

AMENDMENT FORM

Suggestion for amendment of Article III-116 (new)

By Mr : MacCormick, Neil

Status : - Alternate

Amend the second indent of Article III-116 as follows, and add two further indents:

"Agricultural products" means the products of the soil, of stockfarming ~~and of fisheries and products of first-stage processing directly related to these products. References to the common agricultural policy or to agriculture, and the use of the term "agricultural", shall be understood as also referring to fisheries.~~

The provisions of the Constitution shall apply to the products of the fishing industry and of the first-stage processing thereof as though these were agricultural products, but only so far as is consistent with the specific characteristics of the fishing industry. Subject to the same qualification, references to the common agricultural policy and the use of the term "agricultural" shall apply to fisheries.

The fishing industry, by contrast with agriculture, exists only in certain Member States, and in these it is strongly regional in its economic and social relevance. It is also regional in the sense of involving regional groups of member states having geographical propinquity to or historical associations with particular fishing zones and fisheries. These facts partly determine the specific character of this industry and must be fully taken into account.

Explanation:

Notwithstanding the time-hallowed quality of the text that deems fisheries to be agricultural, it is absurd as stated. The above text makes clear that the equivalence of treatment can only be partial. The first two indents above make clearly and in intelligible terms essentially the same point as the existing text intends to say.

The suggested third indent is new material, and, if it were thus ruled out from into the final text, constitutes a further explanation of why the first proposed change is necessary.

What follows in Articles III-117 to III-123 is to a considerable extent relevant only to agriculture, "agriculture" being, of course, the only term used subsequent to new Article III-116. For example Article III 118 (2)(c) refers to the *"fact that in the Member States agriculture constitutes a sector closely linked with the economy as a whole"*,. Throughout the Union, this is indeed a fact with respect to agriculture, but not a fact with respect to. Applied to landlocked Member States, whose number is growing the remark is not only false but absurd. Some account must surely be taken of the specific distinctiveness of fishing as against farming.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : III-118

Déposée par Josep Borrell, Carlos Carnero, Diego Lopez-Garrido

Qualité :

Artículo 118.-

Rédiger paragraphe 1:

1. La politique agricole commune a pour but:

- a) de **soutenir dans l'Union européenne une agriculture multifonctionnelle, respectueuse de l'environnement** et....
 - b) d'assurer des conditions de vie **comparables** et un niveau de **revenu** équitable à la population agricole et **rurale**, notamment **para la mise en oeuvre d'une politique de développement rural et** par
 - c) de **réguler et** de stabiliser les marchés **et d'éviter les crises**;
 - d) de garantir la sécurité des approvisionnements;
 - e) d'assurer des prix raisonnables dans les livraisons aux consommateurs,
 - f) **de favoriser la qualité et la sécurité des produits agricoles et alimentaires.**
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Explication éventuelle:

AMENDMENT FORM

Part III - Chapter III: Policies in other specific areas - Section 4 : Agriculture and Fisheries

Suggestion for amendment of Article : III-118

By Members: Mr Andrew Duff

Article III-118 (ex Article 33)

1. In working out the common agriculture and fisheries policy, account shall be taken of:

a) the particular nature of agricultural and fisheries activities, which results from their social structure and from structural and natural disparities between the various regions;

b) requirements relating to public health, environmental protection, preservation of the countryside, conservation of the biological resources of the sea, the quality of products and the welfare of animals;

c) the contribution of agriculture and fisheries to the competitiveness of the European economy.

2. The common agriculture and fisheries policy shall exclude any discrimination between producers and consumers.

Explanation:

FICHE AMENDEMENT

Proposition d'amendement à l'article III - 118

Déposée par Monsieur Ben Fayot (Chambre des Députés, Luxembourg)

Qualité : - Membre

Article III-118 (ex Article 33)

1. The objectives of the common agricultural policy and the common fisheries policy shall be:

(a) ~~to increase agricultural productivity~~ to ensure the environmentally sustainable and rational development of agricultural production by promoting technical progress ~~and by ensuring the rational development of agricultural production~~ and the optimum utilisation of the factors of production, in particular labour and natural resources;

(b) thus to ensure a fair standard of living for the ~~agricultural~~ **rural** community, in particular by increasing the individual earnings of persons engaged in ~~agriculture~~ **agricultural and rural activities**;

(c) to protect and improve the quality of the environment as well as to conserve the diversity of cultural landscapes;

(d) to assure the availability of supplies high quality foodstuff and renewable resources;

(e) to ensure that supplies reach consumers at reasonable prices;

(f) to stabilise markets.

Explication éventuelle :

Today's European citizens, farmers, consumers, rural communities and environmental organisations have new needs that a CAP oriented towards these new objectives would result in a more effective integration of agricultural, rural and environmental concerns at all levels of policy implementation. Thus, it would provide new perspectives for sustainable and rural development in Europe.

AMENDMENT FORM

Suggestion for amendment of Article III-118 (ex Article 33)

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, national parliament representative.

Status : - Member: Hjelm-Wallén and Lekberg
- Alternate: Petersson

Article III-118 (ex. Article 33)

1. The objectives of the Union policy on agriculture shall be:
 - a) to satisfy the society's and the consumers demands for a sustainable, safe and ethic food production while meeting high standards of animal welfare, animal health, environmental consideration and sustainable use of resources, and
 - b) to contribute to a viable rural society.¹
2. The measures taken by the Union shall be compatible with the objective to promote global food security².

¹ The objectives for the Common Agricultural Policy (CAP) are adapted to the situation that prevailed in Europe in the 1950s. Today, the agricultural policy is changing from production support towards measures targeted to environmental and rural development. In order to achieve an agricultural policy that takes account of the changing conditions and a changing world, a new policy direction should be reflected in the objectives for the Union's agricultural policy.

² Developing countries' agriculture is affected negatively by elements of CAP that distort trade and prevents access to markets. EU agricultural policy must not prevent them from expanding agriculture and thereby also their economies in general, which will improve food security in these countries.

AMENDMENT FORM

Suggestion for amendment of Article III-118 (new)

By Mr : MacCormick, Neil

Status : - Alternate

Add new subparagraphs (d) and (e) to paragraph 2 of Article III-118 as follows:

(d) the fact that the fishing industry exists only in certain member states, in which it has close links with the economy of particular regions rather than with the national economy as a whole.

(e) the fact that the fishing industry is regional also in the sense of involving regional groups of member states having geographical or historical associations with particular fishing zones and fisheries, as recognised under the principle of relative stability.

Explanation:

In its already amended form, Article III-116 indicates that norms of the agriculture policy are to be read as applying to fisheries, 'insofar as they are compatible with the specific characteristics of this sector'. It is therefore logical that something should be said about these specific characteristics for the purpose of 'working out the common [fisheries] policy and the special methods for its application', to cite the relevant words of paragraph 2 of III-118. It is unsatisfactory for the Constitution to acknowledge the existence of specific differences between agriculture and fisheries, but then to give no indication of what these differences are, while elaborately providing guidelines for developing the common agricultural policy.

