

AMENDMENT FORM

Suggestion for amendment of Article 24

By : **TIMOTHY KIRKHOPE MEP**

Status : **MEMBER**

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
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 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. 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	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 <i>Community's</i> 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 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 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

<p>agreements negotiated are compatible with internal Union policies and rules.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>agreements negotiated are compatible with internal <i>Community</i> policies and rules.</p> <p>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.</p> <p>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.</p> <p>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 <u><i>Community</i></u> and the Member States, and shall not lead to harmonisation of legislative or regulatory provisions of Member States insofar as the <u><i>simplifying Treaty</i></u> excludes such harmonisation.</p>
---	--

AMENDMENT FORM

Suggestion for amendment of Article : Chapter 2, Article 24

Suggestion for protocol :

By: Mr John Cushnahan

Status : - Alternate

CHAPTER 2: COMMON COMMERCIAL POLICY

Article 24 - Add New Paragraph 1bis

Ibis. In exercising the powers conferred upon it by this Article, the Council shall act by a qualified majority. The European Parliament's assent shall be required for the conclusion of all significant agreements entered into under the terms of this Article.

Article 24 - Paragraph 3

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 ***after consulting the European Parliament***. The Council and the Commission shall be responsible for ensuring that the agreements negotiated are compatible with internal Union policies and rules.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 24

Suggestion for PART TWO – CHAPTER 2: COMMON COMMERCIAL POLICY

By : Mr. John Cushnahan

Status : -Alternate

CHAPTER 2: COMMON COMMERCIAL POLICY

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. **Genuine substance shall be given to the democracy clauses contained in the Union's association and trade agreements. To this aim, an Interinstitutional Code of Conduct will be drawn up to govern the relations between the Union and the third countries to which the democracy clause is applicable.**
2. The 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.
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 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 insofar as the Constitution excludes such harmonisation.

Explanation (if any) : The proposed Interinstitutional Code of Conduct is aimed to ensure a more coherent and equitable approach in the Union's external action on democratisation and human rights.

Amendment 1

CHAPTER 2: COMMON COMMERCIAL POLICY

Suggestion for amendment of Article : 24 -Add New Paragraph 1 bis

By Mrs: Piia-Noora KAUPPI

Status : Alternate

1bis. In exercising the powers conferred upon it by this Article, the Council shall act by a qualified majority. The European Parliament's assent shall be required for the conclusion of all significant agreements entered into under the terms of this Article.

Amendment 2

CHAPTER 2: COMMON COMMERCIAL POLICY

Suggestion for amendment of Article : 24-Paragraph 3

By Mrs: Piia-Noora KAUPPI

Status : Alternate

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 ***after consulting the European Parliament***. The Council and the Commission shall be responsible for ensuring that the agreements negotiated are compatible with internal Union policies and rules.

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.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 24

Déposée par Monsieur Pierre Lequiller, Président de la Délégation pour l'Union européenne de l'Assemblée nationale française.

Qualité : - Membre titulaire

Compléter le paragraphe 4 par la phrase suivante :

"Pour la négociation et la conclusion d'un accord dans le domaine du commerce des services culturels et audiovisuels, des services d'éducation ainsi que des services sociaux et de santé humaine, le Conseil statue également à l'unanimité".

Explication éventuelle :

Compte tenu de la nature particulière du commerce dans les domaines des services culturels et audiovisuels, des services sociaux d'éducation et de santé humaine, les accords internationaux les concernant doivent continuer à relever de la compétence partagée et de la procédure de l'unanimité.

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 2: GEMEINSAME HANDELSPOLITIK

Artikel 24

(3) Sind mit einem oder mehreren Staaten oder internationalen Organisationen Abkommen auszuhandeln, so finden die einschlägigen Bestimmungen des Artikels 33 dieses Titels Anwendung. Die Kommission legt dem Rat und dem Europäischen Parlament Empfehlungen vor; ~~dieser der Rat~~ ermächtigt die Kommission nach Zustimmung des Europäischen Parlaments zur Aufnahme der erforderlichen Verhandlungen. Es ist Sache des Rates und der Kommission, dafür zu sorgen, dass die ausgehandelten Abkommen mit den internen Politiken und Vorschriften der Union vereinbar sind.

Die Kommission führt diese Verhandlungen im Benehmen mit einem zu ihrer Unterstützung vom Rat bestellten besonderen Ausschuss nach Maßgabe der Richtlinien, die ihr der Rat erteilen kann. Die Kommission erstattet dem besonderen Ausschuss regelmäßig Bericht über den Stand der Verhandlungen.

Explanation (if any) :

Verbesserung der parlamentarischen Kontrolle des außenpolitischen Handelns.

AMENDMENT FORM

Suggestion for amendment of Article : 24 (PART TWO – TITLE B)

Suggestion for protocol :

By Mr : Ingvar SVENSSON

Status : - 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, 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 **and contribute to the aims of sustainable development and poverty eradication.**
2. The 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.
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.
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.

AMENDMENT FORM

Suggestion for amendment of Article: 24 (Part Two, CFSP)

By Mr: Erwin Teufel

Status: Member

Text of the Praesidium

- (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.

Proposed Amendment

- (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.
- (4a) As far as agreements relating to trade in cultural and audiovisual services, educational services, and social and human health services are concerned, the Council shall act unanimously. These agreements shall be concluded jointly by the Union and the Member States.**
-

Explanation:

Paragraph 1

The competence for provisions on the admission and protection of investments should remain with the Member States.

Paragraph 4a (new)

The area of cultural and audiovisual services as well as educational services is closely connected with Member States' national identity. Consequently unanimity within the Council as well as the joint conclusion of agreements together with the Member States are appropriate ('exception culturelle').

The latter is also true for the other areas mentioned in current Article 133 Paragraph 6 Subparagraph 2 TEC because of the very limited competences conferred to the Community in these areas.

FICHE AMENDEMENT

Proposition d'amendement à l'Article:

24 (Partie II, PESC)

Déposée par Monsieur:

Erwin Teufel

Qualité:

Membre

Texte du Praesidium

- (1) Die gemeinsame Handelspolitik wird nach einheitlichen Grundsätzen gestaltet; dies gilt insbesondere für die Änderung von Zollsätzen, den Abschluss von Zoll- und Handelsabkommen betreffend den Handel mit Waren und Dienstleistungen sowie die Handelsaspekte des geistigen Eigentums, die ausländischen Direktinvestitionen, die Vereinheitlichung der Liberalisierungsmaßnahmen, die Ausfuhrpolitik und die handelspolitischen Schutzmaßnahmen, zum Beispiel im Fall von Dumping und Subventionen. Die gemeinsame Handelspolitik wird im Rahmen der Grundsätze und Ziele des außenpolitischen Handelns der Union im Sinne des Artikels 1 dieses Titels gestaltet.

Amendement proposé

- (1) Die gemeinsame Handelspolitik wird nach einheitlichen Grundsätzen gestaltet; dies gilt insbesondere für die Änderung von Zollsätzen, den Abschluss von Zoll- und Handelsabkommen betreffend den Handel mit Waren und Dienstleistungen sowie die Handelsaspekte des geistigen Eigentums, ~~die ausländischen Direktinvestitionen~~, die Vereinheitlichung der Liberalisierungsmaßnahmen, die Ausfuhrpolitik und die handelspolitischen Schutzmaßnahmen, zum Beispiel im Fall von Dumping und Subventionen. Die gemeinsame Handelspolitik wird im Rahmen der Grundsätze und Ziele des außenpolitischen Handelns der Union im Sinne des Artikels 1 dieses Titels gestaltet.

- (4a) **In Bezug auf die Aushandlung und den Abschluss von Abkommen im Bereich des Verkehrs mit bildungsbezogenen, kulturellen und audiovisuellen Dienstleistungen sowie in den Bereichen Soziales und Gesundheitswesen beschließt der Rat einstimmig. Die Abkommen werden gemeinsam von der Union und den Mitgliedstaaten geschlossen.**

Begründung:

Abs. 1

Die Zuständigkeit für Regelungen zur Zulassung und zum Schutz von Investitionen sollte weiterhin bei den Mitgliedstaaten liegen.

Abs. 4a (neu)

Der Bereich der bildungsbezogenen, kulturellen und audiovisuellen Dienstleistungen steht in besonders enger Verbindung mit der nationalen Identität der Mitgliedstaaten. Daher ist die einstimmige Beschlussfassung im Rat und der Abschluss der Abkommen gemeinsam mit den Mitgliedstaaten angebracht ("Exception culturelle").

Letzteres gilt auch für die anderen im derzeit gültigen Artikel 133 Absatz 6 Unterabsatz 2 EG-Vertrag genannten Bereiche, weil die Gemeinschaft hier nur sehr eingeschränkte Zuständigkeiten besitzt.

AMENDMENT FORM

Suggestion for amendment of Article: 23 (Part Two, CFSP)

By Mr: Erwin Teufel

Status: Member

Text of the Praesidium

By establishing a customs union between themselves Member States aim to contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and to foreign direct investment, and the lowering of customs barriers.

Proposed Amendment

By establishing a customs union between themselves Member States aim to contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade ~~and to foreign direct investment~~, and the lowering of customs barriers.

