

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 308, Partie III, Titre VI

Déposée par Messieurs : Ernâni Lopes, Manuel Lobo Antunes

Qualité : - Membre et Suppléant

Dans les conditions déterminées par la loi européenne visée à [l'ex-article 279], les crédits, autres que ceux relatifs aux dépenses de personnel, qui sont inutilisés à la fin de l'exercice budgétaire peuvent faire l'objet d'un report qui est limité au seul exercice suivant.

Les crédits sont spécialisés par chapitres groupant les dépenses selon leur nature ou leur destination, et subdivisés, conformément à la loi européenne visée à [l'ex-article 279].

Les dépenses du Parlement européen, du Conseil, de la Commission, ~~et~~ de la Cour de justice **et de la Cour des Comptes** font l'objet de parties séparées du budget sans préjudice d'un régime spécial pour certaines dépenses communes.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : III – 306

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

Article III-306 [ex Article 272]

A European law shall establish the Union's annual budget in accordance with the following provisions:

1. Each Institution shall, before 1 July, draw up estimates of its expenditure. The Commission shall consolidate these estimates in a draft budget. It shall attach thereto an opinion which may contain different estimates.

The draft budget shall contain an estimate of revenue and an estimate of expenditure.

The Commission may amend the draft budget during the procedure until such time as the Conciliation Committee, referred to in paragraph 5 below, is convened.

2. The Commission shall submit the draft budget to the European Parliament and the Council not later than 1 September of the year preceding that in which the budget is to be implemented.

3. The Council shall adopt its position on the draft budget law and forward it to the European Parliament not later than 1 October of the year preceding that in which the budget is to be implemented. The Council shall inform the European Parliament fully of the reasons which led it to adopt its position.

4. If, within 40 days of such communication, the European Parliament:

- (a) approves the Council position or has not taken a decision, the budget law shall be deemed to have been adopted;
- (b) proposes amendments to the Council position by a majority of its component members, the amended text shall be forwarded to the Council and to the Commission. The President of the European Parliament, in agreement with the President of the Council, shall immediately convene a meeting of the Conciliation Committee.

If, within ten days, the Council informs the European Parliament that it has approved all its amendments, the Conciliation Committee shall not meet.

5. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of representatives of the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the representatives of the European Parliament within twenty-one days of its being convened, on the basis of the positions of the European Parliament and the Council.

6. The Commission shall take part in the Conciliation Committee's proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

7. If, within twenty-one days of its being convened, the Conciliation Committee approves a joint text, the European Parliament, acting by a majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of fourteen days from that approval in which to adopt the joint text.

8. If, within twenty-one days, the Conciliation Committee does not approve a joint text or if the Council rejects the joint text, the Parliament may, within fourteen days, acting by a majority of its component members and three fifths of the votes cast, confirm its amendments. Where the Parliament amendment is not confirmed, the Council position on the budget item which is the subject of the amendment shall be deemed to be adopted.

However, if the Parliament, acting by a majority of its component members and three fifths of the votes cast, rejects the joint text, it may ask for a new draft to be submitted.

9. When the procedure provided for in this Article has been completed, the President of the European Parliament shall declare that the budget law has been finally adopted.

Explanation (if any) :

I do not oppose the draft articles on the Union's budget. I welcome the provisions that shall ensure that the financial means are made available to allow the Union to fulfil its legal obligations in respect of third parties. I would agree with M. de Villepin that it would also be important that Article III - 122 ensures the maintenance of the current procedures in agricultural matters: the mechanisms of the common organisation of agricultural markets and rural development policy, agricultural assistance and price levels, and conditions for the granting of assistance. These must continue to involve laws adopted by the Council acting by qualified majority, after consultation of the European Parliament.