AMENDMENT FORM

Suggestion for amendment of Article : III-118

Suggestion for Part III

By Ms: Maij-Weggen

Status : - Member

Art III-118 (2):

In working out the common agricultural policy and the special methods for its application, account shall be taken of:

- (a) the particular nature of agricultural activity, which results from the social structure of agriculture and from structural and natural disparities between various agricultural regions;
 - (b) the need to effect the appropriate adjustments by degrees;
 - (c) the fact that in the Member States agriculture constitutes a sector closely linked with the economy as a whole.
 - (d) requirements relating to the quality of products and animal welfare (new)**
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Explanation (if any) : The objectives of agriculture, especially the increase of agricultural productivity by promoting technical progress may not lead to a decreasing standard of animal welfare

FICHE AMENDEMENT

Proposition d'amendement à l'Article : III-118

Déposée par Monsieur : António Nazaré Pereira

Qualité : - Suppléant

Article III-118

1. La politique agricole commune a pour but:
 - a) d'accroître la productivité de l'agriculture en développant le progrès technique, en assurant le développement rationnel de la production agricole ainsi qu'un emploi optimum des facteurs de production, notamment de la main-d'œuvre,
 - b) d'assurer ainsi un niveau de vie équitable à la population agricole, notamment par le relèvement du revenu individuel de ceux qui travaillent dans l'agriculture,
 - c) de stabiliser les marchés,
 - d) de garantir la sécurité des approvisionnements,
 - e) d'assurer des prix raisonnables dans les livraisons aux consommateurs,
 - f) **de promouvoir le développement rural.**

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article: **Article III-118**

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : Alternate

1. The objectives of the common agricultural policy *and the common fisheries policy* shall be:

(a) to increase agricultural productivity *and to ensure the environmentally sustainable and rational development of agricultural production* by promoting technical progress [delete 11 words] optimum utilisation of the factors of production, in particular labour *and natural resources*;

(b) thus to ensure a fair standard of living for the *[delete 1 word] rural* community, in particular by increasing the individual earnings of persons engaged in *[delete 1 word] agricultural and rural activities*;

(c) *[Delete 3 words] to protect and improve the quality of the environment as well as to conserve the diversity of cultural landscapes*;

(d) to assure the availability of *[delete 1 word] high quality foodstuff and renewable resources*;

(e) to ensure that supplies reach consumers at reasonable prices;

(f) to stabilise markets.

2. In working out the common agricultural policy and the special methods for its application, account shall be taken of:

(a) the particular nature of *rural*, agricultural *and fisheries activities*, which results from the social structure of agriculture *and fisheries* and from structural, *environmental* and natural disparities between the various *[delete 1 word]* regions;

(b) the need to effect the appropriate adjustments by degrees;

(c) the fact that in the Member States *rural development*, agriculture *and fisheries* constitutes sectors closely linked with the economy as a whole;

(d) the economic, social, and environmental sustainable development of developing countries. (b) such an organisation ensures conditions for trade within the Union similar to those existing in a national market.

Explanation (if any) :

1. The objectives of the Common Agricultural Policy (CAP) are set in [Article 33/Article III-118]. Formulated in 1957, they no longer reflect the problems and concerns faced by today's agriculture sector, nor the priorities of Europe's citizens. There are a number of reasons why the agricultural articles of the Treaty require fundamental rewording and amendment:

- they aim at increasing agricultural productivity, a paramount concern after the Second World War, but no longer a European priority;
- they have led to agricultural surpluses and high budget costs without effectively easing agricultural income problems. Just under half of the total EU budget is spent on the CAP;
- they make no reference to the environment, nature or landscape although the Treaty explicitly states that "environmental protection requirements must be integrated into the definition and implementation of the Community policies" [Article 6/Article III-2];
- they do not reflect the second pillar of the CAP as adopted under Agenda 2000 and introduced by the Single European Act, 1986;
- they do not explicitly refer to international impacts and responsibilities of the Union's agricultural products;
- they create inappropriate structures and procedures for participation and decision making.

2. Some of the concerns have already led to significant changes in the way the CAP is designed and implemented. However, many of the new policy approaches are not explicitly backed by the Treaty. The debate on the Future of Europe provides the opportunity for the review of the legal basis of the CAP of the 21st century.

3. The agriculture sector is of central importance in shaping rural Europe and a key element of European policy.

4. Today's European citizens, farmers, consumers, rural communities and environmental organisations have new needs that a CAP oriented towards these new objectives would result in a more effective integration of agricultural, rural and environmental concerns at all levels of policy implementation. Thus, it would provide new perspectives for sustainable and rural development in Europe.

5. A CAP based on these objectives would offer the European agricultural sector a wider set of economic opportunities, recognition of their multiple functions and thus a better chance of achieving sustainable standards of living. This would result in healthy food in a healthy environment for all European citizens.

The sustainable development with the primary aim to eradicate poverty applies to all developing countries as agreed by the United Nations (UN Millennium Declaration) and the OECD (list of developing countries). All EU Member States have endorsed this objective and agreed to the OECD list of developing countries. This objective should be respected in all the policies of the Union according to the principle of policy coherence [Article 178/Article III-188.3 and Article 213.1].

AMENDMENT FORM

Suggestion for amendment of Article : III-118

By Ms / Mr : Voggenhuber, MacCormick, Wagener, Lichtenberger, Nagy

Status : - Member - Alternate

Artikel III-118

Artikel III-118 (ex-Artikel 33)

(1) Ziel der gemeinsamen Agrarpolitik ist es:

- a) die nachhaltige Erzeugung landwirtschaftlicher Produkte durch Erhaltung der biologischen Vielfalt und der Kulturlandschaften, durch angemessenen Tierschutz und den bestmöglichen sozial- und umweltverträglichen Einsatz der Produktionsfaktoren, insbesondere der Arbeitskräfte zu sichern;
 - b) auf diese Weise der landwirtschaftlichen und der ländlichen Bevölkerung, insbesondere durch Erhöhung des Pro-Kopf-Einkommens der in der Landwirtschaft tätigen Personen, eine angemessene Lebenshaltung zu gewährleisten;
 - c) die Märkte zu stabilisieren, vor allem durch Stärkung der regionalen Wirtschaftskreisläufe;
 - d) die Versorgung sicherzustellen;
 - e) für die Belieferung der Verbraucher mit qualitativ hochwertigen Lebensmitteln zu angemessenen Preisen Sorge zu tragen.
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Explanation (if any) :

Die Ziele der Gemeinsamen Agrarpolitik stammen noch aus den sechziger Jahren und entsprechen nicht mehr den von der Gesellschaft erwarteten Leistungen der Landwirtschaft. Von daher sollte der Konvent die zukünftige Rolle der Landwirtschaft im Rahmen der von der Union beschlossenen Nachhaltigkeitsstrategie definieren und den Verbraucherschutz sowie die integrierte Entwicklung des ländlichen Raums ins Zentrum der neuen Zielbestimmung stellen.