Explanation:

The competence for provisions on the admission and protection of investments should remain with the Member States.

FICHE AMENDEMENT

Proposition d'amendement à l'Article:	23
Déposée par Monsieur:	Erwin Teufel
Qualité:	Membre

Texte du Praesidium

Amendement proposé

Artikel 23: Die beratenden Einrichtungen der Union

- (1) Das Europäische Parlament, der Minister-rat und die Kommission werden von einem Ausschuss der Regionen sowie einem Wirtschafts- und Sozialausschuss mit be-ratender Aufgabe unterstützt.
- (3) Der Wirtschafts- und Sozialausschuss be-steht aus Vertretern der Organisationen der Arbeitgeber, der Arbeitnehmer und weite-rer Akteure der repräsentativen Zivilgesell-schaft, wobei die Schwerpunkte in den Be-reichen Wirtschaft und Soziales, staatsbür-gerliches Engagement, Beruf und Kultur liegen.
- (4) Die Mitglieder des Ausschusses der Regi-onen und des Wirtschafts- und Sozialaus-schusses sind an keine Weisungen gebun-den. Sie üben ihre Tätigkeit in voller Un-abhängigkeit zum allgemeinen Wohl der Union aus.
- (5) Die Bestimmungen über die Zusammen-setzung dieser Ausschüsse, die Ernennung

Artikel 23: Der Ausschuss der Regionen

- (1) Das Europäische Parlament, der Minister-rat und die Kommission werden von einem Ausschuss der Regionen ~~sowie einem Wirtschafts- und Sozialausschuss mit be-ratender Aufgabe~~ unterstützt.
- (3) ~~Der Wirtschafts- und Sozialausschuss be-steht aus Vertretern der Organisationen der Arbeitgeber, der Arbeitnehmer und weite-rer Akteure der repräsentativen Zivilgesell-schaft, wobei die Schwerpunkte in den Be-reichen Wirtschaft und Soziales, staatsbür-gerliches Engagement, Beruf und Kultur liegen.~~
- (4) Die Mitglieder des Ausschusses der Regi-onen ~~und des Wirtschafts- und Sozialaus-schusses~~ sind an keine Weisungen gebun-den. Sie üben ihre Tätigkeit in voller Un-abhängigkeit zum allgemeinen Wohl der Union aus.
- (5) Die Bestimmungen über die Zusammen-setzung **des Ausschusses der Regionen,**

ihrer Mitglieder, ihre Befugnisse und ihre Arbeitsweise sind in den Artikeln XY des Teils II der Verfassung festgelegt. Die Bestimmungen über die Zusammensetzung werden in regelmäßigen Abständen vom Rat auf Vorschlag der Kommission überprüft, um der wirtschaftlichen, sozialen und demografischen Entwicklung in der Union Rechnung zu tragen.

die Ernennung **seiner** Mitglieder, **seine** Befugnisse und **seine** Arbeitsweise sind in den Artikeln XY des Teils II der Verfassung festgelegt. ~~Die Bestimmungen über die Zusammensetzung werden in regelmäßigen Abständen vom Rat auf Vorschlag der Kommission überprüft, um der wirtschaftlichen, sozialen und demografischen Entwicklung in der Union Rechnung zu tragen.~~

Begründung:

allgemein:

Entsprechend dem Organstatus des Ausschusses der Regionen (Artikel 14) muss diesem ein eigener Artikel gewidmet sein.

Abs. 1

Aus dem Organstatus folgt auch, dass der Ausschuss der Regionen nicht auf eine rein beratende Aufgabe beschränkt sein kann, z.B. hat er auch ein Klagerecht.

Abs. 5

Der Stellung des Ausschusses der Regionen widerspräche es schließlich, wenn Kommission und Rat in eigener Verantwortung seine Zusammensetzung ändern könnten.

AMENDMENT FORM

Suggestion for amendment of Article: 24, paragraph 5, Part II – Title B

By Mr: Henning Christophersen, Poul Schlüter, Henrik Dam Kristensen and Niels Helveg Petersen.

Status: Members and alternate members.

(...)

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 V and Article 300].**
-

Explanation:

The proposed amendment repeats the wording of the Nice-treaty, which is itself a reflection of the jurisprudence of the Court, cf. C-22/70 (AETR), para. 24-27 and Opinion 1/94 (WTO), para.48-53. The reference in the brackets should be replaced by the corresponding paragraphs in the Constitutional Treaty.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 24

Proposition d'amendement au protocole:

Déposée par Madame ou Monsieur : Gianfranco FINI – Francesco SPERONI

Qualité : - Membre - Suppléant

Articolo 24

1. La politica commerciale comune è fondata su principi uniformi, specialmente per quanto concerne le modificazioni tariffarie, la conclusione di accordi tariffari e commerciali relativi agli scambi di merci e servizi, gli aspetti commerciali della proprietà intellettuale, gli investimenti esteri diretti, l'uniformazione delle misure di liberalizzazione, la politica di esportazione, nonché le misure di difesa commerciale, tra cui quelle da adottarsi in casi di dumping, e di sovvenzioni **e di violazione delle norme minime a tutela dei lavoratori e dell'ambiente**. La politica commerciale comune è condotta nel quadro dei principi e obiettivi dell'azione esterna dell'Unione, enunciati all'articolo 1 del presente titolo.

2. Il Parlamento europeo e Consiglio adottano, secondo la procedura legislativa, le leggi europee e le leggi quadro europee necessarie per l'attuazione della politica commerciale comune.

3. Qualora si debbano negoziare accordi con uno o più Stati o organizzazioni internazionali, si applicano le pertinenti disposizioni dell'articolo 33 del presente titolo. La Commissione presenta raccomandazioni al Consiglio, che l'autorizza ad aprire i negoziati necessari. Spetta al Consiglio e alla Commissione adoperarsi affinché gli accordi negoziati siano compatibili con le politiche e norme interne dell'Unione.

Tali negoziati sono condotti dalla Commissione in consultazione con un comitato speciale designato dal Consiglio per assisterla in questo compito e nel quadro delle direttive che il Consiglio può impartirle. La Commissione riferisce periodicamente al comitato speciale sui progressi dei negoziati.

4. Per la negoziazione e la conclusione di un accordi nel settore degli scambi di servizi che

comportano spostamenti delle persone e in quello degli aspetti commerciali della proprietà intellettuale, il Consiglio delibera all'unanimità qualora tale accordo contenga disposizioni per le quali è richiesta l'unanimità per l'adozione di norme interne.

5. L'esercizio delle competenze conferite dal presente articolo nel settore della politica commerciale non pregiudica la ripartizione delle competenze tra l'Unione e gli Stati membri, e non comporta un'armonizzazione delle disposizioni legislative e regolamentari degli Stati membri in quanto la Costituzione esclude una siffatta armonizzazione.

Explication éventuelle :

FICHE AMENDEMENT

**Proposition d'amendement à l'Article 23- Partie II - Les politiques et la mise en oeuvre
des actions de l'Union
Partie B. L'action extérieure de l'Union
Chapitre 2. La politique commerciale commune**

Déposée par Monsieur William ABITBOL

Qualité : - Suppléant

La politique commerciale commune

[Conv 685/03]

Article 23

En établissant une union douanière entre eux, les États membres entendent contribuer, conformément à l'intérêt commun, au développement harmonieux du commerce mondial, à la suppression progressive des restrictions aux échanges internationaux ~~et aux investissements étrangers directs~~, et à la réduction des barrières douanières ~~et autres~~.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 24- Partie II - Les politiques et la mise en oeuvre des actions de l'Union
Partie B. L'action extérieure de l'Union
Chapitre 2. La politique commerciale commune

Déposée par Monsieur William ABITBOL

Qualité : - Suppléant

La politique commerciale commune

[Conv 685/03]

Article 24

1. La politique commerciale commune est fondée sur des principes uniformes, notamment en ce qui concerne les modifications tarifaires, la conclusion d'accords tarifaires et commerciaux relatifs aux échanges de marchandises et services, ~~et les aspects commerciaux de la propriété intellectuelle, les investissements étrangers directs~~, l'uniformisation des mesures de libération, la politique d'exportation, ainsi que les mesures de défense commerciale, dont celles à prendre en cas de dumping et de subventions. La politique commerciale commune est menée dans le cadre des principes et objectifs de l'action extérieure de l'Union, tels qu'énoncés dans l'article 1 du présent Titre.

Ajouter : Les biens culturels, la propriété intellectuelle et les investissements étrangers directs ne font pas partie de la politique commerciale commune de l'Union et restent dans le domaine de la libre coopération entre Etats-membres.

2. Le Parlement européen et le Conseil adoptent, conformément à la procédure législative, les lois européennes et les lois-cadres européennes nécessaires pour la mise en œuvre de la politique commerciale commune.
3. Si des accords avec un ou plusieurs États ou organisations internationales doivent être négociés, les dispositions pertinentes de l'article 33 du présent Titre sont applicables. La Commission présente des recommandations au Conseil, qui l'autorise à ouvrir les négociations nécessaires. Il appartient au Conseil et à la Commission de veiller à ce que les accords négociés soient compatibles avec les politiques et règles internes de l'Union.

