

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

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

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 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:

Technical amendment to adapt the third Part to the general decision taken in Part I that the Commission President could become President of the European Council.