

AMENDMENT FORM

Suggestion for amendment of Article 22

By : TIMOTHY KIRKHOPE MEP

Status : MEMBER

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
C. Financial provisions	<i>DELETE</i>
Article 22 1. Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the Union budget. 2. Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise. In cases where expenditure is not charged to the Union's budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 9(1), second subparagraph, shall not be obliged to contribute to the financing thereof. 3. A Union budgetary heading shall be created for urgent financing of initiatives in the framework of the common foreign and security policy, in	<i>DELETE</i>

AMENDMENT FORM

Suggestion for amendment of Article : 22

Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY

POLICY , C. Financial provisions

By Ms / Mr : BROK; SANTER; STYLIANIDIS; TAJANI; VAN DER LINDEN; ALMEIDA GARRETT; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FRENDU; GIANNAKOU; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LEQUILLER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; ZIELENIEC; ZILE

on behalf of the EPP Convention Group

Status : - Member - Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

C. Financial provisions

Article 22

- 1.** Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the Union budget.
- 2.** Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the Union's budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 9(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. A Union budgetary heading shall be created for urgent financing of initiatives in the framework of the common foreign and security policy, in particular preparatory activities for tasks as referred to in by Article 30(1) of Part One of the Constitution *without prejudice to the role of the European Parliament in budgetary affairs*. Specific procedures shall be put in place to guarantee rapid access to appropriations entered under this heading and their effective use within the deadlines imposed by the situations concerned.

Preparatory activities for tasks as referred to in Article 30(1) of Part One of the Constitution which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.

The Council shall adopt by a qualified majority on a proposal from the Minister for Foreign Affairs:

- the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;
- the procedures for administering the fund;
- the financial control procedures.

When it is planning a task as referred to in Article 30(1) of Part One of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the Minister for Foreign Affairs to use the fund. The Minister for Foreign Affairs shall report to the Council on the implementation of the remit. *After five years the preparatory fund will become an integral part of the Union's budget.*

Explanation (if any) :

It should be stressed that one could search for specific procedures to facilitate access to the EU-budget but, at the same time, it should be stressed that this should not lead to circumventing the budgetary rights of the European Parliament.

The provisions on the start-up fund for activities having defence implications are designed to overcome the difficulties among member states in agreeing on the funding of operations. It is therefore an element in the Constitution which should be supported. On the other hand, it is a clear provision for circumventing the rights and the influence of the European Parliament. It is a method of creating a budget and using it for crisis management operations without the

ordinary procedures of the Union. A transitory arrangement should be laid down in the Constitution. This would imply an automatism after a period of X years for transferring the defence fund into the EU-budget or alternatively a specific procedure should be foreseen.

<p>particular preparatory activities for tasks as referred to in by Article 30(1) of Part One of the Constitution. Specific procedures shall be put in place to guarantee rapid access to appropriations entered under this heading and their effective use within the deadlines imposed by the situations concerned.</p> <p>Preparatory activities for tasks as referred to in Article 30(1) of Part One of the Constitution which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.</p> <p>The Council shall adopt by a qualified majority on a proposal from the Minister for Foreign Affairs:</p> <ul style="list-style-type: none"> – the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement; – the procedures for administering the fund; – the financial control procedures. <p>When it is planning a task as referred to in Article 30(1) of Part One of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the Minister for Foreign Affairs to use the fund. The Minister for Foreign Affairs shall report to the Council on the implementation of the remit.</p>	
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AMENDMENT FORM

Suggestion for amendment of Article : 22 (PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - Alternate

Article 22

1. Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the Union budget.
2. Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the Union's budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 9(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. Union budgetary heading shall be created for urgent financing of initiatives in the framework of the common foreign and security policy, in particular preparatory activities for tasks as referred to in by Article 30(1) of Part One of the Constitution. Specific procedures shall be put in place to guarantee rapid access to appropriations entered under this heading and their effective use within the deadlines imposed by the situations concerned.

Preparatory activities for tasks as referred to in Article 30(1) of Part One of the Constitution which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.

The Council shall adopt by a qualified majority on a proposal from the **Commission Minister** ~~for Foreign Affairs~~:

- the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;
- the procedures for administering the fund;
- the financial control procedures.

When it is planning a task as referred to in Article 30(1) of Part One of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the **Commission Minister** ~~for Foreign Affairs~~ to use the fund. The **Commission Minister** ~~for Foreign Affairs~~ shall report to the Council on the implementation of the remit.

Explanation (if any) :

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article 22

By Mr. Adrian Severin

Status : Alternate Member

The paragraph 3 indent 3 should be modified as follows:

The Council shall adopt by a qualified majority on a proposal from the Union's Minister for Foreign Affairs:

- the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;
- the procedures for administering the fund;
- the financial control procedures.

The Council shall consult the European Parliament before it adopts a decision on the financial procedure.

Explanation:

The European Parliament should be at least consulted on financial matters.

