

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article III-227

Déposée par MM. Barnier, Vitorino, O'Sullivan et Ponzano

Qualité :      Membres      et Suppléants

---

**Article III-227** (ex-article 190)  
(statut des députés européens)

2. Une loi européenne du Parlement européen, adoptée de sa propre initiative, fixe le statut et les conditions générales d'exercice des fonctions de ses membres. Le Parlement européen statue, après avis de la Commission et avec l'approbation du Conseil. ~~Toute règle ou toute condition relative au régime fiscal des membres ou des anciens membres relève de l'unanimité au sein du Conseil.~~

---

#### Explication :

Dans une Union de 25 Etats membres, le maintien de l'unanimité équivaut à l'inaction ou en tout cas à des décisions peu satisfaisantes. Il convient donc de supprimer toute exigence d'unanimité à l'article III-227. La phrase selon laquelle le régime fiscal des députés européens doit être approuvé par le Conseil statuant à l'unanimité est d'ailleurs source de blocage.

## AMENDMENT FORM

### **Part III - Chapter VI: The Functionings of the Union - Chapter 1 - Section 1 - The Institutions**

#### **Suggestion for amendment of Article : III-246**

**By Members: Mr Andrew Duff**

---

#### Article III-246 (ex Article 213(2))

European Commissioners and Commissioners shall refrain from any action incompatible with their duties. Each Member State undertakes to respect this principle and not to seek to influence the European Commissioners and Commissioners in the performance of their tasks.

**Without prejudice to Article I-21**, European Commissioners and Commissioners may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits. In the event of any breach of these obligations, the Court of Justice may, on application by the Council, acting by a simple majority, or the Commission, rule that the Member concerned be, according to the circumstances, either compulsorily retired in accordance with [Article (26)] or deprived of his right to a pension or other benefits in its stead.

---

#### **Explanation:**

*Many members of the Convention are concerned not to preclude the eventual possibility that there might be a unified presidency of the European Council and the Commission and, indeed, that Vice-Presidents of the Commission may chair executive formations of the Council. That being the case, we need to ensure that this Article does not lead to legalistic quibbling about whether or not the two roles may be combined.*

## AMENDMENT FORM

### Part III - Chapter VI: The Functionings of the Union - Chapter 1 - Section 1 - The Institutions

#### Suggestion for amendment of Article : III-242

By Members: Mr Andrew Duff

---

#### Article III-242 (ex Article 207)

1. A committee consisting of the Permanent Representatives of the Member States shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council. The Committee may adopt procedural decisions in cases provided for in the Council's Rules of Procedure.

2. The Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General.

The Council shall decide on the organisation of the General Secretariat by a simple majority.

3. The Council shall adopt its Rules of Procedure by a simple majority. ***It shall be responsible for deciding the location of its seat.***

---

#### Explanation:

*Our amendment implies the suppression of paragraph (b) of the Protocol on the location of the seats of the institutions. The legislature is different to other institutions. The Council must have equal autonomy with that of the Parliament to decide where it wishes to be located. See our parallel amendment to Article 236.*

AMENDMENT FORM

**Part III - Chapter VI: The Functionings of the Union - Chapter 1 - Section 1 - The Institutions**

**Suggestion for amendment of Article : III-236**

**By Members: Mr Andrew Duff**

---

Article III-236 (ex Article 199)

The European Parliament shall adopt its Rules of Procedure, acting by a majority of its Members.

The proceedings of the European Parliament shall be published in the manner laid down in its Rules of Procedure. ***It shall be responsible for deciding the location of its seat.***

---

**Explanation:**

*Our amendment implies the suppression of paragraph (a) of the Protocol on the location of the seats of the institutions. The legislature is different to other institutions. The Parliament must have equal autonomy with that of the Council to decide where it wishes to be located. See our parallel amendment to Article 242.*

**AMENDMENT FORM**

**Suggestion for amendment of Article : 252, Part III**

**Suggestion for protocol :**

**By : Ernâni Lopes, Manuel Lobo Antunes.**

**Status : - Member and Alternate**

---

The ~~College~~ **Commission** shall act by a majority of its **voting** Members. The Rules of Procedure shall determine the quorum.

