

AMENDMENT FORM

Suggestion for amendment of Article : Article 24

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 24

1. The common commercial policy shall be based on uniform principles, particularly with regard to changes in tariff rates, the conclusion of tariff and trade agreements relating to trade in goods and services and the commercial aspects of intellectual property, *[Delete: foreign direct investment,]* the achievement of uniformity in measures of liberalisation, export policy and measures to protect trade such as those to be taken in the event of dumping or subsidies. The common commercial policy shall be conducted in the context of the principles and objectives of the Union's external action, as set out in Article 1 of this Title.

2. The European Parliament and the Council shall adopt, in accordance with the legislative procedure, the European *[Delete: laws and]* framework laws required to implement the common commercial policy.

3. *[Where agreements with one or more States or international organisations need to be negotiated, the relevant provisions of Article 33 of this Title shall apply.]* **The principle of unanimity shall apply throughout this article.** The Commission shall make recommendations to the Council, which shall authorise the Commission to open the necessary negotiations. The Council and the Commission shall be responsible for ensuring that the agreements negotiated are compatible with internal Union policies and rules.

The Commission shall conduct these negotiations in consultation with a special committee appointed by the Council to assist the Commission in this task and within the framework of such directives as the Council may issue to it. The Commission shall report regularly to the special committee on the progress of negotiations.

4. For the negotiation and conclusion of agreements in the fields of trade in services involving the movement of persons and the commercial aspects of intellectual property, the Council shall act unanimously where such agreements include provisions for which unanimity is required for the adoption of internal rules.

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 *[Delete: insofar as the Constitution excludes such harmonisation.]*

Explanation (if any) : The inclusion of a reference to foreign direct investment in the draft is another example of the secretariat taking a unilateral decision to greatly extend the scope of the article, despite there having been no such recommendation from the working group.

The amendment to remove reference to European Laws is intended to restore democratic accountability. These European Laws are directly binding, on matters essential to the interest of the people, should be subject to national parliamentary control. Consequently, Framework Laws are appropriate to this Chapter.

The removal of the reference to Article 33 provisions is intended to clarify possible ambiguity between any reference to Qualified Majority Voting, and the explanatory notes which identify an intent to retain some unanimity through derogations. The existing provisions as concern intellectual property rights are particularly at risk.