr Eduard MAINONI

Status : - Members

- Alternate Members

Article 45: Suspension of Union membership rights

1. On a reasoned proposal by one third of the Member States, by the European Parliament or by the Commission, the Council, acting by a majority of four-fifths of its members after obtaining the assent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of principles mentioned in Article 2, and address appropriate recommendations to that State. Before making such a determination, the Council shall hear the Member State in question and, acting in accordance with the same procedure, **may call on independent persons to submit within a reasonable time limit a report on the situation in the Member State in question.**

The Council shall regularly verify that the grounds on which such a determination was made continue to apply.

2. The European Council ¹, [acting by unanimity] on a proposal by one third of the Member States or by the Commission and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of values mentioned in Article 2, after inviting the Member State in question to submit its observations.

Explanation :

The article should be aligned to Art 7 TEU. The reference to the “independent persons” should remain in this article.

The passage “acting by unanimity” depends on the articles on the European Council. An express reference to the unanimity rule is only necessary if this is not the general rule for voting in the European Council, otherwise it is redundant.

¹ Depending on the articles on the European Council in the section on the Institutions.