---

**Explanation (if any) :**

In accordance with our proposal on article 25, Part I.

## FICHE AMENDEMENT

### Proposition d'amendement à l'article III-252

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

Qualité : Membre

---

Rédiger ainsi l'article III- 252

Les délibérations du collège sont acquises à la majorité de ses membres. Le règlement intérieur fixe le quorum. *Pour la mise en œuvre d'une décision dans le domaine de la politique étrangère commune qui relève de la compétence de la Commission, le Ministre est habilité à prendre, au nom de la Commission, toute initiative appropriée.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article III-252

Déposée par Monsieur de Villepin

Qualité : - Membre

---

#### Article III- 252 (ex-article 219)

Les délibérations du collège sont acquises à la majorité de ses membres. Le règlement intérieur fixe le quorum. **Pour la mise en œuvre d'une décision dans le domaine de la politique étrangère commune par un acte qui ne relève pas de cette dernière, le Ministre est habilité à prendre, au nom de la Commission, toute initiative appropriée.**

---

#### Explication éventuelle :

L'amendement vise à habiliter le Ministre à agir au nom de la Commission lorsqu'il s'agit de décliner des décisions prises dans le domaine de la PESC par des initiatives relevant du domaine des relations extérieures.

**AMENDMENT FORM**

**Suggestion for amendment of Article : 250, Part III**

**Suggestion for protocol :**

**By : Ernâni Lopes, Manuel Lobo Antunes.**

**Status : - Member and Alternate**

---

The ~~College~~ **Commission** shall adopt its Rules of Procedure so as to ensure both its own operation and that of its departments. It shall ensure that these rules are published.

---

**Explanation (if any) :**

In accordance with our proposal on article 25, Part I.



## **AMENDMENT FORM**

**Suggestion for amendment of Article : 249, Part III**

**Suggestion for protocol :**

**By : Ernâni Lopes, Manuel Lobo Antunes.**

**Status : - Member and Alternate**

---

The responsibilities incumbent upon the Commission shall be structured and allocated among its Members by its President, subject to Article I-26(3). The President may reshuffle the allocation of those responsibilities during the Commission's term of office. European Commissioners ~~and Commissioners~~ shall carry out the duties devolved upon them by the President under his authority.

---

**Explanation (if any) :**

**In accordance with our proposal on article 25, Part I, we consider that the college should comprise the President, the voting and non-voting Commissioners. Thus, being the possibility of participation in the voting the main difference between them, they should all be called equally.**

## AMENDMENT FORM

**Suggestion for amendment of Article : III-249**

**By Ms / Mr : Mr Bonde**

**Status :    ☒ - Member                      - Alternate**

---

### Article III-249 (ex Article 217)

The responsibilities incumbent upon the Commission shall be structured and allocated among its Members by its President, **AFTER AGREEMENT WITH THE COUNCIL** subject to Article I-27(3) of the Constitution. The President may reshuffle the allocation of those responsibilities during the Commission's term of office. The Members of the Commission shall carry out the duties devolved upon them by the President under his authority.

---

**Explanation (if any) :**

## FICHE AMENDEMENT

Proposition d'amendement à l'Article : 248

Déposée par Madame : **Cristiana MUSCARDINI**

Qualité : Membre

---

### Articolo III - 248 (ex articolo 216) - Commissione

Qualsiasi commissario europeo o commissario che non risponda più alle condizioni necessarie all'esercizio delle sue funzioni o che abbia commesso una colpa grave può essere dichiarato dimissionario dalla Corte di giustizia su istanza del Consiglio che delibera a maggioranza semplice o del collegio **o del Parlamento europeo a maggioranza qualificata.**

---

Explication éventuelle :

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 248, Part III**

**Suggestion for protocol :**

**By : Ernâni Lopes, Manuel Lobo Antunes.**

**Status : - Member and Alternate**

---

If any European Commissioner ~~or Commissioner~~ no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct, the Court of Justice may, on application by the Council acting by a simple majority or by the College, compulsorily retire him.

