

AMENDMENT FORM

Title B - Part II

Suggestion for amendment of Article : 33

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

Status : Members and alternate members.

Article 33

1. Without prejudice to the specific provisions laid down in Articles 24 of this Title, agreements between the Union and third states or international organisations shall be negotiated and concluded by the following procedure.
2. The Council shall authorise negotiations to be opened, adopt negotiating directives and conclude agreements.
3. The Commission, or the *[Minister of Foreign Affairs/Secretary of the Union]* where the agreement exclusively or principally relates to the common foreign and security policy, shall submit recommendations to the Council, authorising *the opening of* negotiations. The Commission and the Union's Minister for Foreign Affairs shall, where appropriate, present recommendations jointly.
4. *The negotiations are to be conducted by the Commission, or, where the agreement exclusively or principally relates to the common foreign and security policy, by the [Minister of Foreign Affairs/Secretary of the Union].*

5. The Council may address the negotiating directives to the negotiator of the agreement and may designate a special committee in consultation with which the negotiations must be held.
6. On a proposal from the agreement negotiator, the Council shall decide on the signing and, if necessary, provisional application of agreements before entry into force.
7. The Council shall conclude agreements on the proposal of the agreement negotiator.
[Delete] The Council shall not conclude any agreement until the European Parliament has been consulted. The Parliament shall deliver its opinion within a time-limit which the Council may lay down according to the urgency of the matter. In the absence of an opinion within that time-limit, the Council may act. However, the European Parliament's assent shall be required for association agreements, accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms and for agreements establishing a specific institutional framework by organising cooperation procedures, agreements with important budgetary implications for the Union, *trade, development and cooperation agreement*, and agreements covering fields to which the legislative procedure applies. The Council and the European Parliament may, in an urgent situation, agree upon a time-limit for the assent.
8. When concluding an agreement, the Council may, by way of derogation from the foregoing, authorise the negotiator of the agreement to approve modifications on the Union's behalf where the agreement provides for them to be adopted by a simplified procedure or by a body set up by the agreement; it may attach specific conditions to such authorisation.
9. The Council shall act by a qualified majority throughout the procedure. However, it shall act by enhanced qualified majority when the agreement covers a field for which enhanced qualified majority is required for the adoption of internal rules and for

association agreements and accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

10. The Council, on a proposal from the [*Minister of Foreign Affairs/Secretary of the Union*] or the Commission, shall decide to suspend the application of an agreement, and establish the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt decisions having legal effects, with the exception of decisions supplementing or amending the institutional framework of the agreement.
11. The European Parliament shall be immediately and fully informed of all the stages of the procedure described in this Article.
12. The European Parliament, the Council, the Commission, the European Central Bank or a Member State may obtain the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the provisions of the Constitution over which the Court of Justice has jurisdiction. Where the opinion of the Court of Justice is adverse, the agreement envisaged may not enter into force unless the Constitution is revised in accordance with the procedure laid down in Article [N].

Explanation:

The Commission should be the sole negotiator, except in the area of CFSP, where it should be the Secretary of the Union.

In paragraph 5 we include the precise list of agreements that will require European Parliament assent.

In Paragraph 7, we remove the exception for consultation by the EP for CFSP agreements. The EP will not have a role in ratifying the agreement, but should be entitled to give its Opinion on such an agreement