AMENDMENT FORM

Suggestion for amendment of Article : 22 of Part II, Title B

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

1. Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the Union budget.
2. Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the Union's budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 9(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. A Union budgetary heading shall be created for urgent financing of initiatives in the framework of the common foreign and security policy, in particular preparatory activities for tasks as referred to in by Article 30(1) of Part One of the Constitution. **The Council shall adopt by unanimity, on a proposal from the Minister for Foreign Affairs,** specific procedures ~~shall be put in place~~ to guarantee rapid access to appropriations entered under this heading and their effective use within the deadlines imposed by the situations concerned.

Preparatory activities for tasks as referred to in Article 30(1) of Part One of the Constitution which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.

The Council shall adopt by ~~a qualified majority~~ **unanimity** on a proposal from the Minister for Foreign Affairs the procedures for the establishment, financing and operation of the fund.

— ~~the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;~~

———— ~~the procedures for administering the fund;~~

———— ~~the financial control procedures.~~

When it is planning a task as referred to in Article 30(1) of Part One of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the Minister for Foreign Affairs to use the fund **in accordance with financial control procedures to be established by the Council**. The Minister for Foreign Affairs shall report to the Council on the implementation of the remit.

Explanation (if any) : The procedures for guaranteeing rapid access to appropriations from the proposed Union budgetary heading, and the procedures for the establishment, financing and operation of the proposed fund, should be taken by the Council by unanimity. The detail of the establishment, financing and operation of the proposed fund should be left to the Council and need not be elaborated here. It is understood that the procedures for agreeing and operating the Union budget will be set out at the relevant location in Part II.

AMENDMENT FORM

Suggestion for amendment of Article : Article 22

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory, Earl of Stockton MEP

Status : X - Member - Alternate X

Article 22

1. Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the Union budget.

2. Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, *[Delete: except for such expenditure arising from operations having military or defence implications and cases]* where the Council acting unanimously **so** decides otherwise.]

In cases where expenditure is not charged to the Union's budget it shall be charged to the **participating** Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 9(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. A Union budgetary heading shall be created for urgent financing of initiatives in the framework of the common foreign and security policy, in particular preparatory activities for tasks as referred to in by Article 30(1) of Part One of the Constitution. Specific procedures shall be put in place to guarantee rapid access to appropriations entered under this heading and their effective use within the deadlines imposed by the situations concerned.

[Delete: Preparatory activities for tasks as referred to in Article 30(1) of Part One of the Constitution which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.]

The Council shall adopt by *[a qualified majority]* **unanimity** on a proposal from the Minister for Foreign Affairs:

- the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;
- the procedures for administering the fund;
- the financial control procedures, **including the effect of withheld budget discharge.**

[Delete: When it is planning a task as referred to in Article 30(1) of Part One of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the Minister for Foreign Affairs to use the fund. The Minister for Foreign Affairs shall report to the Council on the implementation of the remit.]

Explanation (if any) : States which elect to participate in an action should bear the brunt of the costs – in return, Section 4 of Article 20 must be repealed, so that the Council has no role in directing military effort by those states.

Nevertheless, the ground rules for the basic administration of the system should be agreed by unanimity – including consideration of how to ensure sound management through the involvement of the Court of Auditors.

AMENDMENT FORM

Suggestion for amendment of Article : **Part II, Title B, Article 22**

Suggestion for protocol :

By Ms / Mr : **Hain**

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

22.1 Administrative expenditure which the provisions relating to the areas referred to in this ~~Title~~ **Chapter** entail for the institutions shall be charged to the Union budget.

22.2 Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the Union's budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 9(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

22.3 A Union budgetary heading shall be created for urgent financing of initiatives in the framework of the common foreign and security policy, in particular preparatory activities for tasks as referred to in by Article 30(1) of Part One of the Constitution. Specific procedures shall be put in place to guarantee rapid access to appropriations entered under this heading and their effective use within the deadlines imposed by the situations concerned.

Preparatory activities for tasks as referred to in Article 30(1) of Part One of the Constitution which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.

The Council shall adopt by ~~a qualified majority~~ unanimity on a proposal from the Minister for Foreign Affairs:

- the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;

–the procedures for administering [and disbursing](#) the fund;

–the financial control procedures.

When it is planning a task as referred to in Article 30(1) of Part One of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the Minister for Foreign Affairs to use the fund. The Minister for Foreign Affairs shall report to the Council on the implementation of the remit.

Explanation (if any) :

22.1: amendment necessary to ensure that this does not apply more widely than to this chapter.

22.3: this brings the procedures into line with the arrangements for launching operations reflected in existing Council Decisions.