---

**Explanation (if any) :**

**In accordance with our proposal on article 25, Part I, we consider that the college should comprise the President, the voting and non-voting Commissioners. Thus, being the possibility of participation in the voting the main difference between them, they should all be called equally.**

## AMENDMENT FORM

**Suggestion for amendment of Article : 247, Part III**

**Suggestion for protocol :**

**By : Ernâni Lopes, Manuel Lobo Antunes.**

**Status : - Member and Alternate**

---

1. Apart from normal replacement, or death, the duties of a European Commissioner ~~or Commissioner~~ shall end when he resigns or is compulsorily retired. A European Commissioner ~~or Commissioner~~ shall resign if the President so requests.

2. A vacancy caused by resignation, compulsory retirement or death shall be filled for the remainder of the European Commissioner's ~~or Commissioner's~~ term of office by a new European Commissioner ~~or Commissioner~~ appointed by the President of the Commission according to the same procedures.

3. In the event of resignation, compulsory retirement or death, the President shall be replaced for the remainder of his term of office. The procedure laid down in Article I-26(1) shall be applicable for the replacement of the President.

4. In the case of the resignation of all European Commissioners ~~and Commissioners~~, they shall remain in office until they have been replaced, for the remainder of their term of office, in accordance with the procedures laid down in Articles I-25 and I-26.

---

**Explanation (if any) :**

**In accordance with our proposal on article 25, Part I, we consider that the college should comprise the President, the voting and non-voting Commissioners. Thus, being the possibility of participation in the voting the main difference between them, they should all be called equally.**

## AMENDMENT FORM

### Suggestion for amendment of Article 246

### Suggestion for Part: III

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

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

---

European Commissioners and Commissioners shall refrain from any action incompatible with their duties. Each Member State undertakes to respect this principle and not to seek to influence the European Commissioners and Commissioners in the performance of their tasks.

Without prejudice to article I-21(1), European Commissioners and Commissioners may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duty they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits. In the event of any breach of these obligations, the Court of Justice may, on application by the Council, acting by a simple majority, or the Commission, rule that the Member concerned be, according to the circumstances, either compulsorily retired in accordance with [Article III-248 (26)] or deprived of his right to a pension or other benefits in its stead.

---

### Explanation (if any):

Proposed Article III-246 on the Commission excludes in fact the "doppelchef". The second paragraph should therefore be amended accordingly.

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 246, Part III**

**Suggestion for protocol :**

**By : Ernâni Lopes, Manuel Lobo Antunes.**

**Status : - Member and Alternate**

---

European Commissioners ~~and Commissioners~~ shall refrain from any action incompatible with their duties. Each Member State undertakes to respect this principle and not to seek to influence European Commissioners ~~and Commissioners~~ in the performance of their tasks.

European Commissioners ~~and Commissioners~~ may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits. In the event of any breach of these obligations, the Court of Justice may, on application by the Council acting by a simple majority or by the Commission, rule that the Member concerned be, according to the circumstances, either compulsorily retired in accordance with Article III-248 or deprived of his right to a pension or other benefits in its stead.

---

**Explanation (if any) :**

**In accordance with our proposal on article 25, Part I, we consider that the college should comprise the President, the voting and non-voting Commissioners. Thus, being the possibility of participation in the voting the main difference between them, they should all be called equally.**

## AMENDMENT FORM

**Suggestion for amendment of Article : III-246**

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

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

---

### **Artikel III-246 (ex-Artikel 213 Absatz 2)**

Die Europäischen Kommissare und die Kommissare *üben ihre Tätigkeit zum allgemeinen Wohl der Union aus und* haben jede Handlung zu unterlassen, die mit ihren Aufgaben unvereinbar ist. Jeder Mitgliedstaat verpflichtet sich, diesen Grundsatz zu achten und nicht zu versuchen, die Europäischen Kommissare und die Kommissare bei der Erfüllung ihrer Aufgaben zu beeinflussen.

