

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

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.

AMENDMENT FORM

Suggestion for amendment of Article : III-302

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member - ~~Alternate~~

Artikel III-302 (ex-Artikel 210)

~~Der Rat erlässt die Europäischen Beschlüsse zur Festlegung der~~ **Die** Gehälter, Vergütungen und Ruhegehälter für den Präsidenten und die Mitglieder der Kommission, den Präsidenten, die Richter, die Generalanwälte und den Kanzler des Gerichtshofs, die Mitglieder und den Kanzler des Gerichts, den Präsidenten und die Mitglieder des Rechnungshofs sowie die Mitglieder des Wirtschafts- und Sozialausschusses. ~~Er setzt ferner~~ **und** alle sonstigen als Entgelt gezahlten Vergütungen ~~fest~~ **werden durch Europäische Gesetze festgelegt.**

Explanation (if any) :

FICHE AMENDEMENT 42

III ÈME PARTIE : LES POLITIQUES ET LE FONCTIONNEMENT DE L'UNION

TITRE VI : LE FONCTIONNEMENT DE L'UNION

CHAPITRE I : DISPOSITIONS INSTITUTIONNELLES

SECTION 4 : DISPOSITIONS COMMUNES AUX INSTITUTIONS ET ORGANES DE L'UNION

Proposition d'amendement pour l'article III-302

Déposée par: M.J.CHABERT

M.M.DAMMEYER

M.P.DEWAEL

Mme C. du GRANRUT

M.C.MARTINI

M.R.VALCARCEL SISO

Qualité : - Membre - ~~Suppléant~~ - Observateur

Ajouter :

Le Conseil adopte des décisions européennes fixant les traitements, indemnités et pensions du président et des membres de la Commission, du président, des juges, des avocats généraux et du greffier de la Cour de justice, des membres et du greffier du Tribunal de première instance, du président et des membres de la Cour des comptes, ainsi que des membres **du Comité des régions et** du Comité économique et social. Il fixe également toutes indemnités tenant lieu de rémunération.

Explication éventuelle :

Cet amendement vise à corriger un oubli dans les dispositions du traité actuel.

AMENDMENT FORM

Suggestion for amendment of Article III-301: Openness and transparency

By Member Mr Göran Lennmarker

Article III-301 (new)

1. The Institutions, agencies and bodies of the Union shall recognise the principle importance of transparency in their work. They and shall, in application of [Article I-49 of the Constitution] and in accordance with the principle of openness, lay down in their rules of procedure the specific provisions for public access to documents. Exceptions to openness should be laid down in a European law ~~The European Court of Justice and the European Central Bank shall be subject to the provisions of Article I-49(3) when exercising their administrative tasks.~~
2. Regarding the legislative procedures, the European Parliament and the Council shall not only meet in public, but shall also ensure publication of the relevant documents and publish results, explanations of voting, minutes and any statements entered in them.

Explanation:

1. The European law should clearly state the grounds for secrecy. Any principles and limits governing the right of access to the documents of the Union's institutions, agencies and bodies should be laid down in a European law in accordance with Article I-49(4). If the European Court of Justice and the European Central Bank should require specific secrecy rules, other than those generally applicable, these should also be provided for in this European law.
2. It follows from article 207(3) TEC that the Council should allow greater access to documents when acting in its legislative capacity. Furthermore, the results of votes and explanations of vote as well as statements in the minutes shall always be made public. In order to clarify that Article III-301(2) does not restrict the current level of openness that follows from Article 207(3) TEC, Article III-301(2) should mirror the text in Article 207(3) TEC.

AMENDMENT FORM

Suggestion for amendment of Article : III-301

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member - ~~Alternate~~

Artikel III-301 (neu)

~~(1) Die Organe, Ämter, Agenturen und Einrichtungen der Union messen der Transparenz ihrer Beratungen große Bedeutung bei und sehen gemäß [Artikel I-49 der Verfassung] in ihren Geschäftsordnungen spezielle Bestimmungen über den Zugang der Öffentlichkeit zu ihren Dokumenten vor. Für den Gerichtshof und die Europäische Zentralbank gilt Artikel I-49 Absatz 3, wenn sie Verwaltungsaufgaben wahrnehmen.~~

~~(2) Im Rahmen der Gesetzgebungsverfahren tagen das Europäische Parlament und der Gesetzgebungsrat öffentlich und sorgen für die Veröffentlichung der diesbezüglichen Dokumente.~~

Explanation (if any) :

Absatz 1:

Wiederholung von Artikel I-49 Absatz 1 und Absatz 5.

Absatz 2:

Wiederholung von Artikel I-49 Absatz 2.

AMENDMENT FORM

Suggestion for amendment of Article : III-301

By Mrs Lena HJELM-WALLÈN government representative and Mr Kenneth Kvist and Mr Ingvar Svensson national parliament representatives.

