

## AMENDMENT FORM

### Suggestion for amendment of Article 261

#### Suggestion for Part: III

By Ms / Mr :            **G.M. de Vries**  
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Status :            **Member**                    **Alternate**

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1. If the Commission considers that a Member State has failed to fulfil an obligation under the Constitution, it shall ~~deliver a reasoned opinion on the matter~~ establish such failure by reasoned decision, after giving the State concerned the opportunity to submit its observations. It shall set for the State in question a time limit for the fulfilment of its obligation.

2. ~~If the State concerned does not comply with the opinion within the period laid down by the Commission, the latter may bring the matter before the European Court of Justice. This State may, within two months of the notification of the decision, bring an action before the Court of Justice in which the latter has unlimited jurisdiction. This action shall have suspensory effect.~~

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

This provision is in line with the relevant provisions of the Penelope-document of the Commission (Additional Act to the Constitution no. 4, supplementary institutional provisions, articles 21-22) and the Spanish-Dutch proposal (CONV 620/03), in article Y (2), the last sentence is added (“This action shall have suspensory effect.”) and in article X (1), the last sentence is added (“The Court of Justice may set a reasonable time period in its judgment for the Member State to comply with the judgment.”).