

AMENDMENT FORM

Suggestion for amendment of Article : 125 (ex Article 175), 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-125 (ex Article 175)

1. A European law or framework law shall establish what action is to be taken in order to achieve the objectives referred to in [Article III-124 (ex 174)]. It shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

2. By way of derogation from paragraph 1 and without prejudice to [Article III-62 (ex 95)] the Council shall adopt unanimously European laws or framework laws establishing **measures significantly affecting**:

~~(a) — measures primarily of a fiscal nature;~~

~~(b) — measures affecting:~~

~~(i) — town and country planning;~~

~~(ii) — quantitative management of water resources or affecting, directly or indirectly, the availability of those resources;~~

~~(iii) — land use, with the exception of waste management;~~

~~(c) — measures significantly affecting a Member State's choice between different energy sources and the general structure of its energy supply.~~

(a) town and country planning;

(b) quantitative management of water resources or the availability of those resources;

(c) land use, with the exception of waste management;

(d) a Member State's choice between different energy sources and the general structure of its energy supply.

The Council may unanimously adopt a European decision defining the matters referred to in this paragraph on which it shall act by a qualified majority.

In all cases, the Council shall act after consulting the European Parliament, the Committee of the Regions and the Economic and Social Committee.

3. General action programmes which set out priority objectives to be attained shall be enacted by a European law. It shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

The measures necessary for the implementation of these programmes shall be adopted under the terms of paragraph 1 or paragraph 2, according to the case.

4. Without prejudice to certain measures adopted by the Union, the Member States shall finance and implement the environment policy.

5. Without prejudice to the principle that the polluter should pay, if a measure based on the provisions of paragraph 1 involves costs deemed disproportionate for the public authorities of a Member State, such measure shall provide in appropriate form for:

- (a) temporary derogations, and/or
- (b) financial support from the Cohesion Fund.

Explanation (if any) :

As proposed by a majority of the working group VI, we prefer to move to QMV on environmental and energy taxation. We suggest the inclusion of environmental taxation in the proposed Article III 59. This could be done by adding a new subparagraph also covering energy taxation.

The text should be clarified to make it more readable and easier to understand. This could be done by bringing the rest of the measures requiring unanimous decision under one subparagraph and by treating all of them in a uniform and consistent way. In order to facilitate the decision making, the scope of the article should be limited to measures that have significant effects.

The concept of indirect availability of water resources is too vague and indefinite. Therefore it should be deleted.