AMENDMENT FORM

Suggestion for amendment of Article : III-119

By Ms / Mr : Mr Bonde

Status : **X- Member** - Alternate

Article III-119 (ex Article 34)

1. In order to attain the objectives set out in [ex Article 33], a common organisation of agricultural markets shall be established.

This organisation shall take one of the following forms, depending on the product concerned:

- (a) common rules on competition;
- (b) compulsory coordination of the various national market organisations;
- (c) a European market organisation.

2. The common organisation established in accordance with paragraph 1 may include all measures required to attain the objectives set out in [Article 33], in particular regulation of prices, aids for the production and marketing of the various products, storage and carryover arrangements and common machinery for stabilising imports or exports **IN CONSIDERATION OF ARTICLE III-117(1).**

The common organisation shall be limited to pursuit of the objectives set out in [Article 33] and shall exclude any discrimination between producers or consumers within the Union.

Any common price policy shall be based on common criteria and uniform methods of calculation.

3. In order to enable the common organisation referred to in paragraph 1 to attain its objectives, one or more agricultural guidance and guarantee funds may be set up **IN CONSIDERATION OF ARTICLE III-117(1).**

Explanation (if any) :

The goal of the JuneMovement in relation to agriculture is that the agricultural sector in reality becomes a full, liberal trade, free from all EU support. Agricultural production must at the same time lie within some legal framework, which ensures that the production of food products is fully aligned with the protection of environment and animal welfare at the highest level, which among others can be reached by developing and spreading of organic (in some countries called "bio") production methods.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : III-119

Déposée par Josep Borrell, Carlos Carnero, Diego Lopez-Garrido

Qualité :

Artículo 119.-

Le deuxième alinéa du paragraphe 2 devrait être complété comme suit :

Elle doit se limiter à poursuivre les objectifs énoncés à [l'article 33], **y compris le respect de la préférence communautaire**, et doit exclure toute discrimination entre producteurs et consommateurs de l'Union.

Explication éventuelle:

AMENDMENT FORM

Suggestion for amendment of Article: **Article III-119 (ex Article 34)**

By Ms / Mr : **Ms Helle THORNING-SCHMIDT**

Status : **Alternate**

Article III-119 (ex Article 34)

1. In order to attain the objectives set out in [Article III-118 (ex 33)], a common organisation of agricultural markets shall be established.

This organisation shall take one of the following forms, depending on the product concerned:

- (a) common rules on competition;
- (b) compulsory coordination of the various national market organisations;
- (c) a European market organisation.
- (d) rural and environmental structural measures***

2. The common organisation established in accordance with paragraph 1 may include all measures required to attain the objectives set out in [Article III-118 (ex 33)], in particular regulation of prices, aids for the production and marketing of the various products, storage and carryover arrangements and common machinery for stabilising imports or exports.

The common organisation shall be limited to pursuit of the objectives set out in [Article III-118 (ex 33)] and shall exclude any discrimination between producers or consumers within the Union. Any common price policy shall be based on common criteria and uniform methods of calculation. ***The instruments shall take into account their impact on the objectives of the Union's External Action regarding poverty eradication in developing countries.***

3. In order to enable the common organisation referred to in paragraph 1 to attain its objectives, one or more agricultural guidance and guarantee funds may be set up.

Explanation (if any):

Rural and structural measures are already applied by the CAP. Promotion of exports cannot be included in this indicative list of instruments available for the achievement of the CAP objectives.

The eradication of poverty in developing countries is included in the objectives of the Union's External Action. This objective should be respected in all the policies of the Union, according to the principle of policy coherence [Article 178/Article 188.2 and Article 213.1].

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AMENDMENT FORM

Suggestion for amendment of Article 119

Suggestion for Part: III

By Ms / Mr : **G.M. de Vries**
 T.J.A.M. de Bruijn

Status : **Member** **Alternate**

1. In order to attain the objectives set out in [Article III-118 (ex 33)], a common organisations of agricultural markets or of fisheries market shall be established. ~~This~~ These organisations shall take one of the following forms, depending on the product concerned:

- (a) common rules on competition;
- (b) compulsory coordination of the various national market organisations;
- (c) a European market organisation.

2. The common organisation established in accordance with paragraph 1 may include all measures required to attain the objectives set out in [Article III-118 (ex 33)], in particular regulation of prices, aids for the production and marketing of the various products, storage and carryover arrangement and common machinery for stabilising imports or exports.

~~The common organisation shall be limited to pursuit of the objectives set out in [Article III-118 (ex 33)] and shall exclude any discrimination between producers or consumers within the Union.~~

~~Any common price policy shall be based on common criteria and uniform methods of calculation.~~

3. In order to enable the common organisation referred to in paragraph 1 to attain its objectives, one or more agricultural guidance and guarantee funds may be set up. There is a European Agricultural Guidance and Guarantee Fund, whose tasks and objectives are established with due observance of the objectives set out in [Article III-118 (ex 33)].

Explanation (if any):

The European Convention is currently based on the assumption of a single common organisation of the agricultural markets. This does not dovetail with the actual situation, as some agricultural markets are not regulated by a common organisation. By indicating that different common organisations can be established for the agricultural markets, it will be possible in the future to establish or end certain common organisations for specific agricultural markets. The Convention currently allows for the establishment of one or more guidance(s) and guarantee fund for agriculture. Since the establishment of the CAP however, there has only been one such fund, the EAGGF. Basically, the proposed amendment ensures that the Convention will reflect the actual situation.

AMENDMENT FORM

Suggestion for amendment of Article: 121 (ex 36)

By Mr Hain

Status : - Member

1. The [Section] relating to rules on competition shall apply to production of and trade in agricultural products only to the extent determined by a European law or framework law adopted in accordance with [Article III-122(2) (ex 37(2))], having regard to the objectives set out in [Article III-118 (ex 33)].

2. *OK*

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : III-121

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

Status : - Member - ~~Alternate~~

Artikel III-121 (ex-Artikel 36)

(1) Der [Abschnitt] über die Wettbewerbsregeln findet auf die Produktion landwirtschaftlicher Erzeugnisse und den Handel mit diesen nur insoweit Anwendung, als Europäische Gesetze oder Rahmengesetze dies gemäß [Artikel III-122 (ex-37) Absatz 2] unter Berücksichtigung der Ziele des [Artikels III-118 (ex-33)] bestimmen.

(2) ~~Der Rat kann auf Vorschlag der Kommission eine Europäische Verordnung oder einen Europäischen Beschluss erlassen, mit denen genehmigt wird~~ **Darin kann insbesondere vorgesehen werden**, dass Beihilfen gewährt werden

- a) zum Schutz von Betrieben, die durch strukturelle oder naturgegebene Bedingungen benachteiligt sind, oder
- b) im Rahmen wirtschaftlicher Entwicklungsprogramme.

