

AMENDMENT FORM

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Suggestion for amendment of Article III – 152 (neu): “Energy”

Mr. Hannes Farnleitner

Status: Member

Article III – 152 (new): “Energy”

Article III-152 (new)

1. In establishing an internal market and with regard for the need to preserve and improve the environment, Union policy on energy shall aim to:

- (a) ensure the functioning of the energy market,
- (b) ensure security of energy supply in the Union, and
- (c) promote energy efficiency and saving and the development of new and renewable forms of energy,
- d) establish uniform safety standards to protect the health of workers and of the general public and ensure that they are applied [ex TEAC Art. 2, lit b],**
- e) make certain, by appropriate supervision, that nuclear materials are not diverted to purposes other than those for which they are intended, in particular with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, and that all safeguard provisions are applied [ex TEAC Art. 2, lit. e, modified], and**
- f) harmonize safety standards of nuclear installations at the highest level.**

2. The measures necessary to achieve the objectives in paragraph 1 shall be enacted in a European law or framework law. It shall be adopted after consulting the Committee of the Regions and the Economic and Social Committee.

The law or framework law shall not affect a Member State's choice between different energy sources and the general structure of its energy supply. Such measures shall be adopted in accordance with Article [ex Article 175(2)(c)].

3. The Treaty establishing the European Atomic Energy Community expires the day of entry into force of the European Constitution. Measures serving the fulfilment of tasks as prescribed in paragraph (1) lit. d) – f) remain in force. All other measures expire with entry into force of the European Constitution.

Explanation (if any):

The current proposal of the Praesidium merely defines one single legal personality of the Union, as well as unified institutional and financial provisions. The rules of procedure for enacting secondary legislation on the basis of the EURATOM-Treaty (still no Codecision-procedure and for that reason exclusion of the European Parliament) as well as the contents of the EURATOM-Treaty as such remain unchanged. The model of the Praesidium doesn't lead neither to a simplification of the current treaty structure nor will it bring an increased democratic legitimacy of the nuclear policy in the European Union. This proposal does not even meet the minimum requirements, which have to be made regarding the incorporation of the EURATOM-Treaty into the European Constitution and which have already been formulated by the European Council of LAEKEN.

Taking into account these comments, a completely different solution is suggested:

The Energy Article should be extended by a paragraph (para. 3) prescribing the expiry of the EURATOM-Treaty. The Annex I "Protocol Amending the EURATOM-Treaty" should be cancelled without replacement.

Tasks b and e of Article 2 of the current EURATOM-Treaty regarding safety standards to protect the health and safeguards provisions respectively would have to be integrated in the Energy Article in a modified form. Additionally a task regarding Safety Standards of Nuclear Installations has to be added.

PROTOCOL AMENDING THE EURATOM TREATY

THE HIGH CONTRACTING PARTIES,

~~RECALLING the necessity that the provisions of the Treaty establishing the European Atomic Energy Community should continue to have full legal effect,~~

~~DESIROUS however to adapt that Treaty to the new rules established by the Treaty establishing a Constitution for Europe, in particular in the institutional and financial fields,~~

~~HAVE ADOPTED the following provisions, which are annexed to the Treaty establishing a Constitution for Europe and amend the Treaty establishing the European Atomic Energy Community as follows:~~

~~Article 1~~

~~The word "Community" shall be replaced by "Union".~~

~~Article 2~~

~~Article 3 shall be repealed.~~

~~Article 3~~

~~The heading of Title III "Institutional provisions" shall be replaced by the following: "Institutional and financial provisions".~~

~~Article 4~~

~~Articles 107 to 170 shall be replaced by the following:~~

~~"Article 107~~

~~Without prejudice to the specific provisions laid down in Articles 134, 135, 144, 145, 171, 172, 174 and 176, the institutional and financial provisions of the Treaty establishing a Constitution for Europe (Articles I-XX to I-ZZ and Articles III-XX to III-ZZ) and Article I-45 of that Treaty shall apply to this Treaty".~~

~~Article 5~~

~~The heading of Title IV "Financial provisions" shall be replaced by the following:~~

~~"Specific financial provisions".~~

~~Article 6~~

~~Articles 173, 173a, 175 and 177 to 183a and 184 shall be repealed.~~

~~Article 7~~

~~Article 190 shall be replaced by the following:~~

~~"The rules governing the languages of the institutions of the Community shall, without prejudice to the provisions contained in the Statute of the Court of Justice, be determined by the Council, acting unanimously".~~

~~Article 8~~

~~Article 198 shall be amended as follows:~~

~~"(a) This Treaty shall not apply to the Faeroe Islands".~~

~~Article 9~~

~~Article 201 shall be amended as follows:~~

~~"The Union shall establish close cooperation with the Organisation for Economic Cooperation and Development, the details of which shall be determined by common accord".~~

~~Article 10~~

~~Article 206 shall be amended as follows:~~

~~"The Union may conclude with one or more States or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedures.~~

~~These agreements shall be concluded by the Council, acting unanimously after consulting the European Parliament.~~

~~Where such agreements call for amendments to this Treaty, these amendments shall first be adopted in accordance with the procedure laid down in Article N of the Treaty on European Union".~~

Explanation (if any):

See the explanation to article III-152.