

AMENDMENT FORM

Suggestion for amendment of Article : III - 295

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

Article III-295 (ex Article 266)

The European Investment Bank shall have legal personality.

The members of the European Investment Bank shall be the Member States.

The Statute of the European Investment Bank is laid down in a Protocol. A European law may amend Articles 4, 11 and 12 and Article 18(5) of the Statute of the Bank. **It shall be adopted unanimously**, either at the request of the European Investment Bank and after consulting the Commission, or at the request of the Commission and after consulting the European Investment Bank.

Explanation (if any) :

In its present form, Article 295 carries the risk of a dilution of the prudent governance of the European Investment Bank. I strongly favour the retention of the existing consultative role of the Parliament.

AMENDMENT FORM

Suggestion for amendment of Article : III-295 (ex Article 266)

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, national parliament representative.

Status : - **Members: Hjelm-Wallén and Lekberg**
 - **Alternates: Petersson**

The European Investment Bank shall have legal personality.

The members of the European Investment Bank shall be the Member States.

The Statute of the European Investment Bank is laid down in a Protocol. **[The Council may act by unanimity]** ~~A European law may, amend Articles 4, 11 and 12 and Article 18(5) of the Statute of the Bank, either at the request of the European Investment Bank and after consulting the Commission, or at the request of the Commission and after consulting the European Investment Bank.~~

Explanation:

The concerned articles of the EIB Statute relate to the contribution of Member States to the Bank's capital as well as other issues that are central to shareholder influence over policy and operations of the EIB. Decisions with such direct and indirect implications for national budgets must not be taken through the adoption of a European law, i.e. by qualified majority. As presently follows from the Treaty, revisions of the concerned articles should require unanimity by the Council, if the provision is to remain in the Constitution at all.

AMENDMENT FORM

Suggestion for amendment of Article : III-296

By Ms / Mr : Voggenhuber, Wagener, MacCormick, Nagy

Status : - Member - Alternate

Artikel III-296

Article III-296 (ex Article 267)

The task of the European Investment Bank shall be to contribute, by having recourse to the capital market and utilising its own resources, to **the achievement of the aims of the Union as laid down in art 3 (part 1) and** the balanced and steady development of the internal market in the Union's interest. For this purpose the Bank shall, operating on a non-profit-making basis, grant loans and give guarantees which facilitate the financing of the following projects in all sectors of the economy:

- (a) projects for developing less-developed regions;
- (b) projects for modernising or converting undertakings or for developing fresh activities called for by the progressive establishment of the internal market, where these projects are of such a size or nature that they cannot be entirely financed by the various means available in the individual Member States;
- (c) projects of common interest to several Member States which are of such a size or nature that they cannot be entirely financed by the various means available in the individual Member States.

In carrying out its task, the Bank shall facilitate the financing of investment programmes in conjunction with assistance from the Structural Funds and other Union financial instruments. **The European Investment Bank is accountable to the European Parliament.**

Explanation if any :

It should be clear that the EIB is an instrument for achieving the aims of the Union.

AMENDMENT FORM

Suggestion for amendment of Article 295

Suggestion for Part: III

By Ms / Mr : **G.M. de Vries**
 T.J.A.M. de Bruijn

Status : **Member** **Alternate**

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The Statute of the European Investment Bank is laid down in a Protocol. A European law may amend Articles 4, 11 and 12 and Article 18(5) of the Statute of the Bank. The Council shall act unanimously, either at the request of the European Investment Bank and after consulting the Commission and the Parliament, or at the request of the Commission and after consulting the Parliament and the European Investment Bank.

AMENDMENT FORM

Suggestion for amendment of Article : III-295 (ex Article 266)

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, national parliament representative.

**Status : - Members: Hjelm-Wallén and Lekberg
- Alternates: Petersson**

The European Investment Bank shall have legal personality.

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Explanation:

The concerned articles of the EIB Statute relate to the contribution of Member States to the Bank's capital as well as other issues that are central to shareholder influence over policy and operations of the EIB. Decisions with such direct and indirect implications for national budgets must not be taken through the adoption of a European law, i.e. by qualified majority. As presently follows from the Treaty, revisions of the concerned articles should require unanimity by the Council, if the provision is to remain in the Constitution at all.

AMENDMENT FORM

Suggestion for amendment of Article : III-295

By Mr Hain

Status : Member

Paras 1 and 2: OK.

Para 3:

The Statute of the European Investment Bank is laid down in a Protocol. A European law may amend Articles 4, 11 and 12 and Article 18(5) of the Statute of the Bank, either at the request of the European Investment Bank and after consultation of the Commission, or at the request of the Commission and after consultation of the European Investment Bank. The Council shall act by unanimity.

Explanation (if any) :

The EIB Protocol is quasi-constitutional. It should therefore be subject to unanimity.

AMENDMENT FORM

Suggestion for amendment of Article : III-295

By Ms / Mr : Joschka Fischer

Status : - Member - Alternate

Artikel III-295 (ex-Artikel 266)

Die Europäische Investitionsbank besitzt Rechtspersönlichkeit.

Mitglieder der Europäischen Investitionsbank sind die Mitgliedstaaten.

Die Satzung der Europäischen Investitionsbank ist Gegenstand eines Protokolls. ~~Durch ein Europäisches Gesetz können die Artikel 4, 11 und 12 und Artikel 18 Absatz 5 der Satzung der Bank entweder auf Antrag der Europäischen Investitionsbank nach Anhörung der Kommission oder auf Antrag der Kommission nach Anhörung der Europäischen Investitionsbank geändert werden.~~

Explanation (if any) :

Die im Vertrag von Nizza vorgesehene enabling clause für die Anpassung der EIB an die Erweiterung kann wegfallen, da sie für diese Erweiterung nicht mehr benötigt wird.

AMENDMENT FORM

Suggestion for amendment of Article : III-295

By Mr : Farnleitner

Status : - Member

... The Statute of the European Investment Bank is laid down in a Protocol. ~~A European law may amend Articles 4, 11 and 12 and Article 18(5) of the Statute of the Bank, either at the request of the European Investment Bank and after consulting the Commission, or at the request of the Commission and after consulting the European Investment Bank.~~

Explanation (if any) :

The part of Article III-295 that included an enabling clause introduced in Nice in order to deal with the changes to the EIB's Statute made necessary by the enlargement of the Union (capital and governance) should be deleted, as those changes have already been completed within the Accession Treaty.

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-295

Déposée par Monsieur de Villepin

Qualité : - Membre

. La Banque européenne d'investissement est dotée de la personnalité juridique.

Les membres de la Banque européenne d'investissement sont les États membres.

Les statuts de la Banque européenne d'investissement font l'objet d'un protocole. ~~La loi européenne~~
Le Conseil, statuant à l'unanimité et après consultation du Parlement européen, peut modifier les articles 4, 11 et 12 et l'article 18, paragraphe 5, des statuts de la Banque, soit à la demande de la Banque européenne d'investissement après consultation de la Commission, soit à la demande de la Commission après consultation de la Banque européenne d'investissement.

Explication éventuelle :