

AMENDMENT FORM

Suggestion for amendment of Article 24

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg and Mr Kenneth Kvist, national parliament representatives.

Status : **- Member: Hjelm-Wallén and Lekberg**
 - Alternate: Petersson and Kvist

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, 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 Commission shall submit proposals to the Council for implementing the common commercial policy.** ~~European Parliament and the Council shall adopt, in accordance with the legislative procedure, the European laws and framework laws required to implement the common commercial policy.¹~~
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 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~~, **foreign direct investment 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. Unanimity will be required for any agreement where the**

¹ Corresponds better to Article 133.2 (TEC).

Union makes commitments in cultural and audiovisual services, social and health services, educational services or services provided by state monopolies to an extent that exceeds the harmonisation in these sectors within the Union.²

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.

² Trade in services and foreign direct investment concern legislation, much of which has not been harmonised within the EU. The same rules should apply for both areas. For some sensitive sectors the voting rules for any internal decision regarding market access and national treatment are not clear. When such lack of clarity exists unanimity should be required for any decision relating to trade in services in those sectors.