AMENDMENT FORM

Suggestion for amendment of Article : III – 307

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

Article III-307 [ex Article 273]

1. If no budget law has been adopted at the beginning of a financial year, a sum equivalent to not more than one twelfth of the budget appropriations entered in the budget law for the preceding financial year may be spent each month in respect of any chapter or other subdivision of the budget in accordance with the provisions of the European law referred to in [ex Article 279]; this arrangement shall not, however, have the effect of placing at the disposal of the Commission appropriations in excess of one twelfth of those provided for in the draft budget under consideration.

2. The Council, on a proposal by the Commission and in compliance with the other conditions laid down in the first paragraph, may adopt a European decision authorising expenditure in excess of one twelfth. The Council shall forward the decision immediately to the European Parliament.

The European decision shall lay down the necessary measures relating to resources to ensure application of this Article.

It shall enter into force thirty days following its adoption if the European Parliament, acting by a majority of its component members, has not decided to reduce this expenditure within that time-limit.

Explanation (if any) :

I do not oppose the draft articles on the Union's budget. I welcome the provisions that shall ensure that the financial means are made available to allow the Union to fulfil its legal obligations in respect of third parties. I would agree with M. de Villepin that it would also be important that Article III - 122 ensures the maintenance of the current procedures in agricultural matters: the mechanisms of the common organisation of agricultural markets and rural development policy, agricultural assistance and price levels, and conditions for the granting of assistance. These must continue to involve laws adopted by the Council acting by qualified majority, after consultation of the European Parliament.

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-306

Déposée par Monsieur de Villepin

Qualité : - Membre

[Le reste sans changements]

8. Si dans le délai de vingt et un jours, le comité de conciliation n'approuve pas de projet commun ou si le Conseil rejette le projet commun, ~~le Parlement européen peut, dans un délai de quatorze jours, statuant à la majorité des membres qui le composent et des trois cinquièmes des suffrages exprimés, confirmer ses amendements. Si l'amendement du Parlement n'est pas confirmé, la position du Conseil pour le poste budgétaires qui fait l'objet de cet amendement est réputée adoptée~~ **est réputée adopté, pour chacun des chapitres budgétaires pour lequel un accord n'a pu être trouvé, le plus bas des deux montants proposés par chacune des branches de l'autorité budgétaire.**
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Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : III-306.8

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**

8. If, within twenty-one days, the Conciliation Committee does not approve a joint text, **expenditure for each budget line on which there is no agreement shall be determined at the lower of the Council's or the European Parliament's final conciliation position, or at the levels included in the previous year's budget if these are higher and within the budget ceilings of the financial framework for the current year. The levels provided for by this arrangement apply until the Council and the European Parliament have reached an agreement on a new budget.** ~~or if the Council rejects the joint text, the Parliament may, within fourteen days, acting by a majority of its component members and three fifths of the votes cast, confirm its amendments. Where the Parliament amendment is not confirmed, the Council position on the budget item which is the subject of the amendment shall be deemed to be adopted.~~

~~However, if the Parliament, acting by a majority of its component members and three fifths of the votes cast, rejects the joint text, it may ask for a new draft to be submitted.~~

Explanation: In order to maintain institutional balance, and provide for long-term stability and budget discipline, we prefer the second option in the report from the Discussion Circle on budgetary matters, as described above. The current proposal from the Praesidium would in practice give the European Parliament the final word on the whole budget, which would disturb the institutional balance compared with today's system.

AMENDMENT FORM

Suggestion for amendment of Article : 308 (ex Article 271), part III of the Constitution

By Ms / Mr : Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle

**Status : Tiilikainen, Kiljunen, Vilén - Members
 Peltomäki, Takkula and Helle - Alternates**

Article III-308 [ex Article 271]

In accordance with conditions laid down by the European law referred to in [Article III-314 (ex 279)], any appropriations, other than those relating to staff expenditure, that are unexpended at the end of the financial year may be carried forward to the next financial year only.

Appropriations shall be classified under different chapters grouping items of expenditure according to their nature or purpose and subdivided in accordance with the European law referred to in [Article III-314 (ex 279)].

