

AMENDMENT FORM

Suggestion for amendment of Article : Article III-62 (ex Article 95)

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : Alternate

Article III-62 (ex Article 95), paragraph 3

3. The Commission, in its proposals submitted under paragraph 1 *affecting [delete one word]* health, safety, environmental protection and consumer protection, will take as a base *the highest* level of protection *prevailing in any Member State and taking into account higher levels prevailing elsewhere [deletion of 11 words]*. Within their respective powers, the European Parliament and the Council will also seek to achieve this objective.

4. If, after the adoption of a harmonisation measure by means of European law or framework law or a Commission regulation, a Member State deems it necessary to maintain national provisions on grounds of major needs referred to in [Article III-40 (ex 30)], or relating to the protection of the environment or the working environment, it shall notify the Commission of these provisions as well as the grounds for maintaining them.

5. Moreover, without prejudice to paragraph 4, if, after the adoption of a harmonisation measure by means of a European law or framework law or a Commission regulation, a Member State deems it necessary to introduce national provisions based on new scientific evidence relating to the protection of the environment *or on the precautionary principle* or the working environment on grounds of a problem specific to that Member State arising after the adoption of the harmonisation measure, it shall notify the Commission of the envisaged provisions and the reasons for them.

Explanation (if any) :

The amendment to [Article 95(3)/Article III-62(3)] is intended to encourage harmonisation upward, rather than the level of the lowest common denominator. The proposed basis for Commission proposals should be seen as a minimum starting point, since in some cases, the highest level of protection prevailing in any member state may fall short of what is technically feasible and environmentally necessary. Where necessary or appropriate, a system of temporary derogations and financial assistance could be established under this Article. Also, see that in par.3 "scientific facts" is used, where in the par. 5 "scientific evidence".