AMENDMENT FORM

Suggestion for amendment of Article : 22

By Mr : Joschka Fischer

Status : - Member

Artikel 22: Der Rechnungshof

- (1) Der Rechnungshof nimmt die Rechnungsprüfung wahr.
 - (2) Er prüft die Rechnung über alle Einnahmen und Ausgaben der Union und überzeugt sich von der Wirtschaftlichkeit der Haushaltsführung.
 - (3) Der Rechnungshof besteht aus einem Staatsangehörigen je Mitgliedstaat. Seine Mitglieder üben ihre Aufgaben in voller Unabhängigkeit aus.
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Explanation (if any) :

Anmerkung zu Absatz 3: Um eine effiziente Arbeitsweise des Rechnungshofs auch nach der Erweiterung zu sichern, sollte die Anzahl der Mitglieder verringert werden. Als Modell wäre denkbar:

- **Die Einrichtung eines Lenkungsausschusses, der aus einem Vertreter je Mitgliedstaat besteht;**
- **Sowie einem Vorstand von neun Mitgliedern, die vom Rat auf sechs Jahre aus den Mitgliedstaaten auf Rotationsbasis nach Anhörung des Europäischen Parlaments mit qualifizierter Mehrheit bestimmt werden.**

AMENDMENT FORM

Suggestion for amendment of Article : 22, part II

Suggestion for protocol :

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

Status : Members

1. Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the Union budget.
2. Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the Union's budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 9(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. ~~A Union budgetary heading shall be created for Urgent financing of initiatives in the framework of the common foreign and security policy, in particular preparatory activities for tasks as referred to in by Article 30(1) of Part One of the Constitution shall be charged to the Union's budget for CFSP. Specific procedures shall be put in place to guarantee rapid access to appropriations entered under this heading and their effective use within the deadlines imposed by the situations concerned.~~

Preparatory activities for tasks as referred to in Article 30(1) of Part One of the Constitution

which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions in accordance with the gross national product scale.

The Council shall adopt ~~by a qualified majority~~ unanimously on a proposal from the Minister for Foreign Affairs:

- the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;
- the procedures for administering the fund;
- the financial control procedures.

When it is planning a task as referred to in Article 30(1) of Part One of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the Minister for Foreign Affairs to use the fund. The Minister for Foreign Affairs shall report to the Council on the implementation of the remit.

Explanation (if any) : Details on budgetary headings should not be laid down in the Constitution.

AMENDMENT FORM

Suggestion for amendment of Article : 22

Suggestion for PART TWO – CHAPTER 1: COMMON FOREIGN AND SECURITY

POLICY , C. Financial provisions

By : Mr. John Cushnahan

Status : -Alternate

CHAPTER 1: COMMON FOREIGN AND SECURITY POLICY

C. Financial provisions

Article 22

1. Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the Union budget.
2. Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the Union's budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 9(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. A Union budgetary heading shall be created for urgent financing of initiatives in the framework of the common foreign and security policy, in particular preparatory activities for tasks as referred to in by Article 30(1) of Part One of the Constitution *without prejudice to the role of the European Parliament in budgetary affairs*. Specific procedures shall be put in place to guarantee rapid access to appropriations entered under this heading and their

effective use within the deadlines imposed by the situations concerned.

Preparatory activities for tasks as referred to in Article 30(1) of Part One of the Constitution which are not charged to the Union budget shall be financed by a start-up fund made up of ~~Member States' contributions~~ **the Union budget**.

The Council, **in agreement with the EP**, shall adopt by a qualified majority on a proposal from the Minister for Foreign Affairs:

- the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;
- the procedures for administering the fund;
- the financial control procedures.

When it is planning a task as referred to in Article 30(1) of Part One of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the Minister for Foreign Affairs to use the fund. The Minister for Foreign Affairs shall report to the Council **and to the European Parliament** on the implementation of the remit. *After five years the preparatory fund will become an integral part of the Union's budget.*

Explanation (if any) : As a general rule, all financial implications of the EU external action - including therefore CFSP - should be included in and derive from the Union's budget.

AMENDMENT FORM

Suggestion for amendment of Article : Entwurf der Artikel des Verfassungsvertrags, die das außenpolitische Handeln betreffen

Suggestion for protocol :

By Mr : Joachim Wuermeling

Status : - Alternate

KAPITEL 1: GEMEINSAME AUSSEN- UND SICHERHEITSPOLITIK

C. Finanzbestimmungen

Artikel 22

(1) Die ~~Verwaltungs~~Ausgaben, die den Organen aus den Bestimmungen über die in diesem Kapitel genannten Bereiche entstehen, gehen zu Lasten des Haushalts der Union.