The expenditure of the European Parliament, the Council, the Commission, ~~and~~ the European Court of Justice **and the Court of Auditors** shall be set out in separate parts of the budget, without prejudice to special arrangements for certain common items of expenditure.

Explanation (if any) :

The Court of Auditors as the external audit body of the Union should be devoted a separate part of the budget.

AMENDMENT FORM

Suggestion for amendment of Article 306

Suggestion for Part: III

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

Status : Member Alternate

8. If, within twenty-one days, the Conciliation Committee does not approve a joint text or if one of the other institutions ~~the Council~~ rejects the joint text, a budget providing, in the case of each budget item which is the subject of disagreement, for the lowest amount proposed either by the Council or the Parliament or, where it is higher, the figure in the budget law for the previous year, ~~the Parliament may, within fourteen days, acting by a majority of its component members and three fifths of the votes cast, confirm its amendments. Where the Parliament amendment is not confirmed, the Council position on the budget item which is the subject of the amendment shall be deemed to be adopted.~~

However, ~~if the Parliament, acting by a majority of its component members and two-thirds~~three fifths of the votes cast, may, if there are important reasons, rejects the draft ~~budget joint text, it may and~~ ask for a new draft to be submitted to it.

AMENDMENT FORM

Suggestion for amendment of Article : III-306

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

Status : - Member - Alternate

Artikel III-306

Article III-306 [ex Article 272]

A European law shall establish the Union's annual budget in accordance with the following provisions:

1. Each Institution shall, before 1 ***June***, draw up estimates of its expenditure. The Commission shall consolidate these estimates in a draft budget. It shall attach thereto an opinion which may contain different estimates.

The draft budget shall contain an estimate of revenue and an estimate of expenditure.

The Commission may amend the draft budget during the procedure until such time as the Conciliation Committee, referred to in paragraph 5 below, is convened.

2. The Commission shall submit the draft budget to the European Parliament and the Council not later than 1 ***July*** of the year preceding that in which the budget is to be implemented.

3. The ***European Parliament*** shall adopt its position on the draft budget law and forward it to the European Parliament not later than 1 October of the year preceding that in which the budget is to be implemented. (*deletion*)

4. If, within 40 days of such communication, the ***Council***:

(a) approves the ***European Parliament*** position or has not taken a decision, the budget law shall be deemed to have been adopted;

- (b) proposes amendments to the *European Parliament* position (*deletion*), the amended text shall be forwarded to the *European Parliament* and to the Commission. The President of the *Council*, in agreement with the President of the *European Parliament*, shall immediately convene a meeting of the Conciliation Committee.

If, within ten days, the *European Parliament* informs the *Council* that it has approved all its amendments, the Conciliation Committee shall not meet.

5. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of representatives of the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the representatives of the European Parliament within twenty-one days of its being convened, on the basis of the positions of the European Parliament and the Council.

6. The Commission shall take part in the Conciliation Committee's proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

7. If, within twenty-one days of its being convened, the Conciliation Committee approves a joint text, the European Parliament, acting by a majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of fourteen days from that approval in which to adopt the joint text.

8. If, within twenty-one days, the Conciliation Committee does not approve a joint text or if the Council rejects the joint text, the Parliament may, within fourteen days, acting by a majority of its component members and three fifths of the votes cast, *reject or modify Council's* amendments. (*deletion*)

(*deletion*) The Parliament, acting by a majority of its component members and three fifths of the votes cast, (*deletion*) may ask for a new draft to be submitted.

9. When the procedure provided for in this Article has been completed, the President of the European Parliament shall declare that the budget law has been finally adopted.

Explanation (if any) :

The procedure must be brought more into line with the normal co-decision procedure, although in a simplified form. The Committee on Budgets of the European Parliament has expressed preference for a reversed order: the draft budget should first be presented to the European Parliament, followed by a Council position, conciliation and, if necessary a second reading, in which the EP which can then reject or modify Council's position, as is the case now. In this second reading the EP has to respect the ceilings of the financial perspective. The option to reject the budget must be retained but not be subject to the provision of the rejection of a joint text.

