

AMENDMENT FORM

Suggestion for amendment of Article : 122 (ex Article 37), part III of the Constitution

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Status : **Tiilikainen, Kiljunen, Vilén - Members**
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Article III-122 (ex Article 37)

The Commission shall submit proposals for working out and implementing the common agricultural policy, including the replacement of the national organisations by one of the forms of common organisation provided for in [Article III-119(1) (ex 34(1))], and for implementing the measures referred to in [this Section].

These proposals shall take account of the interdependence of the agricultural matters mentioned in this Section.

2. A European law or framework law **of the Council** shall establish the common organisation of the market provided for in [Article III-119(1) (ex 34(1))], **their horizontal rules and the rules on rural development financed by the EAGGF and FIFG** ~~and the other provisions necessary for the achievement of the objectives of the common agricultural policy and the common fisheries policy.~~ **The Council shall act after consulting the European Parliament.**

A European law or framework law shall establish the other provisions necessary for the achievement of the objectives of the common agricultural policy and the common fisheries policy.

3. The Council, acting on a proposal from the Commission, shall adopt the European regulations or decisions ~~on fixing prices, levies, aid and quantitative limitations and on the fixing, and allocation~~ **and utilising** of fishing opportunities, **including control and enforcement.**

4. In accordance with [paragraph 2], the national market organisations may be replaced by the common organisation provided for in [Article III-119(1) (ex 34(1))] if:

- (a) the common organisation offers Member States which are opposed to this measure and which have an organisation of their own for the production in question equivalent safeguards for the employment and standard of living of the producers concerned, account being taken of the adjustments that will be possible and the specialisation that will be needed with the passage of time;
- (b) such an organisation ensures conditions for trade within the Union similar to those existing in a national market.

5. If a common organisation for certain raw materials is established before a common organisation exists for the corresponding processed products, such raw materials as are used for processed products intended for export to third countries may be imported from outside the Union.

Explanation (if any) :

Common Agricultural Policy and Common Fisheries Policy should be treated as specific cases with regard to the normal decision making rules in the Treaty. Co-decision procedure is not well suited for policies which sometimes call for very quick decisions to be taken and which basically deal with allocation of resources and production rights between producers in different Member States.

Although the proposal in CONV 802/03 is a step in the right direction, it does not go far enough. The decisions on fixing prices, levies, aid and quantitative limitations cannot be taken separately from the other rules regarding their utilisation (e.g. conditions to be laid down for a beneficiary of the aid, eligibility rules for intervention, rules concerning the penalties to be applied for excess production etc.). All these rules together constitute the Common Market Organisation Regulations today. The same applies also to rural development measures financed by the EAGGF and the corresponding rules for the fisheries policy.

Therefore, Finland proposes a wording for Article III-122, which would maintain the present consultation procedure for the Common Market Organisations, their horizontal rules, rural development financed by the EAGGF. This approach would put all the other legislation in the field of agriculture and fisheries under co-decision (e.g. regulations regarding organic production, animal welfare, protection of traditional denominations of origin etc.), while leaving provisions directly concerning the rights and obligations for individual producers, allocation of resources between Member States and their implementation for the Council.