~~(2) Die operativen Ausgaben im Zusammenhang mit der Durchführung dieser Bestimmungen gehen ebenfalls zu Lasten des Haushalts der Union, mit Ausnahme der Ausgaben aufgrund von Maßnahmen mit militärischen oder verteidigungspolitischen Bezügen und von Fällen, in denen der Rat einstimmig etwas anderes beschließt.~~

In Fällen, in denen ~~die Ausgaben nicht zu Lasten des Haushalts der Union gehen~~ nicht alle Mitgliedstaaten beteiligt sind, gehen sie nach dem Bruttosozialprodukt-Schlüssel zu Lasten der Mitgliedstaaten, sofern der Rat nicht einstimmig etwas anderes beschließt. Die Mitgliedstaaten, deren Vertreter im Rat eine förmliche Erklärung nach Artikel 9 Absatz 1 Unterabsatz 2 abgegeben haben, sind nicht verpflichtet, zur Finanzierung von Ausgaben für Maßnahmen mit militärischen oder verteidigungspolitischen Bezügen beizutragen.

Explanation (if any) :

Verbesserung der parlamentarischen Kontrolle des außenpolitischen Handelns.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 22

Déposée par Madame ou Monsieur : **M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier, membre suppléant de la Convention**

Qualité : - Membre - Suppléant

Proposition d'amendement au paragraphe 3 :

3. Une ligne du budget de l'Union destinée au financement d'urgence d'initiatives dans le cadre de la politique étrangère et de sécurité commune et notamment aux activités préparatoires d'une mission visée à l'article **16 bis**~~30~~, paragraphe 1 ~~de la Partie I de la Constitution~~ est créée. Des procédures spécifiques sont mises en place pour garantir l'accès rapide aux crédits inscrits sur cette ligne et leur utilisation effective dans les délais imposés par les situations concernées

Les activités préparatoires des missions visées à l'article **16 bis** ~~30~~, paragraphe 1 ~~de la Partie I de la Constitution~~, qui ne sont pas mises à la charge du budget de l'Union, sont financées par un fonds de lancement, constitué de contributions des États membres.

Le Conseil adopte à la majorité qualifiée sur proposition du Ministre des Affaires étrangères :

- les modalités de l'institution et du financement du fonds, notamment les montants financiers alloués au fonds ainsi que les modalités de son remboursement ;
- les modalités de gestion du fond ;
- les modalités de contrôle financier.

Lorsqu'il envisage une mission visée à l'article **16 bis** ~~30~~ paragraphe 1, ~~de la Partie I de la Constitution~~, qui ne peut être mise à la charge du budget de l'Union, le Conseil autorise le Ministre des Affaires étrangères à utiliser ce fonds. Le Ministre des Affaires étrangères fait rapport au Conseil sur l'exécution de ce mandat.

Explication éventuelle :

Mise en concordance avec les amendements proposés suite à la suppression de l'article 30

FICHE AMENDEMENT

Proposition d'amendement à l'Article 22

Déposée par Monsieur de Villepin

Qualité : - Membre

Article 22

1. Les dépenses administratives entraînées pour les institutions par les dispositions visées au présent chapitre sont à la charge du budget de l'Union.
2. Les dépenses opérationnelles entraînées par la mise en œuvre desdites dispositions sont également à la charge du budget de l'Union, à l'exception des dépenses afférentes à des opérations ayant des implications militaires ou dans le domaine de la défense et des cas où le Conseil en décide autrement à l'unanimité.

Quand une dépense n'est pas mise à la charge du budget de l'Union, elle est à la charge des États membres selon la clé du produit national brut, à moins que le Conseil, statuant à l'unanimité, n'en décide autrement. Pour ce qui est des dépenses afférentes à des opérations ayant des implications militaires ou dans le domaine de la défense, les États membres dont les représentants au Conseil ont fait une déclaration formelle au titre de l'article 9, paragraphe 1, deuxième alinéa, ne sont pas tenus de contribuer à leur financement.

2bis Par dérogation à l'article Y (procédure budgétaire annuelle), le ministre des affaires étrangères élabore le chapitre du projet de budget de l'Union relatif aux dépenses de la PESC, dans le respect du cadre financier pluriannuel. En cas de désaccord entre le Parlement et le Conseil à l'issue de la procédure budgétaire, le montant proposé par le ministre des affaires étrangères pour ces dépenses est inscrit au budget.

2ter Le ministre des affaires étrangères est chargé de l'exécution des dépenses de la PESC.

- 3.** Une ligne du budget de l'Union destinée au financement d'urgence d'initiatives dans le cadre de la politique étrangère et de sécurité commune et notamment aux ~~activités préparatoires d'une~~ missions visées à l'article 30, paragraphe 1 de la Partie I de la Constitution est créée, Des procédures spécifiques sont mises en place pour garantir l'accès rapide aux crédits

inscrits sur cette ligne et leur utilisation effective dans les délais imposés par les situations concernées. **Lorsque le montant de cette ligne s'avère insuffisant en cours d'année, un budget rectificatif est immédiatement proposé par le ministre des affaires étrangères. Dans ce cas, le Parlement européen et le Conseil statuent dans un délai [huit/quinze jours].**

Les ~~activités préparatoires des~~ missions visées à l'article 30, paragraphe 1 de la Partie I de la Constitution, qui ne sont pas mises à la charge du budget de l'Union, sont financées par un fonds ~~de lancement~~, constitué de contributions des États membres **selon la clé PNB.**

Le Conseil adopte à la majorité qualifiée sur proposition du Ministre des Affaires étrangères :

- les modalités de l'institution et du financement du fonds, notamment les montants financiers alloués au fonds ainsi que les modalités de son remboursement ;
- les modalités de gestion du fond ;
- les modalités de contrôle financier.