Explanation (if any) :

Nach Artikel 36 des EG-Vertrages stellt Absatz 2 lediglich eine nähere Erläuterung der Rechtsetzungskompetenz des Absatzes 1 dar. Dieser Zusammenhang sollte erhalten bleiben. Durch den Präsidiumsvorschlag wird er jedoch gelöst, und es werden statt dessen zwei konkurrierende Rechtsgrundlagen geschaffen.

AMENDMENT FORM

Suggestion for amendment of Article : III-121

By Ms / Mr : Voggenhuber,MacCormick, Wagener, Lichtenberger, Nagy

Status : - Member - Alternate

Artikel III-121

Artikel III-121 (ex-Artikel 36)

(1) Der [Abschnitt] über die Wettbewerbsregeln findet auf die Produktion landwirtschaft-licher Erzeugnisse und den Handel mit diesen nur insoweit Anwendung, als das Europäische Gesetz oder Rahmengesetz dies gemäß [ex-Artikel 37 Absatz 2] unter Berücksichtigung der Ziele des [ex-Artikels 33] bestimmt.

(2) **Parlament und Rat** können auf Vorschlag der Kommission ein **Europäisches Gesetz** erlassen, mit dem genehmigt wird, dass Beihilfen gewährt werden

a) zum Schutz von Betrieben, die durch strukturelle oder naturgegebene Bedingungen benachteiligt sind, oder

b) im Rahmen wirtschaftlicher Entwicklungsprogramme.

Explanation (if any) :

Begründung: Auch im Rahmen der Wettbewerbsregeln (Beihilfen) sollten die Entscheidungen eindeutig im Mitentscheidungsverfahren getroffen werden

AMENDMENT FORM

Suggestion for amendment of Article 121

Suggestion for Part: III

By Ms / Mr : **G.M. de Vries**
 T.J.A.M. de Bruijn

Status : **Member** **Alternate**

1. The [Section] relating to rules on competition shall apply to production of and trade in agricultural products ~~only to the extent determined~~ having regard to what is determined by a European law or framework law in accordance with article III-122(2) (ex article 37(2)) having regard to the objectives set out in article III-118 (ex article 33).
 2. The Council, acting on a proposal from the Commission, may adopt a European regulation or decision authorising the granting of aid:
 - (a) for the protection of enterprises handicapped by structural or natural conditions;
 - (b) within the framework of economic development programmes.
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Explanation (if any):

The current provisions regarding competition law are unsatisfactory, as they seem to imply a general exemption for agriculture and fisheries from the European laws on competition and state aid. In 1962, however, the Council declared that nearly all regulations on competition state aid were applicable to agriculture and fisheries in their entirety. The transparency of competition laws in agriculture and fisheries would be enhanced if all regulations on competition are applicable to agriculture and fisheries in their entirety and all exemptions are laid down explicitly by a European law or framework law. The above amendment clearly states that the European competition laws apply to agriculture and fisheries and gives the possibility to establish exemptions.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : III-122

Déposée par Josep Borrell, Carlos Carnero, Diego Lopez-Garrido

Qualité :

Article 122.-

Réserver la loi et la loi-cadre a « l'organisation commune des marchés agricoles » ainsi qu'aux « autres dispositions nécessaires à la poursuite des objectifs de la politique commune de l'agriculture », comme indiqué dans le projet de Constitution, mais il faudrait mentionner que celles-ci sont « **adoptées après consultation du Comité économique et social** ».

Rédiger le point 3 :

3. Le Parlement européen et le Conseil peuvent déléguer à la Commission, conformément à [l'article I-35], l'exécution des lois et des lois-cadre en ce qui concerne la fixation des prix, des prélèvements, des aides et des limitations quantitatives, [ainsi que la fixation et la répartition des possibilités de pêche] ».

Supprimer dernier paragraphe, concernant le perfectionnement actif.

Explication éventuelle:

FICHE AMENDEMENT

Proposition d'amendement aux Articles III-122

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

Qualité : Membres et Suppléants

Article III-122 (ex-article 37)

1. *inchangé*
 2. La loi ou la loi-cadre européenne établit l'organisation commune des marchés agricoles prévue à [l'article III-119 (ex-34) paragraphe 1], ainsi que les autres dispositions nécessaires à la poursuite des objectifs de la politique commune de l'agriculture et de la pêche.
 3. Le Conseil, sur proposition de la Commission, adopte les règlements ou décisions européens relatifs à la fixation des prix, des prélèvements, des aides et des limitations quantitatives, ainsi qu'à la fixation et à la répartition des possibilités de pêche.
- 3bis. La Commission adopte les actes d'exécution des lois, lois-cadres, règlements et décisions prévus aux paragraphes 2 et 3.**
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Explication :

Il a été décidé de faire une distinction entre les mesures de la politique agricole commune qui relèvent du législatif (la règle : art. III-122, paragraphe 2) et celles qui relèvent de l'exécutif (l'exception : art. III-12, paragraphe 3). Afin d'éviter tout malentendu, la Constitution devrait prévoir que la mise en oeuvre au niveau européen de ces normes fondées directement sur la Constitution, appartient, conformément à l'article I-36, à la Commission.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : ArtIII-122

Déposée par Josep Borrell, Carlos Carnero, Diego Lopez-Garrido

Qualité :

Compléter comme suit le par. 2 de l'Art. 122 (ex-article 37):

2. La loi ou la loi-cadre européenne établit l'organisation commune des marchés agricoles prévue à [l'ex-article 34 paragraphe 1], ainsi que les autres dispositions nécessaires à la poursuite des objectifs de la politique commune de l'agriculture et de la pêche. *Elle est adoptée après consultation du Comité économique et social*^{*}.

Explication:

L'article 37 du TCE prévoit la consultation obligatoire du Comité dans le domaine de l'agriculture et de la pêche, comme c'est le cas depuis 1957. Rien ne justifie qu'il n'en soit plus ainsi à l'avenir; il ne peut donc s'agir que d'une omission involontaire.

^{*} Le Comité réitère l'amendement qu'il a transmis à la Convention en décembre dernier que son nom soit changé en "Conseil économique et social européen".

AMENDMENT FORM

Suggestion for amendment of Article III-122

By: BROK, AZEVEDO, AKCAM, ALMEIDA GARRETT, ALTMAIER, BREJC, DEMETRIOU, FIGEL, FOGLER, FREND, GIANNAKOU, KAUPPI, KELAM, LAMASSOURE, LENNMARKER, LIEPINA, MAIJ-WEGGEN, PIKS, RACK, SANTER, STOCKTON, SZAJER, TEUFEL, VAN DER LINDEN, VILEN, KAUPPI, VAN DIJK, WITTBRODT, WUERMEILING

On behalf of the EPP Convention Group

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 shall establish the common organisation of the market provided for in [Article III-119(1) (ex 34(1))] and 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 *after consultation of the European Parliament*, shall adopt the European regulations or decisions on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities.

