

AMENDMENT FORM

Suggestion for amendment of Article : III-266 (ex 230)

By Mr Hain

Status : Member

1. OK.
 2. OK.
 3. OK.
 4. Any natural or legal person may, under the same conditions, institute proceedings against an act addressed to that person or which is of direct and individual concern to him, and against a regulatory act (other than an act adopted under Chapter IV of Part Three) which is of direct concern to him without entailing implementing measures.
 5. OK.
 6. OK.
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Explanation (if any) :

266.4

We can accept this, provided that a “regulatory act” is clarified and that there is a specific exemption for the JHA chapter from the extension of the scope of paragraph 3.

In line with the principle of excluding ECJ jurisdiction over CFSP, we need to give effect to the Circle’s view that this provision should exclude “Second Pillar” agencies/bodies, as reflected in the original commentary. We also need to be clear that this should not create ECJ jurisdiction over Member States’ investigations (e.g. through Europol and Eurojust).