

AMENDMENT FORM

Suggestion for amendment of Article III-212

By Mr Henning Christophersen

Status : Member

Article III- 212 (ex-133): Trade policy

(...)

2. A European [decision or regulation adopted by the Council](#) ~~law or framework law~~ shall establish the measures required to implement the common commercial policy.

(...)

5. The exercise of the competences conferred by this Article in the field of commercial policy shall not affect the delimitation of internal competences between the Union and the Member States, and shall not lead to harmonisation of legislative or regulatory provisions of Member States insofar as the Constitution excludes such harmonisation. [The negotiation and conclusion of international agreements in the field of transport shall continue to be governed by the provisions of Title III, Chapter III, Section 7 and Article III-222.](#)

Explanation:

The Convention has produced a far-reaching simplification of the present Treaty framework on trade policy, which will contribute significantly to the attainment of the objectives of the Union's external action as well as to the Union's international standing as an effective and progressive force in international trade.

The Constitutional Treaty should, however, repeat the sole provisions of the Nice Treaty codifying the Court's jurisprudence on international agreements in the field of transport, cf. C-22/70 (AETR) and Opinion 1/94 (WTO). According to jurisprudence these agreements are governed by the Treaty's provision on trade policy as well as by the Treaty's general provision on the procedures for the negotiation and conclusion of international agreements.

Furthermore, the present draft very significantly expands the powers of the European Parliament (from none at all to co-decision for internal trade rules and assent for international agreements, cf. Article 222, par. 7). It is considered more appropriate to consult the European Parliament on internal trade rules. In addition, the Commission shall report regularly to the European Parliament on the progress of international negotiations, cf. Article 212, par. 3.