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:

Current Art 37 para 2 TEC provides for consultation of the EP and should therefore be maintained.

FICHE AMENDEMENT 23

III ÈME PARTIE : LES POLITIQUES ET LE FONCTIONNEMENT DE L'UNION

TITRE III : POLITIQUES ET ACTIONS INTERNES

CHAPITRE III : POLITIQUES DANS D'AUTRES DOMAINES SPECIFIQUES

SECTION 4 : AGRICULTURE ET PECHE

Proposition d'amendement pour l'article III-122

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

Ajouter paragraphe 1 :

1. La Commission présente **après consultation du Comité des régions** des propositions en ce qui concerne l'élaboration et la mise en œuvre de la politique agricole commune, y compris la substitution aux organisations nationales de l'une des formes d'organisation commune prévues à [l'article III-119 (ex-34), paragraphe 1,] ainsi que la mise en œuvre des mesures mentionnées à la [présente section].

Explication éventuelle :

Dans le projet de Traité instituant une constitution, la politique agricole commune relève du domaine des compétences partagées énoncées dans l'Article I-13 alinéa 2.

Par conséquent et eu égard à la dimension territoriale de cette dernière et aux compétences des autorités régionales et locales et la matière, il convient de prévoir la consultation du Comité des régions.

AMENDMENT FORM

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

By Ms / Mr : Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle

Status : **Tiilikainen, Kiljunen, Vilén - Members**
 Peltomäki, Takkula and Helle - Alternates

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.

AMENDMENT FORM

Suggestion for amendment of Article : III-122

By Ms / Mr : Voggenhuber, Wagener, Lichtenberger, Nagy,

Status : - Member - Alternate

Artikel III-122

Artikel III-122 (ex-Artikel 37)

(1) Die Kommission legt zur Gestaltung und Durchführung der gemeinsamen Agrarpolitik Vorschläge vor, welche unter anderem die Ablösung der einzelstaatlichen Marktordnungen durch eine der in [ex-Artikel 34 Absatz 1] vorgesehenen gemeinsamen Organisationsformen sowie die Durchführung der in [diesem Abschnitt] bezeichneten Maßnahmen vorsehen.

Diese Vorschläge tragen dem inneren Zusammenhang der in diesem Abschnitt aufgeführten landwirtschaftlichen Fragen Rechnung.

(2) Durch Europäische Gesetze oder Rahmengesetze werden die gemeinsame Organisation der Agrarmärkte nach [ex-Artikel 34 Absatz 1] sowie die anderen Bestimmungen festgelegt, die für die Verwirklichung der Ziele der gemeinsamen Landwirtschafts- und Fischereipolitik notwendig sind.

(3) **Parlament und Rat übertragen der Kommission die technische Durchführung der agrarpolitischen Gesetze oder Rahmengesetze hinsichtlich der Festsetzung der Preise, der Beihilfen, der Abschöpfungen, der mengenmässigen Beschränkungen, sowie die Aufteilung der Fangmöglichkeiten in der Fischerei.**

(4) Die einzelstaatlichen Marktordnungen können nach Maßgabe des [Absatzes 2] durch die in [ex-Artikel 34 Absatz 1] vorgesehene gemeinsame Organisation ersetzt werden,

a) wenn sie den Mitgliedstaaten, die sich gegen diese Maßnahme ausgesprochen haben und eine eigene Marktordnung für die in Betracht kommende Erzeugung besitzen, gleichwertige Sicherheiten für die Beschäftigung und Lebenshaltung der betreffenden Erzeuger bietet; hierbei sind die im Zeitablauf möglichen Anpassungen und erforderlichen Spezialisierungen zu berücksichtigen, und

b) wenn die gemeinsame Organisation für den Handelsverkehr innerhalb der Union Bedingungen

sicherstellt, die denen eines Binnenmarkts entsprechen.

(5) Wird eine gemeinsame Organisation für bestimmte Rohstoffe geschaffen, bevor eine gemeinsame Organisation für die entsprechenden weiterverarbeiteten Erzeugnisse besteht, so können die betreffenden Rohstoffe aus Ländern außerhalb der Union eingeführt werden, wenn sie für weiterverarbeitete Erzeugnisse verwendet werden, die zur Ausfuhr nach dritten Ländern bestimmt sind.

Explanation (if any) :

Der Vorschlag des Konvents hinsichtlich der Entscheidungen des Rates über Preise, Beihilfen und Quoten würde die eben erst gewonnene Mitentscheidung untergraben. Dem Parlament würde mit dieser Regelung nicht einmal die bisherige Anhörung zugestanden.

Es ist deshalb dringend notwendig, klarzustellen, dass die Kompetenz zur technischen Durchführung der agrarpolitischen Gesetze und Rahmengesetze von Parlament und Rat ausdrücklich an die Kommission delegiert werden muss.

AMENDMENT FORM

Suggestion for amendment of Article 122 (1, 2)

Suggestion for Part: III

By Ms / Mr : **G.M. de Vries**
 T.J.A.M. de Bruijn

Status : **Member** **Alternate**

1.The Commission shall submit proposals for adapting 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].

2.A European law or framework law shall establish the common organisations of the market provided for in [Article III-119 (1) (ex 34(1))] and other provisions necessary for the achievement of the objectives of the common agricultural policy and the common fisheries policy.

Explanation (if any):

The Dutch Government has declared itself in favour of co-decision procedure for agriculture and fisheries. The Netherlands supports paragraph 2 of the Praesidium's proposal which effectively brings the Article up to date.

AMENDMENT FORM

Part III - Chapter III: Policies in other specific areas - Section 4 : Agriculture and Fisheries

Suggestion for amendment of Article : III-120

By Members: Mr Andrew Duff

Article 120 (ex Article 35)

1. *The Agricultural Guidance and Guarantee Fund shall contribute to the implementation of the common agriculture and fisheries policy. The Financial Instrument for Fisheries Guidance shall contribute to the implementation of the structural fisheries policy referred to in point d) of Article III-119.*
2. *The tasks and organisational principles of the Fund and the Financial instrument shall be laid down by European law. The criteria for assistance from the Fund and the Financial Instrument shall be laid down by European law.*

Explanation:

AMENDMENT FORM

Part III - Chapter III: Policies in other specific areas - Section 4 : Agriculture and Fisheries

Suggestion for amendment of Article : III-119

By Members: Mr Andrew Duff

Article III – 119

1. A European law or framework law shall establish the measures of a fundamental nature necessary for the achievement of the objectives of the common agriculture and fisheries policy, such as :

a) the organisation of agricultural and fisheries markets, including the measures required to stabilise the Union market and measures concerning aid for producers;

b) rural development;

c) the optimum use of resources, in particular the conservation of the biological resources of the sea;

d) structural fisheries policy;

e) application of the competition rules, taking into account the specific characteristics of common agriculture and fisheries policy;

f) the financial mechanisms applicable to the organisation of agricultural markets, to rural development and to fisheries;

g) food safety and the quality and promotion of products;

h) the veterinary and plant health fields;

i) conditions ensuring availability of supply;

j) the applicable inspection arrangements and penalties, and the combating of fraud.