Ces négociations sont conduites par la Commission, en consultation avec un comité spécial désigné par le Conseil pour l'assister dans cette tâche, et dans le cadre des directives que le Conseil peut lui adresser. La Commission fait régulièrement rapport au comité spécial sur l'état d'avancement des négociations.

4. Pour la négociation et la conclusion d'un accord dans les domaines du commerce des services impliquant des déplacements des personnes et des aspects commerciaux de la propriété intellectuelle, le Conseil statue à l'unanimité lorsque cet accord comprend des dispositions pour lesquelles l'unanimité est requise pour l'adoption de règles internes.

5. L'exercice des compétences attribuées par le présent article dans le domaine de la politique commerciale n'affecte pas la délimitation des compétences entre l'Union et les États membres, et n'entraîne pas une harmonisation des dispositions législatives ou réglementaires des États membres dans la mesure où la Constitution exclut une telle harmonisation.

AMENDMENT FORM

Suggestion for amendment of PART TWO – CHAPTER 2: COMMON COMMERCIAL POLICY, Article 24

By: Ms. GIANNAKOU Marietta

Status : - Member

CHAPTER 2: COMMON COMMERCIAL POLICY

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 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.
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 *European Parliament and the* Council, which shall authorise the Commission to open the necessary negotiations. ~~The Council and the Commission~~ *institutions* 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 *European Parliament and 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 insofar as the Constitution excludes such harmonisation.
-

Explanation (if any) :

AMENDMENT FORM

Title B

Suggestion for amendment of Article : 23

By Members: Voggenhuber, Wagener,

Status : Members and alternate members.

Article 23

By establishing a customs union between themselves Member States aim to contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade ~~and to foreign direct investment~~, and the lowering of customs barriers.

Explanation:

AMENDMENT FORM

Title B

Suggestion for amendment of Article : 24

By Members: Voggenhuber, Lichtenberger, Wagener, Nagy

Status : Members and alternate members.

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 ~~external action, as set out in Article 1 of this Title.~~
and contribute to the primary aims of sustainable development and poverty eradication.

2. The 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.

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 **and the European Parliament, who** ~~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 **and the European Parliament** may issue to it. The Commission shall report regularly to the special committee **and to the European Parliament** 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.~~ **The negotiation and agreement on cultural and audio-visual services, educational services, social and human health services, shall require common accord of the Member States in addition to a Community decision. Such agreement shall be conducted jointly by the Community and the Member States.**

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.

Explanation:

AMENDMENT FORM

Suggestion for amendment of Article 23

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

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

Article 23

By establishing a customs union between themselves Member States aim to contribute, in the common interest, **to increasing the Union's economic competitiveness¹**, to the harmonious development of world trade, the ~~progressive²~~ abolition of restrictions on international trade, **including the elimination of customs barriers**, and to foreign direct investment, ~~and the lowering of customs barriers.~~³

¹ Abolition of restrictions on international trade would increase the competitiveness of the EU. Competitiveness is a key objective of the Lisbon process.

² Unnecessary

³ Unnecessary, see suggested redistribution of the text

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.

AMENDMENT FORM

Suggestion for amendment of Article: 24

By the Earl of Stockton MEP

Status : - 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, 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 laws and recommendations 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 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 insofar as the Constitution excludes such harmonisation.

Explanation (if any):

There was no such recommendation for the inclusion of foreign direct investment from the working group.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 24

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: Mr Willem Van Eekelen, 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.

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 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.

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, *after having consulted the European Parliament*, 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. *Delete*

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.

Explanation:

The role of the European Parliament must be clearly stated and it should be consulted before any negotiations begin.

In article 4 we remove the exception to the QMV norm, as there is no substantive justification for this, and precious little support in the Convention..

FICHE AMENDEMENT

Proposition d'amendement à l'Article 24, partie II – titre B - de la Constitution:

L'ACTION EXTERIEURE DE L'UNION

Déposée par Mme Linda McAVAN, Mme Anne VAN LANCKER, M. Olivier DUHAMEL, M. Luis MARINHO, Mme Pervenche BERÈS, Mme Maria BERGER, Mme Elena PACIOTTI, Mme Helle THORNING-SCHMIDT, M. Jürgen MEYER

Qualité: - Membres et Suppléants

CHAPTER 2 : COMMON COMMERCIAL POLICY

ARTICLE 24

New art. 24 1bis In exercising the powers conferred upon it by this article, the Council shall act by a qualified majority. The European Parliament's assent shall be required for the conclusion of all significant agreements entered into under the terms of this article.

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, **after consulting the European Parliament**. The Council and the Commission shall be responsible for ensuring that the agreements negotiated are compatible with internal Union policies and rules.

Explication éventuelle:

AMENDMENT FORM

Suggestion for amendment of Article : 24, Part II

By Ms / Mr : Jan Kohout

Status : - Member

24.4

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 **by qualified majority**.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article: 23 (part II/external action)

By Mr Lennmarker

Status : - Member

Article 23:

By establishing a customs union between themselves Member States aim to contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and to foreign direct investment, and the lowering of customs barriers.

The customs union shall cover all trade in goods and services and shall involve the prohibition of customs duties on imports and exports to and from the Union and of all charges having equivalent effect.¹

¹ This text transforms to our relations to third countries the commitment that we made at Rome, 1958, to ourselves. It is therefore based on Article 23 of the EC Treaty. If it is considered too radical, it might be combined with a timeframe for the implementation.

AMENDMENT FORM

Suggestion for amendment of Article: 24 (part II/external action)

By Mr Lennmarker

Status : - Member

Article 24:

~~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.¹~~

¹ This paragraph should be deleted. The proposal from Working Group VII, to provide for qualified majority in the Council for all matters of trade, should be implemented.

AMENDMENT FORM

Suggestion for amendment of Article : 23, Chapter 2

Suggestion for protocol :

By Mr : John Gormley

Status : Alternate

Article 23 After 'harmonious' insert **"and sustainable"**
Delete all words after 'development of world trade'

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 23 (Chapitre 2, Titre B, Partie II)

Déposée par Madame Palacio

Qualité : - Membre - Suppléant

Article 23

En établissant une union douanière entre eux, les États membres entendent contribuer, conformément à l'intérêt commun, au développement harmonieux du commerce mondial, à la suppression progressive des restrictions aux échanges internationaux ~~et aux investissements étrangers directs~~, et à la réduction des barrières douanières et autres.

Explication éventuelle :

Il est souhaitable garder la situation établie à Nice: la compétence pour la négociation d'accords portant sur la promotion et la protection réciproque d'investissements appartient aux États membres.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 24.1 (Chapitre 2, Titre B, Partie II)

Déposée par Madame Palacio

Qualité : - Membre - Suppléant

Article 24

1. La politique commerciale commune est fondée sur des principes uniformes, notamment en ce qui concerne les modifications tarifaires, la conclusion d'accords tarifaires et commerciaux relatifs aux échanges de marchandises et services, et les aspects commerciaux de la propriété intellectuelle, ~~les investissements étrangers directs~~, l'uniformisation des mesures de libération, la politique d'exportation, ainsi que les mesures de défense commerciale, dont celles à prendre en cas de dumping et de subventions. La politique commerciale commune est menée dans le cadre des principes et objectifs de l'action extérieure de l'Union, tels qu'énoncés dans l'article 1 du présent Titre.

Explication éventuelle :

Pour cohérence avec la amendement proposé a l'article 23.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 24.4 (Chapitre 2, Titre B, Partie II)

Déposée par Madame Palacio

Qualité : - Membre - Suppléant

Article 24

4. Pour la négociation et la conclusion d'un accord ~~dans les domaines du commerce des services impliquant des déplacements des personnes et des aspects commerciaux de la propriété intellectuelle~~, le Conseil statue à l'unanimité lorsque cet accord comprend des dispositions pour lesquelles l'unanimité est requise pour l'adoption de règles internes.

Explication éventuelle :

Il faut souhaitable d'établir un parallélisme entre les règles de vote requises au Conseil pour l'adoption des règles internes et des accords internationaux.

AMENDMENT FORM

Suggestion for amendment of Article : Article 24

Suggestion for protocol :

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

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

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 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.~~
2. In exercising the competences conferred upon it by this Article, the Council, on a proposal from the Commission, shall adopt by a qualified majority the regulations required to implement the common commercial policy. It shall act after consulting the European Parliament.
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.
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.

Explanation (if any) :

Explanation 24(2): If the powers of the European Parliament in the Common Commercial Policy were extended, this should be done by widening the use of consultation procedure. The use of legislative procedure would diminish the efficiency of decision-making keeping in mind the Union's enlargement and already existing restraints.

Comment: It could be useful to examine whether maintaining the specific provisions of the Treaty of Nice relating to transport services is necessary.

AMENDMENT FORM

Suggestion for amendment of Article : 23

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

Status : - Member -~~Alternate~~

Artikel 23

Durch die Schaffung einer Zollunion beabsichtigen die Mitgliedstaaten, im gemeinsamen Interesse ~~zur~~ *einer* harmonischen Entwicklung des Welthandels, zur schrittweisen Beseitigung der Beschränkungen im internationalen Handelsverkehr und der ausländischen Direktinvestitionen sowie zum Abbau der Zoll- und anderer Schranken beizutragen.

