

## AMENDMENT FORM

**Suggestion for amendment of Article : III-262 (ex Article 227)**

**By Ms : Linda McAvan**

**Status : - Member**

A Member State which considers that another Member State has failed to fulfil an obligation under the Constitution may bring the matter before the Court of Justice.

Before a Member State brings an action against another Member State for an alleged infringement of an obligation under the Constitution, it shall bring the matter before the Commission.

The Commission shall deliver a reasoned opinion after each of the States concerned has been given the opportunity to submit its own case and its observations on the other party's case both orally and in writing. ***These observations must be submitted within three months***

If the Commission has not delivered an opinion within three months of the date on which the matter was brought before it, the absence of such opinion shall not prevent the matter from being brought before the Court of Justice. ***The Court of Justice must deliberate the case within six months of it's referral.***

**Explanation (if any) :** The aim of this amendment is to give a uniform and fixed time span for the infringement procedure within the Commission, the Member States and the Court of Justice.