“Measures of a fundamental nature” shall mean measures which are of general political importance for the conception and orientation of the common agriculture and fisheries policy.

2. *The acts referred to in para 1 shall confer to the Commission implementing powers including, inter alia, those related to the management of the common agriculture and fisheries policy.*
3. *The acts referred to in para 1 may confer to the Council, acting on a proposal from the Commission, in duly justified cases implementing powers.*

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-122

Déposée par Monsieur de Villepin

Qualité : - Membre

Article III-122 (ex-article 37)

1. La Commission présente des propositions en ce qui concerne l'élaboration et la mise en œuvre de la politique agricole commune, y compris la substitution aux organisations nationales de l'une des formes d'organisation commune prévues à [l'article III-119 (ex-34), paragraphe 1,] ainsi que la mise en œuvre des mesures mentionnées à la [présente section].

Ces propositions tiennent compte de l'interdépendance des questions agricoles évoquées à la présente section.

2. La loi ou la loi-cadre européenne établit l'organisation commune des marchés agricoles prévue à [l'article III-119 (ex-34) paragraphe 1], ainsi que les autres dispositions nécessaires à la poursuite des objectifs de la politique commune de l'agriculture et de la pêche.

3. Le Conseil, sur proposition de la Commission, adopte les règlements ou décisions européens relatifs **aux mécanismes des organisations communes des marchés agricoles et de la politique de développement rural**, à la fixation des prix, des prélèvements, ~~des aides~~ et des limitations quantitatives, **au mode d'octroi et au niveau des aides**, ainsi qu'à la fixation et à la répartition des possibilités de pêche.

4. L'organisation commune prévue à [l'article III-119 (ex-34), paragraphe 1,] peut être substituée aux organisations nationales du marché, dans les conditions prévues au [paragraphe 2]:

- a) si l'organisation commune offre aux États membres opposés à cette mesure et disposant eux-mêmes d'une organisation nationale pour la production en cause des garanties équivalentes pour l'emploi et le niveau de vie des producteurs intéressés, compte tenu du rythme des adaptations possibles et des spécialisations nécessaires, et
- b) si cette organisation assure aux échanges à l'intérieur de l'Union des conditions analogues à celles qui existent dans un marché national.

5. S'il est créé une organisation commune pour certaines matières premières, sans qu'il existe encore une organisation commune pour les produits de transformation correspondants, les matières premières en cause utilisées pour les produits de transformation destinés à l'exportation vers les pays tiers peuvent être importées de l'extérieur de l'Union.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article: 122 (ex 37)

By Mr Hain

Status : - Member

We doubt whether the proposed system is workable, and would also want further examination of the issue of co-decision.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : III-122.2 and 122.3 (ex Article 37)

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, national parliament representative.

Status : - Member: Hjelm-Wallén and Lekberg
- Alternate: Petersson

2. ~~A European law or framework law shall establish the common organisation of the market provided for in [ex Article 34(1)] and the other provisions necessary for the achievement of the objectives of the common agricultural policy and the common fisheries policy.~~

The European Parliament and the Council, in accordance with the legislative procedure, shall adopt a law establishing a multi-annual framework programme setting up the activities of the Union.

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 of fishing opportunities.¹~~

For the implementation of the multi-annual framework programme the Council, on a proposal from the Commission, shall adopt by a qualified majority the legislative acts, regulations and decisions necessary for the achievement of the objectives of the agricultural policy of the Union. The Council shall act after consulting the European Parliament.

¹If the current objectives for the agricultural policy remain unchanged, then , due to the large volume and the character of the legislation concerning the CAP, the legislative powers to a large extent should have to remain within the Council. However, there still is a need to further strengthen the coordination and long-time perspective in the implementation of the policy. The implementation would benefit from the use of multi-annual framework programme, guiding the institutions in their work during a certain period of time. We propose that the European Parliament and the Council share responsibility for adopting such a programme. This proposal also avoids situations where ambiguities or different opinions concerning which questions could be decided in a regulation and when a law is necessary, leads to uncertainties regarding if article 122.2 or 122.3 in the presidency proposal shall apply.

AMENDMENT FORM

Suggestion for amendment of Article : III-122

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

Status : - Member - ~~Alternate~~

Artikel III-122 (ex-Artikel 37)

(1) ...

(2) ...

(3) ~~Der Rat erlässt auf Vorschlag der Kommission die Europäischen Verordnungen bzw. Beschlüsse~~ **Dies umfasst insbesondere auch Bestimmungen** zur Festsetzung der Preise, der Abschöpfungen, der Beihilfen und der mengenmäßigen Beschränkungen sowie zur Festsetzung und Aufteilung der Fangmöglichkeiten in der Fischerei.

(4) ...

(5) ...

Explanation (if any) :

Aufgrund der Grundrechtsrelevanz dieser Befugnis sollte das ordentliche Gesetzgebungsverfahren zur Anwendung kommen. Hinsichtlich nicht wesentlicher Regelungen und hinsichtlich der Durchführungsbestimmungen kann auf die Möglichkeiten der Artikel I-35 und Artikel I-36 zurückgegriffen werden.

AMENDMENT FORM

Suggestion for amendment of: Part III, Article 122

By Mr : Dick Roche

Status : - Member

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))] 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 by QMV after consulting the European Parliament.**

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 of fishing opportunities **and on measures to further rural development. The Council shall act by QMV after consulting the European Parliament.**

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

Removal of the distinction between obligatory and non-obligatory spending is acceptable only if two conditions are met. Firstly, as proposed in my amendment to Article 315, the budget must make explicit provision for financial obligations to third parties.

Secondly, Article 122 should be amended to ensure that in respect of the common organisation of the market, rural development, price levels, agricultural supports and the conditions under which grants in aid are made, the Council shall act by QMV after consulting the European Parliament (see also my proposed amendment to Article 315).

I believe that most decisions on the CAP need to be taken more quickly than the co-decision procedures allow for. Moreover, the level of detail and complexity involved in governing the various common market organisations is also such as to render co-decision unsuitable.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Art III-122

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

Qualité : Observateurs

Compléter comme suit le par. 2 de l'Art. 122 (ex-article 37):

2. La loi ou la loi-cadre européenne établit l'organisation commune des marchés agricoles prévue à [l'ex-article 34 paragraphe 1], ainsi que les autres dispositions nécessaires à la poursuite des objectifs de la politique commune de l'agriculture et de la pêche. *Elle est adoptée après consultation du Comité économique et social*^{*}.