Lorsqu'il envisage une mission visée à l'article 30 paragraphe 1, de la Partie I de la Constitution, qui ne peut être mise à la charge du budget de l'Union, le Conseil autorise le Ministre des Affaires étrangères à utiliser ce fonds. Le Ministre des Affaires étrangères fait rapport au Conseil sur l'exécution de ce mandat.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 22

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

Status : - Member - ~~Alternate~~

Artikel 22

(1) Die Verwaltungsausgaben, die den Organen aus den Bestimmungen über die in diesem Kapitel genannten Bereiche entstehen, gehen zu Lasten des Haushalts der Union.

(2) Die operativen Ausgaben im Zusammenhang mit der Durchführung dieser Bestimmungen gehen ebenfalls zu Lasten des Haushalts der Union, ~~mit Ausnahme der Ausgaben aufgrund von Maßnahmen mit militärischen oder verteidigungspolitischen Bezügen und von Fällen, in denen der Rat einstimmig etwas anderes beschließt. In Fällen, in denen die Ausgaben nicht zu Lasten des Haushalts der Union gehen, gehen sie nach dem Bruttosozialprodukt-Schlüssel zu Lasten der Mitgliedstaaten, sofern der Rat nicht einstimmig etwas anderes beschließt. Die Mitgliedstaaten, deren Vertreter im Rat eine förmliche Erklärung nach Artikel 9 Absatz 1 Unterabsatz 2 abgegeben haben, sind nicht verpflichtet, zur Finanzierung von Ausgaben für Maßnahmen mit militärischen oder verteidigungspolitischen Bezügen beizutragen.~~

(3) Im Haushaltsplan der Union wird eine Haushaltslinie für die Sofortfinanzierung von Initiativen im Rahmen der Gemeinsamen Außen- und Sicherheitspolitik, insbesondere von Tätigkeiten zur Vorbereitung der in Teil I Artikel 30 Absatz 1 der Verfassung *Artikel 17 dieses Titels* genannten Missionen, eingerichtet. ~~Es werden besondere Verfahren eingeführt, um den~~ *Der Rat und das Europäische Parlament erlassen im Gesetzgebungsverfahren einen Organakt, in dem die Modalitäten für einen* raschen Zugriff auf die unter dieser Haushaltslinie eingesetzten Mittel sowie deren effizienten Einsatz innerhalb der sich aus der jeweiligen Situation ergebenden Fristen ~~sicherzustellen~~ *geregelt werden.*

~~Die Tätigkeiten zur Vorbereitung der in Teil I Artikel 30 Absatz 1 der Verfassung genannten Missionen, die nicht zu Lasten des Haushalts der Union gehen, werden aus einem aus Beiträgen der Mitgliedstaaten gebildeten Anfangsfonds finanziert.~~

~~Der Rat beschließt mit qualifizierter Mehrheit auf Vorschlag des Ministers für auswärtige Angele-~~

genheiten

- ~~— die Modalitäten für die Fondsbildung und -finanzierung, insbesondere die Höhe der Mittelzuweisungen für den Fonds sowie die Nachschussmodalitäten;~~
- ~~— die Modalitäten für die Fondsverwaltung;~~
- ~~— die Modalitäten für die Finanzkontrolle.~~

~~Plant der Rat eine Mission im Sinne von Teil I Artikel 30 Absatz 1 der Verfassung, die nicht aus dem Haushalt der Union finanziert werden kann, so ermächtigt er den Minister für auswärtige Angelegenheiten zur Inanspruchnahme dieses Fonds. Der Minister für auswärtige Angelegenheiten erstattet dem Rat Bericht über die Erfüllung dieses Mandats.~~

Explanation (if any) :

Absatz 2:

Die Finanzierung von Operationen der Union muss vollständig der Kontrolle durch das Europäische Parlament unterliegen (siehe Bericht des EP "über die bei der Durchführung der gemeinsamen Außen- und Sicherheitspolitik erzielten Fortschritte", A5-0296/2002 vom 11.09.2002).

Absatz 3, Unterabsatz 2:

Streichung. Die Finanzierung von Operationen der Union muss vollständig der Kontrolle durch das Europäische Parlament unterliegen. Die Einrichtung eines Sonderfonds außerhalb des Unionshaushalts ist nicht akzeptabel und widerspricht dem Grundsatz parlamentarischer Rechnungslegung und Kontrolle (siehe Bericht des EP "über die bei der Durchführung der gemeinsamen Außen- und Sicherheitspolitik erzielten Fortschritte", A5-0296/2002 vom 11.09.2002).