Explanation (if any) :

Durch die Änderung soll sichergestellt werden, dass Liberalisierungen im internationalen Handel und Kapitalverkehr dem Ziel der harmonischen Entwicklung des Welthandels untergeordnet sind und kein hiervon losgelöstes, selbständiges Ziel darstellen. Beiträge der Union zur Liberalisierung des internationalen Handels und Kapitalverkehrs sollen nur zulässig sein, wenn sie dem Interesse einer harmonischen Entwicklung des Welthandels dienen.

AMENDMENT FORM

Suggestion for amendment of Article : 24

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

Status : - Member - ~~Alternate~~

Artikel 24

(1) Die gemeinsame Handelspolitik wird nach einheitlichen Grundsätzen gestaltet; ~~dies gilt insbesondere für die Änderung von Zollsätzen, den Abschluss von Zoll- und Handelsabkommen betreffend den Handel mit Waren und Dienstleistungen sowie die Handelsaspekte des geistigen Eigentums, die ausländischen Direktinvestitionen, die Vereinheitlichung der Liberalisierungsmaßnahmen, die Ausfuhrpolitik und die handelspolitischen Schutzmaßnahmen, zum Beispiel im Fall von Dumping und Subventionen. Die gemeinsame Handelspolitik wird im Rahmen der Grundsätze und Ziele des außenpolitischen Handelns der Union im Sinne des Artikels 1 dieses Titels gestaltet.~~

(2) Das Europäische Parlament und der Rat nehmen nach dem Gesetzgebungsverfahren alle für die Umsetzung der gemeinsamen Handelspolitik erforderlichen europäischen Gesetze oder europäischen Rahmengesetze an.

(3) Sind mit einem oder mehreren Staaten oder internationalen Organisationen Abkommen auszuhandeln, so finden die einschlägigen Bestimmungen des Artikels 33 dieses Titels Anwendung. Die Kommission legt dem Rat Empfehlungen vor; dieser ermächtigt **nach Zustimmung des Europäischen Parlaments** die Kommission zur Aufnahme der erforderlichen Verhandlungen. Es ist Sache des Rates und der Kommission, dafür zu sorgen, dass die ausgehandelten Abkommen mit den internen Politiken und Vorschriften der Union vereinbar sind.

Die Kommission führt diese Verhandlungen im Benehmen mit einem zu ihrer Unterstützung vom Rat bestellten besonderen Ausschuss nach Maßgabe der Richtlinien, die ihr der Rat **in dem Beschluss über die Ermächtigung zur Aufnahme von Verhandlungen** erteilen kann. Die Kommission erstattet **dem Rat, dem Europäischen Parlament und** dem besonderen Ausschuss regelmäßig Bericht über den Stand der Verhandlungen.

(4) ~~In Bezug auf die Aushandlung und den Abschluss eines Abkommens im Bereich des Dienstleistungsverkehrs, das einen Grenzübergang von Personen nach sich zieht und Handelsaspekte des~~

~~geistigen Eigentums berührt, beschließt der Rat einstimmig, wenn das Abkommen Bestimmungen enthält, die für die Annahme interner Vorschriften Einstimmigkeit erfordern.~~

Für die Verhandlung und den Abschluß von Abkommen im Bereich des Handels mit kulturellen und audiovisuellen Dienstleistungen, Dienstleistungen im Bereich Bildung sowie in den Bereichen Soziales und Gesundheitswesen beschließt der Rat einstimmig. Zur Aushandlung solcher Abkommen ist zudem die einvernehmliche Zustimmung der Mitgliedstaaten erforderlich. Die so ausgehandelten Abkommen werden gemeinsam von der Union und den Mitgliedstaaten geschlossen.

(5) Die Ausübung der in diesem Artikel übertragenen handelspolitischen Befugnisse hat keine Auswirkungen auf die Verteilung der internen Zuständigkeiten zwischen der Union und den Mitgliedstaaten und führt nicht zu einer Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten, soweit eine solche Harmonisierung in der Verfassung ausgeschlossen wird.

Explanation (if any) :

Absatz 1:

Die Aufzählung der Beispiele in Satz 1 ist entbehrlich. Der Regelungsinhalt des Satzes 2 ergibt sich bereits aus der Systematik des Titels "Außenpolitisches Handeln der Union".

Absatz 4:

Neufassung. Der Präsidiumsvorschlag entspricht dem Wortlaut von Artikel 133 Absatz 6 EG-Vertrag in der Fassung des Nizza-Vertrages. Wenn ein Abkommen Bestimmungen enthält, die für die Annahme interner Vorschriften Einstimmigkeit erfordern, so ergibt sich das Erfordernis einstimmiger Ratsbeschlüsse bei der Aushandlung und dem Abschluß des Abkommens bereits aus Art. 33 Absatz 9 des Präsidiumsentwurfs.

Statt dessen sollte meines Erachtens die Regelung des Artikel 133 Absatz 6 Unterabsatz 2 EG-Vertrag in der Fassung des Nizza-Vertrages erhalten bleiben.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 23

Déposée par Monsieur de Villepin

Qualité : - Membre

Article 23

En établissant une union douanière entre eux, les États membres entendent contribuer, conformément à l'intérêt commun, au développement harmonieux du commerce mondial, à la suppression progressive des restrictions aux échanges internationaux ~~et aux investissements étrangers directs~~, et à la réduction des barrières douanières et autres.

Explication éventuelle :

Seuls les investissements liés au commerce relèvent de la politique commerciale commune. Les investissements étrangers directs relèvent de la liberté de circulation des capitaux qui est une compétence partagée.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 24

Déposée par Monsieur de Villepin

Qualité : - Membre

Article 24

1. La politique commerciale commune est fondée sur des principes uniformes, notamment en ce qui concerne les modifications tarifaires, la conclusion d'accords tarifaires et commerciaux relatifs aux échanges de marchandises et services, et les aspects commerciaux de la propriété intellectuelle, ~~les investissements étrangers directs~~, l'uniformisation des mesures de libération, la politique d'exportation, ainsi que les mesures de défense commerciale, dont celles à prendre en cas de dumping et de subventions. La politique commerciale commune est menée dans le cadre des principes et objectifs de l'action extérieure de l'Union, tels qu'énoncés dans l'article 1 du présent Titre.
2. Le Parlement européen et le Conseil adoptent, conformément à la procédure législative, les lois européennes et les lois-cadres européennes nécessaires pour la mise en œuvre de la politique commerciale commune. Conformément à l'article 28 de la première partie, ces lois européennes et ces loi-cadres européennes peuvent confier au Conseil ou à la Commission les compétences d'exécution.
3. Si des accords avec un ou plusieurs États ou organisations internationales doivent être négociés, les dispositions pertinentes de l'article 33 du présent Titre sont applicables. La Commission présente des recommandations au Conseil, qui l'autorise à ouvrir les négociations nécessaires. Il appartient au Conseil et à la Commission de veiller à ce que les accords négociés soient compatibles avec les politiques et règles internes de l'Union.

Ces négociations sont conduites par la Commission, en consultation avec un comité spécial désigné par le Conseil pour l'assister dans cette tâche, et dans le cadre des directives que le Conseil peut lui adresser. La Commission fait régulièrement rapport au comité spécial sur l'état d'avancement des négociations.
4. ~~Pour la négociation et la conclusion d'un accord dans les domaines du commerce des services~~

~~impliquant des déplacements des personnes et des aspects commerciaux de la propriété intellectuelle, le Conseil statue à l'unanimité lorsque cet accord comprend des dispositions pour lesquelles l'unanimité est requise pour l'adoption de règles internes.~~ **Le Conseil statue à l'unanimité pour la négociation et la conclusion d'un accord lorsque cet accord comprend des dispositions pour lesquelles l'unanimité est requise pour l'adoption de règles internes, ou lorsqu'un tel accord porte sur un domaine dans lequel la Communauté n'a pas encore exercé, en adoptant des règles internes, ses compétences en vertu du présent traité. Le Conseil statue également à l'unanimité pour la négociation et la conclusion d'un accord de nature horizontale.**

Le présent paragraphe ne porte pas atteinte au droit des États membres de maintenir et de conclure des accords avec des pays tiers ou des organisations internationales, pour autant que lesdits accords respectent le droit communautaire et les autres accords internationaux pertinents.

5. — ~~L'exercice des compétences attribuées par le présent article dans le domaine de la politique commerciale n'affecte pas la délimitation des compétences entre l'Union et les États membres, et n'entraîne pas une harmonisation des dispositions législatives ou réglementaires des États membres dans la mesure où la Constitution exclut une telle harmonisation.~~

Un accord ne peut être conclu par le Conseil s'il comprend des dispositions qui excéderaient les compétences internes de la Communauté, notamment en entraînant une harmonisation des dispositions législatives ou réglementaires des États membres dans un domaine où le présent traité exclut une telle harmonisation.