Die Europäischen Kommissare und die Kommissare dürfen während ihrer Amtszeit keine andere entgeltliche oder unentgeltliche Berufstätigkeit ausüben. Bei der Aufnahme ihrer Tätigkeit übernehmen sie die feierliche Verpflichtung, während der Ausübung und nach Ablauf ihrer Amtstätigkeit die sich aus ihrem Amt ergebenden Pflichten zu erfüllen, insbesondere die Pflicht, bei der Annahme gewisser Tätigkeiten oder Vorteile nach Ablauf dieser Tätigkeit ehrenhaft und zurückhaltend zu sein. Werden diese Pflichten verletzt, so kann der Gerichtshof auf Antrag des Rates, der mit einfacher Mehrheit beschließt, oder der Kommission das Mitglied je nach Lage des Falles gemäß Artikel [III-248 (26)] seines Amtes entheben oder ihm seine Ruhegehaltsansprüche oder andere an ihrer Stelle gewährte Vergünstigungen aberkennen.

---

### **Explanation (if any) :**

Vgl. Artikel 213 Absatz 2 Unterabsatz 1 des EG-Vertrages.



## AMENDMENT FORM

### Suggestion for amendment of Article III-246 (ex Article 213(2)):

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

**on behalf of the EPP Convention Group**

**Status: Member / Alternate**

---

### Article III-246 (ex Article 213(2))

1. European Commissioners and Commissioners shall refrain from any action incompatible with their duties. Each Member State undertakes to respect this principle and not to seek to influence European Commissioners and Commissioners in the performance of their tasks.

2. European Commissioners and Commissioners may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits. In the event of any breach of these obligations, the Court of Justice may, on application by the Council acting by a simple majority or by the Commission, rule that the Member concerned be, according to the circumstances, either compulsorily retired in accordance with Article III-248 or deprived of his right to a pension or other benefits in its stead.

**3. Paragraph 2 shall not apply in case the European Council elects the President of the European Commission as its chairperson.**

*Explanation:*

Would leave the door open for an EU President with a “double hat”

## AMENDMENT FORM

**Suggestion for amendment of Article : III-246**

**By Ms / Mr : Mr Bonde**

**Status :    X - Member                      - Alternate**

---

### Article III-246 (ex Article 213(2))

The Members of the Commission shall refrain from any action incompatible with their duties. Each Member State undertakes to respect this principle and not to seek to influence the Members of the Commission in the performance of their tasks.

**A NATIONAL PARLIAMENT CAN INSTRUCT ITS NATIONAL COMMISSIONER ON THE BASIS THAT IT DOES SO THROUGH A PUBLIC DECISION IN THE PARLIAMENT.**

The Members of the Commission may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits. In the event of any breach of these obligations, the Court of Justice may, on application by the Council, acting by a simple majority, or the Commission, rule that the Member concerned be, according to the circumstances, either compulsorily retired in accordance with [Article (26)] or deprived of his right to a pension or other benefits in its stead.

---

**Explanation (if any) :**

## AMENDMENT FORM

**Suggestion for amendment of: Part III, Articles 245 - 253**

**By Mr : Dick Roche**

**Status : - Member**

---

### Subsection 4

#### The Commission

Article III-245 (ex Article 213(1) and ex Article 214)

~~European Commissioners and non-voting~~ Commissioners, **voting and non-voting**, shall be appointed for a period of five years, subject, if need be, to Article III-238. Only nationals of Member States may be ~~European Commissioners and~~ Commissioners.

Article III-246 (ex Article 213(2))

~~European Commissioners and~~ Commissioners shall refrain from any action incompatible with their duties. Each Member State undertakes to respect this principle and not to seek to influence the ~~European Commissioners and~~ Commissioners in the performance of their tasks.

~~European Commissioners and~~ Commissioners may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits. In the event of any breach of these obligations, the Court of Justice may, on application by the Council, acting by a simple majority, or the Commission, rule that the Member concerned be, according to the circumstances, either compulsorily retired in accordance with Article [III-248 (26)] or deprived of his right to a pension or other benefits in its stead.