AMENDMENT FORM

Suggestion for amendment of Article : Article 22

Suggestion for protocol :

By: Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Matti Vanhanen, Riitta Korhonen

**Status : Tiilikainen, Kiljunen, Vanhanen - Members
Peltomäki, Korhonen - Alternates**

Article 22

1. Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the Union budget.
2. Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the Union's budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 9(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. ~~A Union budgetary heading shall be created for urgent financing of initiatives in the framework of the common foreign and security policy, in particular preparatory activities for tasks as referred to in by Article 30(1) of Part One of the Constitution. Specific procedures shall be put in place to guarantee rapid access to appropriations entered under this heading and their effective use within the deadlines imposed by the situations concerned.~~

~~Preparatory activities for tasks as referred to in Article 30(1) of Part One of the Constitution which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.~~

~~The Council shall adopt by a qualified majority on a proposal from the Minister for Foreign Affairs:~~

~~the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;~~

~~the procedures for administering the fund;~~

~~the financial control procedures.~~

~~When it is planning a task as referred to in Article 30(1) of Part One of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the Minister for Foreign Affairs to use the fund. The Minister for Foreign Affairs shall report to the Council on the implementation of the remit.~~

Explanation (if any) :

Explanation 22(3): We propose the deletion of Paragraph 3. The fund would create an exception to the principle of unity of the Union's budget. The respect of the unity is important for the functioning of the financial system and also from the institutional point of view.

General comment: The clarity of the Constitution requires that all the financial and budgetary provisions be treated in a single context under the relevant Title.

FICHE AMENDEMENT

Titre B - Partie II

Proposition d'amendement à l'Article : Artigo 22.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

1. As despesas administrativas em que incorram as instituições por força das disposições referidas no presente Capítulo ficarão a cargo do orçamento da União.

2. As despesas operacionais decorrentes da aplicação das citadas disposições ficarão igualmente a cargo do orçamento da União, com excepção das despesas decorrentes de operações que tenham implicações no domínio militar ou da defesa e nos casos em que o Conselho, deliberando por unanimidade, decida em contrário.

Nos casos em que não sejam imputadas ao orçamento da União, as despesas ficarão a cargo dos Estados-Membros, de acordo com a chave de repartição baseada no produto nacional bruto, salvo decisão em contrário do Conselho, deliberando por unanimidade. No que se refere às despesas decorrentes de operações com implicações no domínio militar ou da defesa, os Estados-Membros cujos representantes no Conselho tenham feito uma declaração formal, nos termos do segundo parágrafo do n.º 1 do artigo 9.º, não serão obrigados a contribuir para o respectivo financiamento.

3. É criada no orçamento da União uma rubrica destinada ao financiamento urgente de iniciativas no âmbito da Política Externa e de Segurança Comum e, nomeadamente, às actividades preparatórias de uma missão referida no n.º 1 do artigo 30.º da Parte I **do presente Tratado**. Serão estabelecidos processos específicos para garantir o rápido acesso às dotações inscritas nessa rubrica e a sua utilização efectiva dentro dos prazos impostos pelas situações em causa.

As actividades preparatórias das missões referidas no n.º 1 do artigo 30.º da Parte I **do presente Tratado** que não sejam imputadas ao orçamento da União serão financiadas por um fundo de arranque, constituído por contribuições dos Estados-Membros.

O Conselho aprovará por maioria qualificada, sob proposta do **Representante Europeu para as Relações Externas**:

- as modalidades de instituição e de financiamento do Fundo, nomeadamente os montantes

financeiros que lhe sejam afectados e as modalidades de reembolso;

- as modalidades de gestão do Fundo;
- as modalidades de controlo financeiro.

Sempre que preveja a realização de uma missão referida no n.º 1 do artigo 30.º da Parte I **do presente Tratado**, que não possa ser imputada ao orçamento da União, o Conselho autorizará o **Representante Europeu para as Relações Externas** a utilizar esse Fundo. O **Representante Europeu para as Relações Externas** apresentará ao Conselho um relatório sobre a execução desse mandato.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 22, Chapter 1,C

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 22 Delete entire section

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment to PART TWO, Title B, Article 22:

By Mr Hannes Farnleitner:

Status : - Member

C. Financial provisions

Article 22

(...)

3. A Union budgetary heading shall be created for urgent financing of initiatives in the framework of the common foreign and security policy, in particular preparatory activities for tasks as referred to in by Article 30(1) of Part One of the Constitution. Specific procedures shall be put in place to guarantee rapid access to appropriations entered under this heading and their effective use within the deadlines imposed by the situations concerned.