Explication:

L'article 37 du TCE prévoit la consultation obligatoire du Comité dans le domaine de l'agriculture et de la pêche, comme c'est le cas depuis 1957. Rien ne justifie qu'il n'en soit plus ainsi à l'avenir; il ne peut donc s'agir que d'une omission involontaire.

^{*} Le Comité réitère l'amendement qu'il a transmis à la Convention en décembre dernier que son nom soit changé en "Conseil économique et social européen".

FICHE AMENDEMENT

Proposition d'amendement à l'Article : III-116

Déposée par Josep Borrell, Carlos Carnero, Diego Lopez-Garrido

Qualité :

Artículo 116.-

Distinguer l'agriculture de la pêche.

Explication éventuelle:

AMENDMENT FORM

Part III - Chapter III: Policies in other specific areas - Section 4 : Agriculture and Fisheries

Suggestion for amendment of Article : III-116

By Members: Mr Andrew Duff

Article III-116 (new)

1. The Union shall conduct a common agriculture and fisheries policy, designed:

a) to ensure the sustainable development and the competitiveness of production;

b) to promote a sustainable rural development and an harmonious development of coastal areas, in particular as concerns the viability of rural and coastal areas, the management of natural resources and species and the preservation of the countryside.

2. This policy shall ensure a fair standard of living for the communities concerned, supply consumers with healthy products of good quality at reasonable prices and guarantee security of supplies.

Explanation:

This amendment and those subsequently for Articles 117, 118, 119 and 120 seek to bring up to date the objectives and operation of the Common Agricultural and Fisheries Policy.

amendment form

I. Suggestion for amendment of Article : III-116

By Mr : Farnleitner

Status : - Member

II. Para 2 (new) should be inserted:

Para 2 (new) should be inserted:

“The Union commits itself to a European Model of Agriculture, which comprises in any case the obligation for the society as a whole to create and safeguard viable and intact rural areas and communities and is characterised by a competitive, complex, sustainable agriculture all over the Union, rich in tradition, which takes over the multifunctional tasks in favour of landscape tending, the environment, the economy and the society.”

Explanation (if any) :

The commitment to the European Model of Agriculture, the essential aspects of which were laid down on the basis of the conclusions of the Luxembourg European Council (12-13 December 1997, doc, SN 400/97) and having regard to the conclusions of the Agriculture Council (18 November 1997, doc SN 4591/97) should be explicitly included in the Constitution.

It should also be known by its name, and in particular the difference to other models of agriculture (that is the multifunctionality and the role that agriculture plays for landscape tending, the environment, the economy, and the society as a whole) is to be explicitly emphasized.”

FICHE AMENDEMENT

Proposition d'amendement à l'Article : III-116

Déposée par Monsieur : António Nazaré Pereira

Qualité : - Suppléant

AGRICULTURE ET PÊCHE

Article III -116

L'Union définit et met en œuvre une politique commune de l'agriculture et de la pêche.

Par produits agricoles, on entend les produits du sol, de l'élevage et de la pêche, ainsi que les produits de première transformation qui sont en rapport direct avec ces produits. Les références à la politique agricole commune ou à l'agriculture et l'utilisation du terme "agricole" s'entendent comme visant aussi **les forêts et la pêche, dans la mesure où elles sont compatibles avec les caractéristiques particulières de ces secteurs.**

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article 116

Suggestion for Part: III

By Ms / Mr : G.M. de Vries
 T.J.A.M. de Bruijn

Status : Member Alternate

1. The Union shall define and implement a common agriculture and fisheries policy.

~~"Agricultural products" means the products of the soil, of stockfarming and of fisheries and products of first-stage processing directly related to these products. References to the common agricultural policy or to agriculture, and the use of the term "agricultural", shall be understood as also referring to fisheries, insofar as they are compatible with the specific characteristics of this sector.~~

2. References to agriculture shall be understood as also referring to fisheries.

3. "Agricultural products" means the products of the soil, of stockfarming and of fisheries and products of first-stage processing directly related to these products.

Explanation (if any):

The new Article proposed by the Praesidium is a step in the right direction. The Article firmly establishes the common fisheries policy. This meets the desire of the fisheries sector for increased visibility in the Convention. However the Article is not easy to read, and this is what our proposed amendment aims to alleviate. We have rephrased the Article, so that the term "common agricultural and fisheries policy" is used throughout the Section (also increasing awareness of fisheries) whereas "agriculture" also refers to fisheries.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Annexe I (citée au paragraphe 3 de l'article III-117)

Déposée par Josep Borrell, Carlos Carnero, Diego Lopez-Garrido

Qualité :

Annexe I (citée au paragraphe 3 de l'article III-117)

Compléter l'annexe I, citée au paragraphe 3 de l'article III-117, pour inclure des produits traditionnels relevant plutôt de l'activité agricole comme le sel. Il conviendrait du reste que cette annexe puisse être révisée d'une manière plus souple que la procédure formelle de révision de la Constitution

Explication éventuelle:

AMENDMENT FORM

Part III - Chapter III: Policies in other specific areas - Section 4 : Agriculture and Fisheries

Suggestion for amendment of Article : III-117

By Members: Mr Andrew Duff

Article III-117 (Ex-article 32)

The internal market shall extend to agriculture, fisheries and trade in agricultural products.

“Agricultural products” means the products of the soil, of stockfarming and of fisheries and products of first-stage processing directly related to these products. The list of such products shall be laid down by European law.

Explanation:

AMENDMENT FORM

Suggestion for amendment of Article 117

Suggestion for Part: III

By Ms / Mr : **G.M. de Vries**
 T.J.A.M. de Bruijn

Status : **Member** **Alternate**

1. The internal market shall extend to agriculture and trade in agricultural products.
 2. Save as otherwise provided in [Articles III-118 to III-123 (ex 33 to 38)], the rules laid down for the establishment of the internal market shall apply to agricultural products.
 3. The products listed in [Annex I] shall be subject to Articles III-118 to III-123 (ex 33 to 38).
 4. The operation and development of the internal market for agricultural products must be accompanied by the establishment of a common agricultural and fisheries policy.
-

Explanation (if any):

The first three paragraphs of this Article require no amendments. In keeping with the amendment proposed for Article III-116, the term "fisheries policy" has been added to the fourth paragraph.

AMENDMENT FORM

Suggestion for amendment of Article : III-118

By Ms / Mr : Mr Bonde

Status : X- Member - Alternate

Article III-118 (ex Article 33)

1. The objectives of the common agricultural policy shall be:

(a) TO PRODUCE QUALITY FOOD PRODUCTS.

(b) TO ENSURE THE HIGHEST LEVEL OF ENVIRONMENTAL PROTECTION AND ANIMAL WELFARE, INCLUDING THROUGH THE USE OF ORGANIC PRODUCTION METHODS.