Les accords dans le domaine du commerce des services culturels et audiovisuels, des services d'éducation, ainsi que des services sociaux et de santé humaine relèvent de la compétence partagée entre la Communauté et ses États membres. Dès lors, leur négociation requiert, outre une décision communautaire prise conformément aux dispositions pertinentes de l'article 33, le commun accord des États membres. Les accords ainsi négociés sont conclus conjointement par la Communauté et par les États membres.

La négociation et la conclusion d'accords internationaux dans le domaine des transports restent soumises aux dispositions du titre XX (transports) et de l'article 33.

Explication éventuelle :

En matière commerciale, le Conseil adopte en particulier un certain nombre de mesures de mise en œuvre des instruments de défense commerciale (par exemple des règlements anti-dumping ou des mesures de sauvegarde telles que les quotas à l'importation) : il convient de maintenir à son profit cette compétence d'exécution, ce qui justifie l'ajout au paragraphe 2.

Le paragraphe 5 premier alinéa énonce un principe de bon sens selon lequel l'Union ne saurait disposer de compétences d'harmonisation plus vastes dans la sphère externe que dans la sphère interne. Le respect de ce principe ne peut à lui seul suffire à préserver l'état actuel de la répartition des compétences en matière de services. Sauf à accepter un transfert de compétences au profit de l'Union, il convient de mentionner (en l'absence du texte modifié de l'article 11 du titre III de la première partie) l'exclusion de la compétence exclusive de l'Union les matières particulièrement sensibles tels que les services culturels et audiovisuels, les services d'éducation, ainsi que les services sociaux et de santé humaine visés à l'article 133§6 alinéa 2 de l'actuel traité.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 24

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

1. La politique commerciale commune est fondée sur des principes uniformes, notamment en ce qui concerne les modifications tarifaires, la conclusion d'accords tarifaires et commerciaux relatifs aux échanges de marchandises et services, et les aspects commerciaux de la propriété intellectuelle, les investissements étrangers directs, l'uniformisation des mesures de libération, la politique d'exportation, ainsi que les mesures de défense commerciale, dont celles à prendre en cas de dumping et de subventions. La politique commerciale commune est menée dans le cadre des principes et objectifs de l'action extérieure de l'Union, tels qu'énoncés dans l'article 1 du présent Titre.
2. Le Parlement européen et le Conseil adoptent, conformément à la procédure législative, les lois européennes et les lois-cadres européennes nécessaires pour la mise en œuvre de la politique commerciale commune.
3. Si des accords avec un ou plusieurs États ou organisations internationales doivent être négociés, les dispositions pertinentes de l'article 33 du présent Titre sont applicables. La Commission présente des recommandations au Conseil, qui l'autorise à ouvrir les négociations nécessaires **après consultation du Parlement européen**. Il appartient au Conseil et à la Commission de veiller à ce que les accords négociés soient compatibles avec les politiques et règles internes de l'Union.

Ces négociations sont conduites par la Commission, en consultation avec un comité spécial désigné par le Conseil pour l'assister dans cette tâche, et dans le cadre des directives que le Conseil peut lui adresser. La Commission fait régulièrement rapport au comité spécial **ainsi qu'au Parlement européen** sur l'état d'avancement des négociations.
3. Pour la négociation et la conclusion d'un accord dans les domaines du commerce des services impliquant des déplacements des personnes et des aspects commerciaux de la propriété

intellectuelle, le Conseil statue à l'unanimité lorsque cet accord comprend des dispositions pour lesquelles l'unanimité est requise pour l'adoption de règles internes.

4. L'exercice des compétences attribuées par le présent article dans le domaine de la politique commerciale n'affecte pas la délimitation des compétences entre l'Union et les États membres, et n'entraîne pas une harmonisation des dispositions législatives ou réglementaires des États membres dans la mesure où la Constitution exclut une telle harmonisation.

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 23, 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

En établissant une union douanière entre eux, les États membres entendent contribuer, conformément à l'intérêt commun, au développement harmonieux du commerce mondial, à la réduction des barrières douanières et autres **d'effet équivalent** et à la suppression progressive des restrictions aux échanges internationaux et aux investissements étrangers directs, **en garantissant des conditions de réciprocité entre les États membres.**

Explication:

Il nous paraît que assurer la réciprocité entre les États membres contribuera au développement harmonieux du commerce mondial tout en favorisant les modalités de la suppression mentionnée.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : Nouvel article – 24A, 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

Politique Commerciale Commune : Clause de sauvegarde

En cas d'urgence qui puisse mettre en cause la sécurité nationale ou la survie de structures économiques de valeur ajoutée significative, les États membres demandent l'autorisation de prendre eux-mêmes les mesures de politique commerciale nécessaires à la Commission, qui se prononce dans les plus brefs délais; les États membres concernés les notifient ensuite aux autres États membres.

Explication:

Il nous semble adéquat l'insertion d'une clause de sauvegarde dans un domaine communautaire pour des situations relevant d'extrême urgence. Il ne s'agit pas d'une « renationalisation » de la politique commerciale commune.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 24, 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. (...)
4. Pour la négociation et la conclusion d'un accord dans les domaines du commerce des services impliquant des déplacements des personnes, **des services culturels et audiovisuels, des services de l'éducation, des services sociaux et de santé humaine** et des aspects commerciaux de la propriété intellectuelle, le Conseil statue à l'unanimité lorsque cet accord comprend des dispositions pour lesquelles l'unanimité est requise pour l'adoption des règles internes.
5. (...)

Explication:

Les exceptions à la compétence exclusive de l'Union prévues à l'article 133, n°6, 2ème paragraphe TCE doivent être retenues.

AMENDMENT FORM

Suggestion for amendment of Article : Chapter 2

Suggestion for protocol :

By Member of the Convention Mr Jens-Peter Bonde

Status : - Member - Alternate

CHAPTER 2: COMMON COMMERCIAL POLICY

Article 23

By establishing a customs union between themselves Member States aim to contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and to foreign direct investment, and the lowering of customs barriers.

AMENDMENT FORM

Suggestion for amendment of Article : Chapter 2

Suggestion for protocol :

By Member of the Convention Mr Jens-Peter Bonde

Status : - Member - Alternate

CHAPTER 2: COMMON COMMERCIAL POLICY

Article 24

1. The common commercial policy shall be based **ON UNILATERAL CONCESSIONS TO LEST DEVELOPED COUNTRIES AND SUSTAINABLE DEVELOPMENT**, 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 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.

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.
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.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article :

Article 24 *Common commercial policy*

By Mr : Kiljunen

Status : - Member

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. **In exercising the competences conferred upon it by this Article, the Council, on a proposal from the Commission, shall adopt by a qualified majority the regulations required to implement the common commercial policy. It shall act after consulting the European Parliament.**
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. **Agreements relating to trade in cultural and audiovisual services, educational services, and social and human health services, shall fall within the shared competence of the Union and its Member States. They shall be negotiated and concluded jointly by the Union and its Member States.**
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.

Explanation:

Paragraph 2: *If the powers of the European Parliament in the Common Commercial Policy were extended, this should be done by widening the use of consultation procedure. The use of legislative procedure would diminish the efficiency of decision-making keeping in mind the Union's enlargement and already existing restraints.*

Paragraph 4: *The principles on common commercial policy included in the current Nice Treaty should be maintained in their entirety. Consequently, the exceptions to the Union's exclusive competence in accordance with the second subparagraph of Article 133(6), relating to trade in cultural and audiovisual services, educational services, and social and human health services should be maintained in this article, or alternatively in Part I of the Constitution, as mentioned in the Praesidium comments to the article.*

FICHE AMENDEMENT

Proposition d'amendement : Capítulo 2, Artículo 24

Déposée par Messieurs : Borrell (miembro), Carnero y López Garrido (suplentes)

Artículo 24

Modificar los puntos 1, 3 y 4:

1. La política comercial común se basará en principios uniformes, particularmente por lo que se refiere a las modificaciones arancelarias, la celebración de acuerdos arancelarios y comerciales relativos a los intercambios de mercancías y servicios, y los aspectos comerciales de la propiedad intelectual, la inversión extranjera directa, la consecución de la uniformidad de las medidas de liberalización, la política de exportación, así como las medidas de protección comercial, y, entre ellas, las que deban adoptarse en caso de dumping y subvenciones. La política comercial común se llevará a cabo en el marco de los principios y objetivos de la acción exterior de la Unión, enunciados en artículo 1. *La política comercial será coherente con la política de cooperación al desarrollo y la política relativa al medio ambiente.*

3. En el caso de que deban negociarse acuerdos con uno o varios Estados u organizaciones internacionales, serán de aplicación las disposiciones pertinentes del artículo 33 del presente Título. La Comisión presentará recomendaciones al Consejo, que la autorizará, *previa consulta al Parlamento Europeo*, para iniciar las negociaciones necesarias. Corresponderá al Consejo y a la Comisión velar por que los acuerdos negociados sean compatibles con las políticas y normas internas de la Unión.