Article III-247 (ex Article 215)

1. Apart from normal replacement, or death, the duties of a ~~European Commissioner or Commissioner~~ shall end when he resigns or is **obliged to resign** ~~compulsorily retired~~. A European Commissioner or Commissioner shall resign if the President so requests.
2. A vacancy caused by resignation, **obligatory resignation** ~~compulsory retirement~~ or

death shall be filled for the remainder of the ~~European Commissioner or~~ Commissioner's term of office by a new ~~European Commissioner or Commissioner~~ appointed by the President of the Commission according to the same procedures.

3. In the event of resignation, **obligatory resignation** ~~compulsory retirement~~ or death, the President shall be replaced for the remainder of his term of office. The procedure laid down in Article I-26(1) shall be applicable for the replacement of the President.

4. In the case of the resignation of all ~~European Commissioners and~~ Commissioners, they shall remain in office until they have been replaced, for the remainder of their term of office, in accordance with the procedures laid down in Articles I-25 and I-26.

#### Article III-248 (ex Article 216)

If any ~~European Commissioner or~~ Commissioner no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct, the Court of Justice may, on application by the Council, acting by a simple majority, or by the College, **oblige him to resign** ~~compulsorily retire~~ him.

#### Article III-249 (ex Article 217)

The responsibilities incumbent upon the Commission shall be structured and allocated among its Members by its President, subject to Article I-27(3) of the Constitution. The President may reshuffle the allocation of those responsibilities during the Commission's term of office. ~~European Commissioners and~~ Commissioners shall carry out the duties devolved upon them by the President under his authority.

#### Article III-250 (new)

#### Article III-251 (ex Article 218)

The ~~College~~ **Commission** shall adopt its Rules of Procedure so as to ensure both its own operation and that of its departments. It shall ensure that these rules are published.

#### Article III-252 (ex Article 219)

The ~~College~~ **Commission** shall act by a majority of its Members. The Rules of Procedure shall determine the quorum.

#### Article III-253 (ex Article 212)

The Commission shall publish annually, not later than one month before the opening of the session of the European Parliament, a general report on the activities of the Union.

---

**Explanation**

The use of terminology in the draft Articles (in Parts I and III) appears confused. In places reference is made to 'the College', in others to 'the Commission as a College', in others to 'the Commission'. The simplest course is to refer throughout to 'the Commission'.

Likewise, given that the provisions of all of the Articles in this part of Part III apply both to Commissioners with votes and to those without, the simplest solution here is to refer to all as 'Commissioners'.

The text for Article III 250 appears to be missing.

Although it reflects existing Treaty language, the phrase 'compulsory retirement' is better rendered as 'obliged to resign'.

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 245, Part III**

**Suggestion for protocol :**

**By : Ernâni Lopes, Manuel Lobo Antunes.**

**Status : - Member and Alternate**

---

European Commissioners ~~and non-voting Commissioners~~ shall be appointed for a period of five years, subject, if need be, to Article III-238. Only nationals of Member States may be European Commissioners ~~and Commissioners~~.

---

**Explanation (if any) :**

**In accordance with our proposal on article 25, Part I, we consider that the college should comprise the President, the voting and non-voting Commissioners. Thus, being the possibility of participation in the voting the main difference between them, they should all be called equally.**

## AMENDMENT FORM

**Suggestion for amendment of Article : III-244**

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

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

---

### **Artikel III-244 (ex-Artikel 209)**

Der Rat erlässt von sich aus und mit einfacher Mehrheit die Europäischen Beschlüsse über die rechtliche Stellung der in der Verfassung vorgesehenen Ausschüsse. Er beschließt nach Anhörung der Kommission *und Zustimmung des Europäischen Parlaments*.

---

**Explanation (if any) :**

## AMENDMENT FORM

**Suggestion for amendment of Article : III-242**

**By Ms / Mr : Mr Bonde**

**Status :    X - Member                      - Alternate**

---

### Article III-242 (ex Article 207)

1. A committee consisting of the Permanent Representatives of the Member States shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council. The Committee may adopt procedural decisions in cases provided for in the Council's Rules of Procedure.