(c) TO ENSURE THAT AGRICULTURE IS SUSTAINABLE WITHOUT SUPPORT AND TARIFF WALLS.

(d) to increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, [DELETE: in particular labour] WITHIN THE FRAME OF, AND AT THE SAME TIME IMPROVING, THE ENVIROMENT.

(e) thus to ensure PUBLIC ACCESS TO CLEAN NATURE AND CLEAN WATER IN GOOD ECOLOGICAL QUALITY, INCLUDING CLEAN AND HEALTHY DRINKING WATER.

AND TAKE INTO ACCOUNT a fair standard of living for the agricultural community,

[DELETE: in particular by increasing the individual earnings of persons engaged in agriculture]

(f) to stabilise markets;

(e) to ensure that supplies reach consumers at reasonable prices.

2. In working out the common agricultural policy and the special methods for its application, account shall be taken of:

(a) THE AGRICULTURE COMMUNITY BOTH FUNCTION AS A MANAGER OF THE MAJOR PART OT THE TERRITORY AND THE GROUNDWATER OF THE UNIONS, AND AS A PRODUCER OF FOOD PRODUCTS. MOREOVER, the particular nature of the **SPECIAL CHARACTER OF ARGRICULTURE**, which results

from the social structure of agriculture and from structural and natural disparities between the various agricultural regions, **MUST BE TAKEN INTO ACCOUNT.**

- (b) the need to effect the appropriate adjustments by degrees;
- (c) the fact that in the Member States agriculture constitutes a sector closely linked with the economy **AND THE ENVIROMENT** as a whole.

Explanation (if any) :

The goal of the JuneMovement in relation to agriculture is that the agricultural sector in reality becomes a full, liberal trade, free from all EU support. Agricultural production must at the same time lie within some legal framework, which ensures that the production of food products is fully aligned with the protection of environment and animal welfare at the highest level, which among others can be reached by developing and spreading of organic (in some countries called "bio") production methods.

Proposal for part III in the Convention - in relation to agricultural policy

Contribution from Member of the Convention Mr. Jens-Peter Bonde, suggested in cooperation with Ulla Sandbæk and Bent Hindrup Andersen, from the JuneMovement (JuniBevægelsen).

Article III-118 (ex Article 33)	Proposed new Article III-118 (ex Article 33)
<p>1. The objectives of the common agricultural policy shall be:</p> <p>(a) to increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, in particular labour;</p> <p>(b) thus to ensure a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture;</p> <p>(c) to stabilise markets;</p> <p>(d) to assure the availability of supplies;</p>	<p>1. The objectives of the common agricultural policy shall be:</p> <p>(a) to ensure quality products</p> <p>(b) to ensure the highest level of environmental protection and animal welfare, recognising the value of organic production methods to this end</p> <p>(c) to create a competitive agricultural sector, not supported by state or EU aid, in fair and open competition with the rest of the world</p> <p>(d) to increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, with the goal of improving the standard of the environment without prejudice to paragraph (b)</p> <p>(e) thus to ensure a fair standard of living for the agricultural community without prejudice to paragraph (c), and to ensure that public access is available to nature (both land and water) of good ecological quality, including clean drinking water.</p> <p>(f) to stabilise markets, without prejudice to (c);</p> <p>(g) to assure the availability of supplies;</p>

<p>(e) to ensure that supplies reach consumers at reasonable prices.</p> <p>2. In working out the common agricultural policy and the special methods for its application, account shall be taken of:</p> <p>(a) the particular nature of agricultural activity, which results from the social structure of agriculture and from structural and natural disparities between the various agricultural regions;</p> <p>(b) the need to effect the appropriate adjustments by degrees;</p> <p>(c) the fact that in the Member States agriculture constitutes a sector closely linked with the economy as a whole.</p>	<p>(h) to ensure that supplies reach consumers at reasonable prices without prejudice to paragraph (c).</p> <p>2. In working out the common agricultural policy and the special methods for its application, account shall be taken of:</p> <p>(a) the agricultural sector's function as managers of the major parts of the Union's land area and groundwater, and its function as a producer of food products. Besides, the particular nature of agricultural activity, which results from the social structure of agriculture and from structural and natural disparities between the various agricultural regions;</p> <p>(b) the need to effect the appropriate adjustments by degrees;</p> <p>(c) the fact that in the Member States agriculture constitutes a sector closely linked with the economy and environment as a whole.</p>
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<p>Article III-119 (ex Article 34), 2</p> <p>2. The common organisation established in accordance with paragraph 1 may include all measures required to attain the objectives set out in [Article III-118 (ex 33)], in particular regulation of prices, aids for the production and marketing of the various products, storage and carryover arrangements and common machinery for stabilising imports or exports.</p>	<p>Proposal for changes in article III-119 (ex Article 34), 2</p> <p>2. The common organisation established in accordance with paragraph 1 may include all measures required to attain the objectives set out in [Article III-118 (ex 33)], in particular regulation of prices, aids for the production and marketing of the various products, storage and carryover arrangements and common machinery for stabilising imports or exports, without prejudice to Article III-118, 1.</p>
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<p>The common organisation shall be limited to pursuit of the objectives set out in [Article III-118 (ex 33)] and shall exclude any discrimination between producers or consumers within the Union.</p> <p>Any common price policy shall be based on common criteria and uniform methods of calculation.</p>	<p>The common organisation shall be limited to pursuit of the objectives set out in [Article III-118 (ex 33)] and shall exclude any discrimination between producers or consumers within the Union.</p> <p>Any common price policy shall be based on common criteria and uniform methods of calculation.</p>
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<p>Article III-119 (ex. art. 34), 3</p> <p>3. In order to enable the common organisation referred to in paragraph 1 to attain its objectives, one or more agricultural guidance and guarantee funds may be set up.</p>	<p>Proposal for changes in article III-119 (ex. art. 34), 3</p> <p>3. In order to enable the common organisation referred to in paragraph 1 to attain its objectives, one or more agricultural guidance and guarantee funds may be set up, without prejudice to Article III-118, 1</p>
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Explanation:

The goal of the JuneMovement is an agricultural sector based on an open and fair market economy, free from all EU aid, open to fair competition with the rest of the world. At the same time it is essential that the production methods be in line with the highest level of environmental protection and animal welfare. This can, for example, be achieved through developing and spreading organic (in some countries called "bio") production methods. Therefore the above-presented changes in the legal framework must be included in the treaty.

AMENDMENT FORM

Suggestion for amendment of Article : III-SECTION 4

By Mr : Farnleitner

Status : - Member

Title:

“Agriculture, forestry and fisheries”

Explanation (if any) :

Inclusion of forestry policy because of the current strong engagement of the European Union in forestry development, especially in the international context as well as in the context of rural development within the framework of the second pillar of the CAP. In this context I propose to amend I-13 as follows:

Suggestion for amendment of Article : I-13

Para 2 third indent

- agriculture, forestry and fisheries, except....