La Comisión llevará a cabo dichas negociaciones consultando a un Comité especial designado por el Consejo para asistirle en dicha tarea y en el marco de las directrices que el Consejo pueda dirigirle. La Comisión informará periódicamente al Comité especial sobre la marcha de las negociaciones. *Se mantendrá plena y regularmente informado al Parlamento Europeo.*

4. Para la negociación y la celebración de un acuerdo en los ámbitos del comercio de los servicios que implican desplazamientos de personas y de los aspectos comerciales de la propiedad intelectual, el Consejo resolverá por *mayoría cualificada (suprimir el resto)*

AMENDMENT FORM

Suggestion for amendment of Article : 24

Suggestion for PART TWO – CHAPTER 2: COMMON COMMERCIAL POLICY

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

on behalf of the EPP Convention Group

Status : - Member - Alternate

CHAPTER 2: COMMON COMMERCIAL POLICY

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 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.
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 *European Parliament and the* Council, which shall authorise the Commission to open the necessary negotiations. The ~~Council and the Commission~~ *institutions* 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 *European Parliament and 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 insofar as the Constitution excludes such harmonisation.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : II 24

Suggestion for protocol :

By: **Mr Caspar EINEM**

Status : **Member**

Artikel 24

(1) Die gemeinsame Handelspolitik wird nach einheitlichen Grundsätzen gestaltet; dies gilt insbesondere für die Änderung von Zollsätzen, den Abschluss von Zoll- und Handelsabkommen betreffend den Handel mit Waren und Dienstleistungen sowie die Handelsaspekte des geistigen Eigentums, die ausländischen Direktinvestitionen, die Vereinheitlichung der Liberalisierungsmaßnahmen, die Ausfuhrpolitik und die handelspolitischen Schutzmaßnahmen, zum Beispiel im Fall von Dumping und Subventionen **sowie für die Verankerung von international anerkannten Sozial- und Umweltstandards in das weltweite Handels- und Investitionsregime**. Die gemeinsame Handelspolitik wird **auf der Grundlage der Werte und Ziele der Union, wie sie in Artikel 2 und 3 dieser Verfassung festgelegt sind und** im Rahmen der Grundsätze und Ziele des außenpolitischen Handelns der Union im Sinne des Artikels 1 dieses Titels gestaltet.

(2) Das Europäische Parlament und der Rat nehmen **nach Anhörung des Wirtschafts- und Sozialausschusses und der Sozialpartner** nach dem Gesetzgebungsverfahren alle für die Umsetzung der gemeinsamen Handelspolitik erforderlichen europäischen Gesetze oder europäischen Rahmengesetze an.

(3) Sind mit einem oder mehreren Staaten oder internationalen Organisationen Abkommen auszuhandeln, so finden die einschlägigen Bestimmungen des Artikels 33 dieses Titels Anwendung. Die Kommission legt dem Rat **und dem Europäischen Parlament** Empfehlungen vor; dieser ermächtigt die Kommission **nach Zustimmung des Europäischen Parlaments** zur Aufnahme der erforderlichen Verhandlungen. Es ist Sache des Rates und der Kommission, dafür zu sorgen, dass die ausgehandelten Abkommen mit den internen Politiken und Vorschriften der Union vereinbar sind.

Die Kommission führt diese Verhandlungen im Benehmen mit einem zu ihrer Unterstützung vom Rat bestellten besonderen Ausschuss nach Maßgabe der Richtlinien, die ihr der Rat erteilen kann. Die Kommission erstattet dem besonderen Ausschuss regelmäßig Bericht über den Stand der Verhandlungen.

(4) In Bezug auf die Aushandlung und den Abschluss eines Abkommens im Bereich des Dienstleistungsverkehrs, das einen Grenzübertritt von Personen nach sich zieht und Handelsaspekte des geistigen Eigentums berührt, beschließt der Rat einstimmig, wenn das Abkommen Bestimmungen enthält, die für die Annahme interner Vorschriften Einstimmigkeit erfordern.

(5) Die Ausübung der in diesem Artikel übertragenen handelspolitischen Befugnisse hat keine Auswirkungen auf die Verteilung der internen Zuständigkeiten zwischen der Union und den Mitgliedstaaten und führt nicht zu einer Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten, soweit eine solche Harmonisierung in der Verfassung ausgeschlossen wird.

Explanation (if any) :

Abs. (1) und (2) nehmen auf meinen Vorschlag CONV 364/02 Bezug und versuchen an dieser Stelle inhaltliche Determinanten für die Gestaltung der Außenhandelspolitik einzufügen. Grundsätzlich soll das Europäische Parlament zumindest mit einem Anhörungsrecht in die Außenhandelsverhandlungen einbezogen werden.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 24 de la Partie II

Déposée par Messieurs Santer et Helmingier (Titulaires, Luxembourg) et Mme Wagener et M. Schmit (Suppléants, Luxembourg)

(inchangé)

~~4. Pour la négociation et la conclusion d'un accord dans les domaines du commerce des services impliquant des déplacements des personnes et des aspects commerciaux de la propriété intellectuelle, le Conseil statue à l'unanimité lorsque cet accord comprend des dispositions pour lesquelles l'unanimité est requise pour l'adoption de règles internes.~~

Dans l'exercice des compétences qui lui sont conférées par le présent article, le Conseil statue à la majorité qualifiée.

Explication éventuelle :

Cette formulation reflèterait le large soutien qui s'était dégagé dans le groupe de travail "action extérieure de l'UE" en faveur de l'extension du vote à majorité qualifiée à tous les aspects de la politique commerciale, y compris les services et la propriété intellectuelle (voir le rapport final du groupe de travail VII, CONV 459/02, page 7).

AMENDMENT FORM

Suggestion for amendment of Article : 23

By Mr : Joschka Fischer

Status : - Member

Artikel 23: Die beratenden Einrichtungen der Union

- (1) Das Europäische Parlament, der Ministerrat und die Kommission werden von einem Ausschuss der Regionen sowie einem Wirtschafts- und Sozialausschuss mit beratender Aufgabe unterstützt.
- (2) Der Ausschuss der Regionen setzt sich aus Vertretern der regionalen und lokalen Gebietskörperschaften zusammen, die entweder ein auf Wahlen beruhendes Mandat in einer regionalen oder lokalen Gebietskörperschaft innehaben oder gegenüber einer gewählten Versammlung politisch verantwortlich sind.
- (3) Der Wirtschafts- und Sozialausschuss besteht aus Vertretern der Organisationen der Arbeitgeber, der Arbeitnehmer und weiterer Akteure der repräsentativen Zivilgesellschaft, wobei die Schwerpunkte in den Bereichen Wirtschaft und Soziales, staatsbürgerliches Engagement, Beruf und Kultur liegen.
- (4) Die Mitglieder des Ausschusses der Regionen und des Wirtschafts- und Sozialausschusses sind an keine Weisungen gebunden. Sie üben ihre Tätigkeit in voller Unabhängigkeit zum allgemeinen Wohl der Union aus.
- (5) Die Bestimmungen über die Zusammensetzung dieser Ausschüsse, die Ernennung ihrer Mitglieder, ihre Befugnisse und ihre Arbeitsweise sind in den Artikeln XY des Teils II der Verfassung festgelegt. Die Bestimmungen über die Zusammensetzung werden in regelmäßigen Abständen vom Rat auf Vorschlag der Kommission überprüft, um der wirtschaftlichen, sozialen und demografischen Entwicklung in der Union Rechnung zu tragen.
-

Explanation:

Absatz 2: Der Ergänzung sollte aufgrund ihrer demokratischen Zielrichtung aufgenommen werden (auf der Grundlage des Acquis).

AMENDMENT FORM

Suggestion for amendment of Article : 24

By Mr Joschka Fischer

Status : - Member

Artikel 24

(1) Die gemeinsame Handelspolitik wird nach einheitlichen Grundsätzen gestaltet; dies gilt insbesondere für die Änderung von Zollsätzen, den Abschluss von Zoll- und Handelsabkommen betreffend den Handel mit Waren und Dienstleistungen sowie die Handelsaspekte des geistigen Eigentums, ~~die ausländischen Direktinvestitionen~~, die Vereinheitlichung der Liberalisierungsmaßnahmen, die Ausfuhrpolitik und die handelspolitischen Schutzmaßnahmen, zum Beispiel im Fall von Dumping und Subventionen. Die gemeinsame Handelspolitik wird im Rahmen der Grundsätze und Ziele des außenpolitischen Handelns der Union im Sinne des Artikels 1 dieses Titels gestaltet.

(2) Das Europäische Parlament und der Rat nehmen nach dem Gesetzgebungsverfahren alle für die Umsetzung der gemeinsamen Handelspolitik erforderlichen europäischen Gesetze oder europäischen Rahmengesetze an.

(3) Sind mit einem oder mehreren Staaten oder internationalen Organisationen Abkommen auszuhandeln, so finden die einschlägigen Bestimmungen des Artikels 33 dieses Titels Anwendung. Die Kommission legt dem Rat Empfehlungen vor; dieser ermächtigt die Kommission zur Aufnahme der erforderlichen Verhandlungen. Es ist Sache des Rates und der Kommission, dafür zu sorgen, dass die ausgehandelten Abkommen mit den internen Politiken und Vorschriften der Union vereinbar sind.

Die Kommission führt diese Verhandlungen im Benehmen mit einem zu ihrer Unterstützung vom Rat bestellten besonderen Ausschuss nach Maßgabe der Richtlinien, die ihr der Rat erteilen kann. Die Kommission erstattet dem besonderen Ausschuss regelmäßig Bericht über den Stand der Verhandlungen.