**2. ELECTED POLITICIANS HAVE FULL ACCESS TO THE COUNCIL WORKING GROUPS, COREPER AND THE COUNCIL OF MINISTERS MEETINGS. THEY HAVE THE RIGHT TO SEE ALL DOCUMENTS, UNLESS THE COUNCIL DECIDE BY 2/3 A REASONED DEROGATION. THIS DECISION CAN BE APPEALED TO THE OMBUDSMAN AND THE EUROPEAN COURT OF JUSTICE.**

3. The Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General.

The Council shall decide on the organisation of the General Secretariat by a simple majority.

4. The Council shall adopt its Rules of Procedure by a simple majority.

---

**Explanation (if any) :**



## AMENDMENT FORM

**Suggestion for amendment of: Part III, Article 240**

**By Mr : Dick Roche**

**Status : - Member**

---

### Subsection 3

#### The Council of Ministers

Article III-240 (ex Articles 203 and 204)

1. **Any formation of the Council of Ministers** shall meet when convened by its President ~~or~~ on his own initiative or at the request of one of its members or of the Commission.
2. ~~The European Council shall adopt by unanimity a decision establishing the rules governing the rotation of the Presidency of the Council formations.~~

---

### **Explanation**

Terminology should be consistent with Part I, therefore 'Council of Ministers' is preferred and should be used throughout Subsection 3.

Given that under Article I - 21 the European Council is to have its own elected President, it is not clear what is meant by the 'President' of the Council of Ministers in paragraph 1. It should, therefore, allow each formation to be convened by its President, allowing the European Council greater flexibility in deciding on arrangements for the different formations.

The second paragraph should be deleted as it is already provided for in Article I – 23.4. If it is not deleted, the word 'rotation' should be preceded by 'equal'

## **AMENDMENT FORM**

**Suggestion for amendment of Article : 240, Part III**

**By Mr Ernâni Lopes and Mr. Manuel Lobo Antunes**

**Status : - Member and Alternate**

---

1. (...)

2. The European Council shall adopt, ~~on its own initiative and~~ by unanimity a decision establishing the rules governing the rotation of the Presidency of Council formations.

---

**Explanation:**

AMENDMENT FORM

Suggestion for amendment of Article : III-238a (new Article proposed by UK)

By Mr Hain

Status : Member

---

New article 238a :

Articles III-229, III-230, III-231 and III-232 do not apply in respect of the common foreign and security policy.

---

Explanation (if any) :

*We are proposing this amendment in order to retain the distinctive inter-governmental nature of CFSP.*

## AMENDMENT FORM

**Suggestion for amendment of Article : III-138**

**By Ms / Mr : Mr Bonde**

**Status :    X - Member                      - Alternate**

---

### Article III-238 (ex Article 201)

If a motion of censure on the activities of the Commission is tabled before it, the European Parliament shall not vote thereon until at least three days after the motion has been tabled and only by open vote.

If the motion of censure is carried by a [**DELETE:** two-thirds majority] **SIMPLE MAJORITY** of the votes cast, representing a majority of the Members of the European Parliament, the Members of the Commission shall resign as a body. They shall continue to deal with current business until they are replaced in accordance with [Article 214]. In this case, the term of office of the Members of the Commission appointed to replace them shall expire on the date on which the term of office of the Members of the Commission obliged to resign as a body would have expired.

---

**Explanation (if any) :**

## FICHE AMENDEMENT

Proposition d'amendement à l'Article : 232

Déposée par Madame : **Cristiana MUSCARDINI**

Qualité : Membre

---

### Articolo III - 232 (ex articolo 194)

1. Il Parlamento europeo nomina di propria iniziativa il mediatore europeo, **e su iniziativa dei Parlamenti nazionali un vice-mediatore per Stato membro**. Il mediatore europeo **e i vice mediatori** sono abilitati a ricevere le denunce ...

Conformemente alla sua missione, il mediatore europeo **e i vice-mediatori**, ...

