

AMENDMENT FORM

Suggestion for amendment of Article: 73 (ex 104)

By Mr Hain

Status : - Member

1. OK
2. OK
3. OK.
4. OK.
5. If the Commission considers that an excessive deficit in a Member State exists or may occur, it shall address an opinion to the ~~Member State concerned~~ Council.
6. The Council shall, on a ~~recommendation proposal~~ from the Commission, having considered any observations which the Member State concerned may wish to make and after an overall assessment, decide whether an excessive deficit exists. Where the Council decides that an excessive deficit exists, it shall adopt, according to the same procedures, the recommendations addressed to the Member State concerned with a view to bringing that situation to an end within a given period. Subject to paragraph 8, those recommendations shall not be made public.

Within the scope of this paragraph, the Council shall act without taking into account the vote of the representative of the Member State concerned, and a qualified majority shall be defined as the majority of the votes of the other Member States, representing at least three fifths of their populations.

- ~~7.~~ The Council, on a recommendation from the Commission, shall adopt by a qualified majority the European decisions and recommendations referred to in paragraphs 8 to 11. ~~It shall act without taking into account the vote of the representative of the Member State concerned, and a qualified majority shall be defined as the majority of the other Member States, representing at least three fifths of their populations.~~

8. OK
 9. OK
 10. OK
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Explanation (if any) :

73.5

This proposed change would upset the institutional balance between the Council and the Commission.

73.6 and 73.7

The move from Commission proposals to recommendations in the Praesidium draft would constitute a dramatic shift in the existing institutional balance in favour of the Commission. And given that fiscal policy is a matter for Member States within a multilateral framework, it is necessary to have full buy-in from Member States (in particular the Member State concerned) before launching an excessive deficit procedure. Without this, the effectiveness of the procedure will be reduced.