(4) In Bezug auf die Aushandlung und den Abschluss eines Abkommens im Bereich des Dienstleistungsverkehrs, das einen Grenzübertritt von Personen nach sich zieht und Handelsaspekte des geistigen Eigentums berührt, beschließt der Rat einstimmig, wenn das Abkommen Bestimmungen enthält, die für die Annahme interner Vorschriften Einstimmigkeit erfordern.

(5) Die Ausübung der in diesem Artikel übertragenen handelspolitischen Befugnisse hat keine Auswirkungen auf die Verteilung der internen Zuständigkeiten zwischen der Union und den Mitgliedstaaten und führt nicht zu einer Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten, soweit eine solche Harmonisierung in der Verfassung ausgeschlossen wird.

Explanation (if any) :

Absatz 1: Die Zuständigkeit für Regelungen zur Zulassung und zum Schutz von Investitionen sollte weiterhin den Mitgliedstaaten zustehen.

AMENDMENT FORM

Suggestion for amendment of Article : 23, part II

Suggestion for protocol :

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

Status : Members

By establishing a customs union between themselves Member States aim to contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade in goods and services and to foreign direct investment, and the lowering of customs barriers.

Explanation (if any) : This addition brings article 23 in line with article 24.

AMENDMENT FORM

Suggestion for amendment of Article : 24, part II

Suggestion for protocol :

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

Status : Members

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 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.
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.
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.
6. This paragraph shall not affect the right of the Member States to maintain and conclude agreements with third countries or international organisations in so far as such agreements comply with Union law and other relevant international agreements.

Explanation (if any) : The Netherlands assumes that the existing bilateral Treaties in the field of transport will remain fully in force.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 24

By Ms. Dybkjær

Status : - Member **X Alternate**

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, **and contribute to the primary aims of sustainable development and poverty eradication.**

Explanation (if any) :

It is now generally accepted that commercial policy has huge effects on development that can be either positive or negative. Trade policy, especially with developing countries, must contribute to sustainable development and poverty eradication if the EU is to fulfil its self stated aims.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 24, Chapitre 2 sur la Politique commerciale commune, Partie II

Déposée par M. Jacques FLOCH, Membre suppléant

Article 24 : LA POLITIQUE COMMERCIALE COMMUNE

Insérer après le paragraphe 4 de l'article 24, le paragraphe suivant :

« Pour la négociation et la conclusion d'un accord dans les domaines du commerce des services culturels et audiovisuels, des services d'éducation, ainsi que des services sociaux et de santé humaine relèvent de la compétence partagée entre l'Union et ses Etats membres. Pour toutes les négociations portant sur ces domaines, le Conseil statuera, à l'unanimité après avis du Parlement européen ».

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : Article 24 (PART TWO) – (TITLE B) –(CHAPTER 2)

Suggestion for protocol :

By Mr :Emilio GABAGLIO

Status : Observer

PART TWO (TITLE B) CHAPTER 2
Amendment : Article 24

In paragraph 1 after « measures of liberalisation » add :

while preserving services of general interest

and add at the end after « Title » :

and contribute to the primary aims of sustainable development and poverty eradication

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment for: *Chapter 2 : Common Commerical Policy.*
Article 24

By: Robert Maclellannan

Status : 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, 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 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 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 insofar as the Constitution excludes such harmonisation. ***Agreements relating to trade in cultural and audio-visual services, educational services, and social and human health services, shall fall within the shared competence of the Community and its Member States. Consequently, in addition to a Community decision taken in accordance with the relevant provisions of Article (300), the negotiation of such agreements shall require the common accord of the Member States. Agreements thus negotiated shall be concluded jointly by the Community and the Member States.***

Explanation:

5. *Within the Common Commercial Policy, cultural and audio-visual services, educational services, and social and human health services have always been recognised as being of a special nature as compared to other, purely commercial services. These areas embody the very essence of a country's social, political and cultural identity. It has not therefore been considered appropriate to subject them to trade negotiations without certain safeguards. These are contained in Article 133 paragraph 6 of the current Treaty, which stipulates that these areas come under shared competence (as opposed to exclusive Community competence). This is perfectly consistent with the negotiating position held by the European Union in the WTO/GATS Doha round, as none of these services have been included in the Union's offer. Other States have followed a similar line (e.g. the US, in its offer, has been very explicit about excluding educational services). So there is no reason why such safeguards should not continue to be part of the Union's future constitutional arrangements.*

In terms of consistency within the future constitutional Treaty, it would be very difficult to justify why - in terms of pure logic - these areas where a high degree of subsidiarity should apply (they are classified either as shared competences or areas for supporting action and

legislative harmonisation is excluded) where internal policies are concerned while being classified as exclusive Union competences when common trade policy is concerned.

In purely operational terms, Art. 24(5) is incomplete. It states that commercial policy may 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 in so far as the future Constitution excludes such harmonisation. This provision can only be effective if it is clearly stated that this means that shared competence applies and the relevant areas are spelled out. Otherwise, the provision could lead to problems of interpretation, complicating to a considerable degree the design and implementation of a common commercial policy.

AMENDMENT FORM

Suggestion for amendment of Article : 23 of Part II, Title B

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

By establishing a customs union between themselves Member States aim to contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and ~~to~~ **on** foreign direct investment, and the lowering of customs barriers.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 24 of Part II, Title B

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

-
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 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.
 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.
 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.
-

Explanation (if any) : The purpose behind the inclusion of foreign direct investment at 24.1 is unclear and should, therefore, be deleted. The deletion of 'involving the movement of persons' from 24.4 is consistent with the arrangements agreed at Nice.

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article 24

By Mr. Adrian Severin

Status: Alternate member.

The paragraph 3 should be modified as follows:

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, **after having consulted the European Parliament**, 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.

The paragraph 4 should be deleted

4. **Delete**

Explanation:

1. The European Parliament should be consulted before any negotiations begin.

2. Maintaining a derogation to QMV on the negotiation and conclusion of agreements in the field of trade, in services involving the movement of persons and the commercial aspects of intellectual property is not justified and it would be against the recommendations of the WG VII.

AMENDMENT FORM

Title B of part 2 of the Constitutional Treaty (External Action) Chapter 2: Common Commercial Policy

Suggestion for amendment of Article : 24.1

By Ms / Mr : Renée Wagener

Status : - Alternate

~~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~~

Replace by:

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, and contribute to the primary aims of sustainable development and poverty eradication.

Explanation (if any) :

It is now generally accepted that commercial policy has huge effects on development that can be either positive or negative. Trade policy, especially with developing countries, must contribute to sustainable development and poverty eradication if the EU is to fulfil its self stated aims.

AMENDMENT FORM

Suggestion for amendment of Article : **Part II, Title B, Article 23**

Suggestion for protocol :

By Ms / Mr : **Hain**

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

By establishing a customs union between themselves Member States aim to contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and to ~~foreign direct investment~~, and the lowering of customs barriers.

Explanation (if any) :

We understand that inclusion of “foreign direct investment” is intended to address a Commission request to be able to conduct negotiations on a multilateral investment treaty in the WTO rather than to remove Member States competence to conduct bilateral investment activity. We would support the intention. However, we see the need to use a more precise term than “foreign direct investment”. We will submit some draft language in the near future.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 24

Déposée par MM. Hubert Haenel, membre titulaire, et Robert Badinter, membre suppléant

Article 24

4. Pour la négociation et la conclusion d'un accord dans les domaines du commerce des services impliquant des déplacements des personnes et des aspects commerciaux de la propriété intellectuelle, le Conseil statue à l'unanimité lorsque cet accord comprend des dispositions pour lesquelles l'unanimité est requise pour l'adoption de règles internes. **Pour la négociation et la conclusion d'un accord dans le domaine du commerce des services culturels et audiovisuels, des services d'éducation ainsi que des services sociaux et de santé humaine, le Conseil statue également à l'unanimité.**

Explication éventuelle :

Ces accords doivent demeurer du domaine des compétences partagées et faire l'objet d'une décision à l'unanimité au sein du Conseil.

AMENDMENT FORM

Suggestion for amendment of Article : **Part II, Title B, Article 24**

Suggestion for protocol :

By Ms / Mr : **Hain**

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

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.~~

Art 24.4 add new second paragraph "This article shall not affect the rights of the Member States to maintain and conclude agreements with third countries or international organisations insofar as such agreements comply with Union law and other relevant international agreements."

Art 24.5 ~~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.~~
An agreement may not be concluded by the Council if it includes provision which would go beyond the Union's internal powers, in particular by leading to the harmonisation of the laws or regulations of Member States in an area for which this Treaty rules out such harmonisation.

Explanation (if any) :

24.1 This paragraph introduces a significant change from the current Article 133, by placing trade in services and commercial aspects of intellectual property on the same basis as trade in goods rather than limiting the application of the Common Commercial Policy in these areas to the negotiation and conclusion of agreements in the fields of trade in services and commercial aspects of intellectual property. We are concerned that this leaves the text ambiguous and potentially provides conflicting legal bases for action. We would welcome clarification from the Praesidium of the purposes of the changes introduced.

