

AMENDMENT FORM

Suggestion for amendment of Article : 266 (ex Article 230), part III of the Constitution

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Status : **Tiilikainen, Kiljunen, Vilén - Members**
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Article III- 266 (ex Article 230)

1. The European Court of Justice shall review the legality of European laws and European framework laws, of acts of the Council, of the Commission and of the ECB, other than recommendations and opinions, and of acts of the European Parliament intended to produce legal effects vis-à-vis third parties. It shall also review the legality of acts of agencies and bodies of the Union which produce legal effects vis-à-vis third parties.
2. It shall for this purpose have jurisdiction in actions brought by a Member State, the European Parliament, the Council or the Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the Constitution or of any rule of law relating to its application, or misuse of powers.
3. The European Court of Justice shall have jurisdiction under the same conditions in actions brought by the Court of Auditors, by the European Central Bank and by the Committee of the Regions for the purpose of protecting their prerogatives.
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 which is of direct concern to him without entailing implementing measures~~ **or against any other act having similar legal effects on the person concerned.**
5. Acts setting up agencies and bodies of the Union may lay down specific conditions and arrangements concerning actions brought by natural or legal persons against acts of these bodies or agencies intended to produce legal effects.
6. The proceedings provided for in this Article shall be instituted within two months of the publication of the measure, or of its notification to the plaintiff, or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be.

Explanation (if any) :

The wording of the proposal as to the extension of the right of action of private individuals is hard to interpret and still contains such terms as are used in the existing provision which has led to the restrictive interpretation of the present Article 230 TEC.