~~Preparatory activities for tasks as referred to in Article 30(1) of Part One of the Constitution which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.~~

~~— The Council shall adopt by a qualified majority on a proposal from the Minister for Foreign Affairs:~~

~~— the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;~~

~~— the procedures for administering the fund;~~

~~— the financial control procedures.~~

~~— When it is planning a task as referred to in Article 30(1) of Part One of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the Minister for Foreign Affairs to use the fund. The Minister for Foreign Affairs shall report to the Council on the implementation of the remit.~~

Explanation (if any) :

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 22

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Dimitrij Rupel, Mr Peeter Kreitzberg, Mr Algirdas Gričius, Mr Puiu Hasotti, Mr Jelko Kacin, Mr Zekeriya Akçam and Mr Eugenijus Maldeikis; and Alternate Members: Ms Lone Dybkjaer, Mr Willem Van Eekelen, Lord MacLennan of Rogart, Mr Nesrin Uzun, Mr Marios Matsakis, Mrs Androula Vassiliou, Mr Istvan Szent-Ivanyi, Mr Péter Eckstein-Kovacs, Mr Ibrahim Ozal and Mr Gintautas Sivickas.

Status : Members and alternate members.

C. Financial provisions

Article 22

1. Administrative expenditure which the provisions relating to the areas referred to in this Title entail for the institutions shall be charged to the Union budget.
2. Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the Union's budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 9(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. A Union budgetary heading shall be created for urgent financing of initiatives in the framework of the common foreign and security policy, in particular preparatory activities for tasks as referred to in by Article 30(1) of Part One of the Constitution. Specific procedures shall be put in place to guarantee rapid access to appropriations entered under this heading and their effective use within the deadlines imposed by the situations concerned.

Preparatory activities for tasks as referred to in Article 30(1) of Part One of the Constitution which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.

The Council, *after having consulted the European Parliament*, shall adopt by a qualified majority on a proposal from the *Secretary of the Union*:

- the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;
- the procedures for administering the fund;
- the financial control procedures.

When it is planning a task as referred to in Article 30(1) of Part One of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the *Secretary of the Union* to use the fund. The *Secretary of the Union* shall report to the Council on the implementation of the remit.

The European Parliament, along with national parliaments, shall be kept regularly informed.

Explanation:

The European Parliament should be consulted on the adoption of rules governing the use of this start-up fund.

It should also have, along with national parliament, the right of oversight in the use of the funds.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 22, Partie II, Titre B

Déposée par: M. Ernâni Lopes, Mme. Maria Eduarda Azevedo, M. Manuel Lobo Antunes et M. António Nazaré Pereira

Qualité : - Membres et Suppléants

1. (...)

2. (...)

3. ~~Une ligne du budget de l'Union destinée au financement d'urgence d'initiatives dans le cadre de la politique étrangère et de sécurité commune et notamment aux activités préparatoires d'une mission visée à l'article 30, paragraphe 1 de la Partie 1 de la Constitution est créée. Des procédures spécifiques sont mises en place pour garantir l'accès rapide aux crédits inscrits sur cette ligne et leur utilisation effective dans les délais imposés par les situations concernées.~~

~~Les activités préparatoires des missions visées à l'article 30, paragraphe 1 de la Partie 1 de la Constitution, qui ne sont pas mises à la charge du budget de l'Union, sont financées par un fonds de lancement, constitué de contributions des États membres.~~

~~Le Conseil adopte à la majorité qualifiée sur proposition du Ministre des Affaires étrangères :~~

- ~~— les modalités de l'institution et du financement du fonds, notamment les montants financiers alloués au fonds ainsi que les modalités de son remboursement ;~~
- ~~— les modalités de gestion du fond ;~~
- ~~— les modalités de contrôle financier.~~

~~Lorsqu'il envisage une mission visée à l'article 30, paragraphe 1 de la Partie 1 de la Constitution, qui ne peut être mise à la charge du budget de l'Union, le Conseil autorise le Ministre des affaires à utiliser ce fonds. Le Ministre des Affaires étrangères fait rapport au Conseil sur l'exécution de ce mandat.~~

Explication:

Tout en reconnaissant que les matières versées dans le numéro 3 sont relevantes, nous croyons qu'elles ne doivent pas, d'un point de vue technique, être encadrées dans le contexte constitutionnel. Elles relèvent plus du droit dérivé.

AMENDMENT FORM

Suggestion for amendment to Article III-210:

By Mr Hannes Farnleitner:

Status : - Member

Article III-210

(...)

3. ...

~~Preparatory activities for tasks as referred to in [Article 32(1) of Part One] of the Constitution which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.~~

~~— The Council shall adopt by a qualified majority on a proposal from the Minister for Foreign Affairs:~~

~~(a) the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;~~

~~(b) the procedures for administering the fund;~~

~~(c) the financial control procedures.~~

~~— When it is planning a task as referred to in [Article 32(1) of Part One] of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the Minister for Foreign Affairs to use the fund. The Minister for Foreign Affairs shall report to the Council on the implementation of the remit.~~

Explanation (if any) :

AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION:
Article III-210**

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

Status : - Member - Alternate

On behalf of the EPP Convention Group

Suggestion

Article III-210 (ex Article 22)

1. Administrative expenditure which the provisions referred to in this Chapter entail for the institutions shall be charged to the Union budget.
2. Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise.