Ogni anno il mediatore europeo **e i vice-mediatori presentano** una relazione al parlamento europeo sui risultati delle sue indagini.

2. Il mediatore europeo **e i vice-mediatori sono nominati** dopo ogni elezione del Parlamento europeo per la durata della legislatura. **I loro mandati sono rinnovabili**.

3. Il mediatore europeo **e i vice-mediatori esercitano le loro funzioni** in piena indipendenza. **Nell'adempimento dei loro doveri, essi non sollecitano né accettano istruzioni da alcun organismo. Per tutta la durata del loro mandato, il mediatore europeo e i vice mediatori non possono esercitare altra attività professionale, remunerata o no.**

4. Una legge europea del Parlamento europeo, adottata di propria iniziativa, stabilisce lo statuto e le condizioni generali per l'esercizio delle funzioni di mediatore europeo **e di vice-mediatore**. Il parlamento europeo delibera previo parere della Commissione e con l'approvazione del Consiglio.

---

**Explication éventuelle :**

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article III-230

Déposée par Monsieur de Villepin

Qualité : - Membre

---

#### Article III-230 (ex-article 193)

Dans le cadre de l'accomplissement de ses missions, le Parlement européen peut, à la demande d'un quart des membres qui le composent, constituer une commission temporaire d'enquête pour examiner, sans préjudice des attributions conférées dans la Constitution à d'autres institutions ou organes, les allégations ~~d'infraction ou~~ de mauvaise administration dans l'application du droit de l'Union, sauf si les faits allégués ~~sont en cause devant une juridiction et aussi longtemps que la procédure juridictionnelle n'est pas achevée.~~ **font l'objet d'une enquête pénale ou d'une procédure judiciaire. Si une enquête pénale ou une procédure judiciaire est ouverte après la création de la commission, la commission temporaire d'enquête met fin à ses travaux dans les plus brefs délais.**

L'existence de la commission temporaire d'enquête prend fin par le dépôt de son rapport.

Une loi européenne du Parlement européen, adoptée sur sa propre initiative, fixe les modalités d'exercice du droit d'enquête. Le Parlement européen statue après avis de la Commission et approbation du Conseil

---

#### Explication éventuelle :

En premier lieu, le terme d'infraction se rapporte à des faits qui peuvent faire l'objet d'une enquête pénale ou d'une procédure judiciaire. La réserve concernant les procédures juridictionnelles implique donc que seules les allégations de mauvaise administration puissent faire l'objet d'une enquête du Parlement européen. Ce terme est suffisamment extensif pour permettre un large contrôle du Parlement européen.

Par ailleurs, dans les systèmes judiciaires d'autres Etats membres, la phase d'instruction n'est pas entendue comme une phase juridictionnelle. Or, le souci de confidentialité et de sauvegarde de l'indépendance des autorités judiciaires, qui motive la réserve relative aux procédures juridictionnelles, suppose que le champ d'application du bénéfice de cette réserve puisse être explicitement étendu aux enquêtes pénales.

En outre, la réserve inclut les procédures en cours, mais elle devrait également s'appliquer aux procédures qui seraient initiées après la constitution de la commission d'enquête. Il n'est pas souhaitable que puissent être menées en parallèle deux enquêtes concurrentes, l'une du Parlement européen, et l'autre dans le cadre d'une procédure pénale.

## AMENDMENT FORM

**Suggestion for amendment of Article : III-230**

**By Ms / Mr : Mr Bonde**

**Status :    X - Member                      - Alternate**

---

### Article III-230 (ex Article 193)

In the course of its duties, the European Parliament may, **[DELETE:** at the request of a quarter of its component Members,] set up a temporary Committee of Inquiry to investigate, without prejudice to the powers conferred by the Constitution on other institutions or bodies, alleged contraventions or maladministration in the implementation of Union law, except where the alleged facts are being examined before a court and while the case is still subject to legal proceedings.

The temporary Committee of Inquiry shall cease to exist on the submission of its report.

