

## AMENDMENT FORM

**Suggestion for amendment of Article III-297 (Title VI The Functioning of the Union, Chapter I Provision Governing the Institutions, Section 4 Provisions Common To Union Institutions and Bodies):**

**By Mr Michael Frendo**

**Status : - Member**

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**Title VI**  
**The Functioning of the Union,**  
**Chapter I**  
**Provision Governing the Institutions,**  
.....  
Section 4

### PROVISIONS COMMON TO UNION INSTITUTIONS AND BODIES

Article III-297 (ex Article 250)

1. Where, in pursuance of this Treaty, the Council acts on a proposal from the Commission, unanimity shall be required for an act constituting an amendment to that proposal, subject to Articles (251(4) and (5), I 54 and 272).
2. As long as the Council has not acted, the Commission may alter its proposal at any time during the procedures leading to the adoption of a Community act.
3. The Council may, whenever the implementation of a Union measure is deemed to produce disproportionate hardship to any Member State or Member States, where appropriate, in the act adopting that measure, lay down appropriate specific provisions in the form of assistance, technical or financial, and/or temporary derogation, intended to assist the particular member state implement such a measure. Member states shall first operate the procedure laid down in this Article, prior to adopting any measure of enhanced cooperation

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**Explanation (if any) :** Reference is made to my contribution CONV 557/03 which lays down in full the argumentation in favour of the adoption of this amendment. This amendment draws from Article 175(5) TEC relating to the Environment . Its importance increases with the adoption of QMV as a norm in decision-making. It is a solidarity and cohesion clause. It provides - on a facultative non-mandatory basis: "The Council *may*" - the means whereby a Member State otherwise WILLING to support the measure/acquis but for the grave consequences it has to face in its adoption, is assisted, in exceptional cases of disproportionate hardship. This clause is further directed at reducing *a root cause* which could otherwise lead to the use of enhanced cooperation, by providing another tool by means of which the Union as a whole (all its Member States) can move compactly and cohesively together.