In cases where expenditure is not charged to the Union's budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under [Article 9(1), second subparagraph], shall not be obliged to contribute to the financing thereof.

3. A Council Decision shall establish the specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of the common foreign and security policy, and in particular for preparatory activities for tasks as referred to in [Article 32(1) of Part One] of the Constitution.

Preparatory activities for tasks as referred to in [Article 32(1) of Part One] of the Constitution which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.

The Council shall adopt by a qualified majority on a proposal from the Minister for Foreign Affairs:

- (a) the procedures for setting up and financing the fund, in particular the amounts allocated to the fund and the procedures for reimbursement;
- (b) the procedures for administering the fund;
- (c) the financial control procedures.

When it is planning a task as referred to in [Article 32(1) of Part One] of the Constitution which cannot be charged to the Union's budget, the Council shall authorise the Minister for

Foreign Affairs to use the fund. The Minister for Foreign Affairs shall report to the Council on the implementation of the remit. *After five years the preparatory fund will become an integral part of the Union's budget.*

Explanation (if any) :

The provisions on the start-up fund for activities having defence implications are designed to overcome the difficulties among member states in agreeing on the funding of operations. It is therefore an element in the Constitution which should be supported. On the other hand, it is a clear provision for circumventing the rights and the influence of the European Parliament. It is a method of creating a budget and using it for crisis management operations without the ordinary procedures of the Union. A transitory arrangement should be laid down in the Constitution. This would imply an automatism after a period of X years for transferring the defence fund into the EU-budget or alternatively a specific procedure should be foreseen.

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-210

Déposée par Monsieur de Villepin

Qualité : - Membre

1. Les dépenses administratives entraînées pour les institutions par les dispositions visées au présent chapitre sont à la charge du budget de l'Union.
2. Les dépenses opérationnelles entraînées par la mise en œuvre desdites dispositions sont également à la charge du budget de l'Union, à l'exception des dépenses afférentes à des opérations ayant des implications militaires ou dans le domaine de la défense et des cas où le Conseil en décide autrement à l'unanimité.

Quand une dépense n'est pas mise à la charge du budget de l'Union, elle est à la charge des États membres selon la clé du produit national brut, à moins que le Conseil, statuant à l'unanimité, n'en décide autrement. Pour ce qui est des dépenses afférentes à des opérations ayant des implications militaires ou dans le domaine de la défense, les États membres dont les représentants au Conseil ont fait une déclaration formelle au titre de [l'article 9, paragraphe 1, deuxième alinéa], ne sont pas tenus de contribuer à leur financement.

2bis Par dérogation à l'article III-306 (procédure budgétaire annuelle), le ministre des affaires étrangères élabore le chapitre du projet de budget de l'Union relatif aux dépenses de la PESC, dans le respect du cadre financier pluriannuel. En cas de désaccord entre le Parlement et le Conseil à l'issue de la procédure budgétaire, le montant proposé par le ministre des affaires étrangères pour ces dépenses est inscrit au budget.

2ter Par dérogation à l'article III-309, le ministre des affaires étrangères est chargé de l'exécution des dépenses de la PESC.

3. Une décision du Conseil établit les procédures spécifiques pour garantir l'accès rapide aux crédits du budget de l'Union destinés au financement d'urgence d'initiatives dans le cadre de la politique étrangère et de sécurité commune et notamment aux ~~activités préparatoires d'une mission~~s viséess à [l'article 32, paragraphe 1, partie I] de la Constitution.

Lorsque le montant de ces crédits s'avère insuffisant en cours d'année, un budget rectificatif est immédiatement proposé par le ministre des affaires étrangères. Dans ce cas, le Parlement européen et le Conseil statuent dans un délai de quinze jours.

Les ~~activités préparatoires des~~ missions visées à [l'article 32, paragraphe 1 de la Partie I] de la Constitution, qui ne sont pas mises à la charge du budget de l'Union, sont financées par un fonds ~~de lancement~~, constitué de contributions des États membres **selon la clé PNB**.

Le Conseil adopte à la majorité qualifiée sur proposition du Ministre des Affaires étrangères:

- a) les modalités de l'institution et du financement du fonds, notamment les montants financiers alloués au fonds ainsi que les modalités de son remboursement;
- b) les modalités de gestion du fond;
- c) les modalités de contrôle financier.

Lorsqu'il envisage une mission visée à [l'article 32 paragraphe 1], de la Partie I de la Constitution, qui ne peut être mise à la charge du budget de l'Union, le Conseil autorise le Ministre des Affaires étrangères à utiliser ce fonds. Le Ministre des Affaires étrangères fait rapport au Conseil sur l'exécution de ce mandat.

Explication éventuelle :