A European law adopted by the European Parliament on its own initiative shall lay down the detailed provisions governing the exercise of the right of inquiry. The European Parliament shall act after seeking an opinion from the Commission and with the approval of the Council.

---

**Explanation (if any) :**



## AMENDMENT FORM

**Suggestion for amendment of: Part III, Article 227**

**By Mr : Dick Roche**

**Status : - Member**

---

Article III-227 (ex Article 190)

*(Composition of the European Parliament)*

1. The European Parliament shall draw up a proposal for a European law for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.

The Council shall, acting unanimously after obtaining the consent of the European Parliament, which shall act by a majority of its ~~component~~ members, adopt the law referred to in the preceding subparagraph, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.

2. A European law of the European Parliament, adopted on its own initiative, shall lay down the regulations and general conditions governing the performance of the duties of its Members. The European Parliament shall act after seeking an opinion from the Commission and with the approval of the Council. All rules or conditions relating to the taxation of Members or former Members shall require unanimity within the Council.

3. **Subject to the provisions of Article I – 19.2, Throughout the 2004–2009** ~~Parliament~~, the composition of the European Parliament shall be as set out in the Protocol on the Representation of Citizens in the European Parliament.

---

### Explanation

It is not clear what is meant by ‘component Member’. This phrase should be deleted throughout subsection 1.

It is important that the principles of Article 19 be respected. The European Council may agree that the Nice arrangements should continue after 2009, therefore there is no need to include any dates in this article.

## AMENDMENT FORM

### Suggestion for amendment of Article: III-227

**By: Danuta Hübner**

**Status: Member**

---

#### *Text of the Praesidium*

1. The European Parliament shall draw up a proposal for a European law for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.

The Council shall, acting unanimously after obtaining the consent of the European Parliament, which shall act by a majority of its component members, adopt the law referred to in the preceding subparagraph, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.

2. A European law of the European Parliament, adopted on its own initiative, shall lay down the regulations and general conditions governing the performance of the duties of its Members. The European Parliament shall act after seeking an opinion from the Commission and with the approval of the Council. All rules or conditions relating to the taxation of Members or former Members shall require unanimity within the Council.

3. Throughout the 2004-2009 Parliament, the composition of the European Parliament shall be as set out in the Protocol on the Representation of Citizens in the European Parliament.

#### *Proposed Amendments*

1. The European Parliament shall draw up a proposal for a European law for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.

The Council shall, acting unanimously after obtaining the consent of the European Parliament, which shall act by a majority of its component members, adopt the law referred to in the preceding subparagraph, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.

2. A European law of the European Parliament, adopted on its own initiative, shall lay down the regulations and general conditions governing the performance of the duties of its Members. The European Parliament shall act after seeking an opinion from the Commission and with the approval of the Council. All rules or conditions relating to the taxation of Members or former Members shall require unanimity within the Council.

3. ~~Throughout the 2004-2009 Parliament, t~~The composition of the European Parliament shall be as set out in the Protocol on the Representation of Citizens in the European Parliament.

---

***Explanation:***

## AMENDMENT FORM

### Suggestion for amendment of Article : III - 227

By Mr : Esko Helle

Status : - Alternate

---

#### Article III-227 (ex Article 190) (*Composition of the European Parliament*)

1. The European Parliament shall draw up a proposal for a European law for the election of its Members by direct universal suffrage **and by a system of proportional representation**, in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.

The Council shall, acting unanimously after obtaining the consent of the European Parliament, which shall act by a majority of its component members, adopt the law referred to in the preceding subparagraph, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.

2. A European law of the European Parliament, adopted on its own initiative, shall lay down the regulations and general conditions governing the performance of the duties of its Members. The European Parliament shall act after seeking an opinion from the Commission and with the approval of the Council. All rules or conditions relating to the taxation of Members or former Members shall require unanimity within the Council.

3. Throughout the 2004-2009 Parliament, the composition of the European Parliament shall be as set out in the Protocol on the Representation of Citizens in the European Parliament.

---

#### Explanation (if any):

The elections of the European Parliament should be based on a system of proportional representation in all Member States.