Foreign direct investment requires more precise formulation – see comments on Art 23.

The last sentence duplicates Article 1 of the Title and should be removed.

24.2 We support the intention to give the European Parliament a greater role, but providing for co-decision on all European laws and framework laws is impractical and may lead to long delays. Currently, many autonomous instruments under the CCP are adopted very rapidly to ensure the smooth operation of annual Community import licensing or quota regimes. Perhaps the appropriate level of scrutiny for the European Parliament would be consultation, in line with the procedure under Article 33 paragraph 7. This paragraph should also provide for QMV and consultation on internal common commercial policy measures, such as agreeing WTO accessions, where legislation is not required.

24.4: We support the intention to replicate some of the derogations laid down in the existing Article 133 (5), but it is not clear that this draft will have the same effect as 133 (5). This should be the subject of further reflection. The last sub-paragraph of 133(5) seems to have been accidentally omitted and should be reinstated.

It will also be necessary to include provisions in this Article to ensure that the Council acts unanimously when negotiating and concluding agreements which affect areas where unanimity would otherwise be required internally. To the extent that the scope of Article 24.1 is extended beyond Article 133.1, it will be necessary to have some similar provisions relating to the adoption of internal rules.

24.5: The UK supports the intention behind this paragraph, but believes it is expressed better in the current text of Article 133(6), first sub-paragraph. We propose reverting to the current language.

We note the removal of specific derogation for Transport (Article 133 (6) last sub-paragraph). In our view, transport should remain outside the scope of the CCP. This needs to be clarified in the Treaty.

On a jurist-linguist point, the English phrase “commercial aspects of intellectual property” is ambiguous, whereas “trade related aspects of intellectual property” has a direct link to TRIPS. Both are respectable translations of e.g. “les aspects commerciaux de la propriété commerciale.” We would like to see “commercial” replaced by “trade related” throughout the text.

AMENDMENT FORM

Suggestion for amendment of Article 24: deletion of paragraph 4.

By Mr Georges Jacobs - UNICE

Status: observer

Article 24

It is proposed to delete paragraph 4 of Article 24, which reads:

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.

Explanation:

UNICE does not support this exception since it believes that these areas should be covered by the qualified majority rule.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 24.(parti II titre B)

Déposée par Anne Van Lancker

article 24. 1 et 3

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, **and contribute to the aims of sustainable development and poverty eradication.**

2.

3. Si des accords avec un ou plusieurs États ou organisations internationales doivent être négociés, les dispositions pertinentes de l'article 33 du présent Titre sont applicables. La Commission présente des recommandations au Conseil, qui l'autorise à ouvrir les négociations nécessaires ***après consultation du Parlement européen***. Il appartient au Conseil et à la Commission de veiller à ce que les accords négociés soient compatibles avec les politiques et règles internes de l'Union.

Ces négociations sont conduites par la Commission, en consultation avec un comité spécial désigné par le Conseil pour l'assister dans cette tâche, et dans le cadre des directives que le Conseil peut lui adresser. La Commission fait régulièrement rapport au comité spécial, ***ainsi qu'au Parlement européen***, sur l'état d'avancement des négociations.

4.

5.

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-212

Déposée par Monsieur de Villepin

Qualité : - Membre

1. La politique commerciale commune est fondée sur des principes uniformes, notamment en ce qui concerne les modifications tarifaires, la conclusion d'accords tarifaires et commerciaux relatifs aux échanges de marchandises et services, et les aspects commerciaux de la propriété intellectuelle, les investissements étrangers directs, l'uniformisation des mesures de libération, la politique d'exportation, ainsi que les mesures de défense commerciale, dont celles à prendre en cas de dumping et de subventions. La politique commerciale commune est menée dans le cadre des principes et objectifs de l'action extérieure de l'Union, tels qu'énoncés dans l'article 1 du présent Titre.

2. La loi ou la loi-cadre européenne établit les mesures nécessaires pour la mise en œuvre de la politique commerciale commune. **Conformément à l'article 28 de la première partie, la loi ou loi-cadre peut confier au Conseil ou à la Commission les compétences d'exécution.**

3. Si des accords avec un ou plusieurs États ou organisations internationales doivent être négociés, les dispositions pertinentes de [l'article 33] du présent Titre sont applicables. La Commission présente des recommandations au Conseil, qui l'autorise à ouvrir les négociations nécessaires. Il appartient au Conseil et à la Commission de veiller à ce que les accords négociés soient compatibles avec les politiques et règles internes de l'Union.

Ces négociations sont conduites par la Commission, en consultation avec un comité spécial désigné par le Conseil pour l'assister dans cette tâche, et dans le cadre des directives que le Conseil peut lui adresser. La Commission fait régulièrement rapport au comité spécial, ainsi qu'au Parlement européen, sur l'état d'avancement des négociations.

4. ~~Pour la négociation et la conclusion d'un accord dans les domaines du commerce des services impliquant des déplacements des personnes et des aspects commerciaux de la propriété intellectuelle, le Conseil statue à l'unanimité lorsque cet accord comprend des dispositions pour lesquelles l'unanimité est requise pour l'adoption de règles internes.~~ **Le Conseil statue à l'unanimité pour la négociation et la conclusion d'un accord lorsque cet accord comprend des dispositions pour lesquelles l'unanimité est requise pour l'adoption de règles internes, ou lorsqu'un tel accord porte sur un domaine dans lequel la Communauté n'a pas encore exercé, en adoptant des règles internes, ses compétences en vertu du présent traité. Le Conseil statue également à l'unanimité pour la négociation et la conclusion d'un accord de nature horizontale.**

Le présent paragraphe ne porte pas atteinte au droit des États membres de maintenir et de conclure des accords avec des pays tiers ou des organisations internationales, pour autant que lesdits accords respectent le droit communautaire et les autres accords internationaux pertinents.

5. L'exercice des compétences attribuées par le présent article dans le domaine de la politique commerciale n'affecte pas la délimitation des compétences entre l'Union et les États membres, et n'entraîne pas une harmonisation des dispositions législatives ou réglementaires des États membres dans la mesure où la Constitution exclut une telle harmonisation. **Un accord ne peut être conclu par le Conseil s'il comprend des dispositions qui excéderaient les compétences internes de la Communauté, notamment en entraînant une harmonisation des dispositions législatives ou réglementaires des États membres dans un domaine où le présent traité exclut une telle harmonisation.**

Les accords dans le domaine du commerce des services culturels et audiovisuels, des services d'éducation, ainsi que des services sociaux et de santé humaine relèvent de la compétence partagée entre la Communauté et ses États membres. Dès lors, leur négociation requiert, outre une décision communautaire prise conformément aux dispositions pertinentes de l'article 33, le commun accord des États membres. Les accords ainsi négociés sont conclus conjointement par la Communauté et par les États membres.

La négociation et la conclusion d'accords internationaux dans le domaine des transports restent soumises aux dispositions du titre XX (transports) et de l'article 33.

Explication éventuelle :

AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION:
Article III-212**

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

On behalf of the EPP Convention Group

Status : - Member - Alternate

Suggestion

Article III-212 (ex 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. A European law or framework law shall establish the measures 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 Commission, *after consulting the European Parliament*, 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 and to the European Parliament 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 insofar as the Constitution excludes such harmonisation.

Explanation (if any) :

The European Parliament has to be closer involved in trade policy.

Qualified majority voting as general rule in commercial policy should also be applied here.

.

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-211

Déposée par Monsieur de Villepin

Qualité : - Membre

En établissant une union douanière entre eux, les États membres entendent contribuer, conformément à l'intérêt commun, au développement harmonieux du commerce mondial, à la suppression progressive des restrictions aux échanges internationaux ~~et aux investissements étrangers directs~~, et à la réduction des barrières douanières et autres.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : III - 212

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

Article III-212 (ex 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. A European law or framework law shall establish the measures 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 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 and to the European Parliament 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.

1.

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.

In this regard, by way of derogation from paragraph 4, agreements relating to trade in cultural and audiovisual services, educational services, and social and human health services, shall require the common accord of the Member States. Agreements thus negotiated shall be concluded jointly by the Commission and the Member States.

Explanation (if any) :

I believe that it is appropriate that agreements relating to trade in the areas currently listed in Article 133.6 TEC, which are mostly matters of national competence and are of particular political significance, should be concluded jointly by the Union and the Member States.

AMENDMENT FORM

Suggestion for amendment of Article : III-212(5)

By Mr : Farnleitner

Status : - Member

5. L'exercice des compétences attribuées par le présent article dans le domaine de la politique commerciale n'affecte pas la délimitation des compétences entre l'Union et les États membres, et n'entraîne pas une harmonisation des dispositions législatives ou réglementaires des États membres dans la mesure où la Constitution exclut une telle harmonisation. **Les accords qui comprennent des dispositions portant sur le commerce des services culturels et audiovisuels, des services d'éducation, ainsi que des services sociaux et de santé humaine relèvent de la compétence partagée entre l'Union et les États membres. Dès lors leur négociation et leur conclusion requièrent le commun accord des États membres.**

Explanation (if any):