Status : - Members: Hjelm-Wallén
 - Alternates: Kvist and Svensson

Status :
- Member: HJELM-WALLÈN

1. The Institutions, agencies and bodies of the Union shall recognise the importance of transparency in their work and shall, in application of [Article I-49 of the Constitution], lay down in their rules of procedure the specific provisions for public access to documents. ~~The European Court of Justice and the European Central Bank shall be subject to the provisions of Article I-49(3) when exercising their administrative tasks.~~

2. Regarding the legislative procedure, the European Parliament and the Council in its legislative capacity shall not only meet in public, but shall also ensure publication of the relevant documents **and publish results, explanations of voting, minutes and any statements entered in them.**

Explanation:

1. Any principles and limits governing the right of access to the documents of the Union's institutions, agencies and bodies should be laid down in a European law in accordance with Article I-49(4). If the European Court of Justice and the European Central Bank should require specific secrecy rules, other than those generally applicable, these should also be provided for in this European law.

2. It follows from article 207(3) TEC that the Council should allow greater access to documents when acting in its legislative capacity. Furthermore, the results of votes and explanations of vote as well as statements in the minutes shall always be made public. In order to clarify that Article III-301(2) does not restrict the current level of openness that follows from Article 207(3) TEC, Article III-301(2) should mirror the text in Article 207(3) TEC.

AMENDMENT FORM

Part III - Chapter VI: The Functionings of the Union - Chapter 1 - Section 4 - The Institutions

Suggestion for amendment of Article : III-301

By Members: Mr Andrew Duff

Article III-301 (new)

1. The institutions, agencies and bodies of the Union shall recognise the importance of transparency in their work and shall, in application of Article 36 of Part One of the Constitution, lay down in their rules of procedure the specific provisions for public access to documents.
 2. Regarding the legislative procedure, the European Parliament and the Council in its legislative capacity shall not only meet in public, but also ensure ***the full*** publication of ***their proceedings***.
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Explanation:

The important thing is to treat the Council when acting in its legislative capacity like a normal parliamentary chamber. This means the verbatim report must be published in full. No other option is acceptable in what passes for a democratic society.

AMENDMENT FORM

Suggestion for amendment of Article 300

Suggestion for Part: III

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

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

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- ~~1. Bij de vervulling van hun taken steunen de instellingen, bureaus en organen van de Unie op een open, doeltreffend en onafhankelijk Europees ambtenarenapparaat.~~
- ~~2. Onverminderd artikel [III 329 (voorheen artikel 283)] kan daartoe een Europese wet met de toepasselijke specifieke bepalingen worden vastgesteld.~~

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-299

By Ms / Mr : Voggenhuber, Wagener, McCormick, Lichtenberger, Nagy

Status : - Member - Alternate

Artikel III-299

Article III-299 (new)

1. The European Parliament, the Council and the Commission shall consult each other and by common agreement make arrangements for their co-operation. To that end, they may, in compliance with the Constitution, conclude interinstitutional agreements which may be of a binding nature.

2. The institutions of the Union, its agencies and other bodies shall share information in the field of activities of the Union. The principles and conditions for sharing information between the institutions, agencies and bodies of the Union shall be laid down in a European law.

Explanation if any :

Consultation requires, in order to be meaningful, access to information on subject the matter of the consultation. A shared basis of information is obviously, also a precondition for genuine agreement. Access to information is also vital to the exercise of parliamentary control, the principle of which is laid down in Article I-19 of the Constitution. A European law would provide the best guarantee for coherence in this respect.

AMENDMENT FORM

Suggestion for amendment of Article : III-299

By Ms / Mr : Mr Bonde

Status : X - Member - Alternate

Article III-299 (new)

The European Parliament, the Council and the Commission shall consult each other and by common agreement make arrangements for their cooperation. To that end, they may, in compliance with the Constitution, conclude interinstitutional agreements which may be of a binding nature.
SUCH AGREEMENTS SHALL BE RATIFIED BY MEMBER STATES' PARLIAMENTS.

Explanation (if any):

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Suggestion for amendment of: Article III-298

By: Mr. Lamberto Dini (member) and Mr. Filadelfio Basile (Alternate)

Status : - Member - Alternate

On paragraph 8, delete the words "acting by qualified majority".

Explanation : Article I-22 already states that the Council always decides by qualified majority "except where the Constitution provides otherwise". Therefore, the explicit reference to QMV in article III-298 is not necessary and generates confusion (as, correctly, no reference to QMV is made while illustrating the first reading in the legislative procedure).

AMENDMENT FORM

Suggestion for amendment of Article: III-298

By Ms / Mr : Mr Bonde

Status : X - Member - Alternate

Article III-298 (ex Article 251)

1. Where, pursuant to the Constitution, laws or framework laws are adopted under the ordinary legislative procedure **BOTH THE COUNCIL AND THE EUROPEAN PARLIAMENT SHALL DECIDE ON THE LAWS. THE COUNCIL WILL TAKE DECISIONS BY 75% MAJORITY OF THE MEMBER STATES, AND REPRESENTING 50% OF THE POPULATION. THE EUROPEAN PARLIAMENT WILL DECIDE BY SIMPLE MAJORITY. A MEMBER STATE'S PARLIAMENT CAN VETO A LAW BY REASON OF VITAL INTERESTS. THE PRIME MINISTER SHALL BE PREPARED TO DEFEND THE VETO AT THE NEXT SUMMIT.**

[DELETE the rest of the article and move to a protocol:

The following provisions shall apply.

2. The Commission shall submit a proposal to the European Parliament and the Council.

Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article : III-297

By Ms / Mr : Mr Bonde

Status : X - Member - Alternate

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, **[DELETE: unanimity] QUALIFIED MAJORITY** 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.

Explanation (if any) :