

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.