AMENDMENT FORM

Suggestion for amendment of Article : 306 (ex Article 272), part III of the Constitution

By Ms / Mr : Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle

**Status : Tiilikainen, Kiljunen, Vilén - Members
 Peltomäki, Takkula and Helle - Alternates**

Article III-306 [ex Article 272]

A European law shall establish the Union's annual budget in accordance with the following provisions:

1. Each Institution shall, before 1 July, draw up estimates of its expenditure. The Commission shall consolidate these estimates in a draft budget. It shall attach thereto an opinion which may contain different estimates.

The draft budget shall contain an estimate of revenue and an estimate of expenditure.

The Commission may amend the draft budget during the procedure until such time as the Conciliation Committee, referred to in paragraph 5 below, is convened.

2. The Commission shall submit the draft budget to the European Parliament and the Council not later than 1 September of the year preceding that in which the budget is to be implemented.

3. The Council shall adopt its position on the draft budget law and forward it to the European Parliament not later than 1 October of the year preceding that in which the budget is to be implemented. The Council shall inform the European Parliament fully of the reasons which led it to adopt its position.

4. If, within 40 days of such communication, the European Parliament:

- (a) approves the Council position or has not taken a decision, the budget law shall be deemed to have been adopted;
- (b) proposes amendments to the Council position by a majority of its component members, the amended text shall be forwarded to the Council and to the Commission. The President of the European Parliament, in agreement with the President of the Council, shall immediately convene a meeting of the Conciliation Committee.

If, within ten days, the Council informs the European Parliament that it has approved all its amendments, the Conciliation Committee shall not meet.

5. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of representatives of the European Par-

liament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the representatives of the European Parliament within twenty-one days of its being convened, on the basis of the positions of the European Parliament and the Council.

6. The Commission shall take part in the Conciliation Committee's proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

7. If, within twenty-one days of its being convened, the Conciliation Committee approves a joint text, the European Parliament, acting by a majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of fourteen days from that approval in which to adopt the joint text.

8. If, within twenty-one days, the Conciliation Committee does not approve a joint text or if the Council rejects the joint text, the **Commission shall within ten days give a reasoned opinion on the amendment of the Parliament. The** Parliament may, within fourteen days, acting by a majority of its component members and three fifths of the votes cast, confirm its amendments **if the Commission has supported them. If the Commission has not supported the amendments, the Parliament may within fourteen days, acting by two thirds majority of its component members, confirm them.** Where the Parliament amendment is not confirmed, the Council position on the budget item which is the subject of the amendment shall be deemed to be adopted.

However, if the Parliament, acting by a majority of its component members and three fifths of the votes cast, rejects the joint text, it may ask for a new draft to be submitted.

9. When the procedure provided for in this Article has been completed, the President of the European Parliament shall declare that the budget law has been finally adopted.

Explanation (if any) :

The abolition of the distinction between compulsory and non-compulsory expenditure strengthens considerably the position of the European Parliament. To maintain the institutional balance between the two arms of the budgetary authority and to safeguard the respect of the legal commitments of the Union for third parties and the fair representation of different interests, the approval of the amendments should be tied to a reasoned opinion of the Commission which could be overruled only by a particularly strong majority of the Parliament. It is also important that it is the Council which first lays down its position on the draft budget law.

AMENDMENT FORM

Suggestion for amendment of Article : III – 306

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

Article III-306 [ex Article 272]

A European law shall establish the Union's annual budget in accordance with the following provisions:

1. Each Institution shall, before 1 July, draw up estimates of its expenditure. The Commission shall consolidate these estimates in a draft budget. It shall attach thereto an opinion which may contain different estimates.

The draft budget shall contain an estimate of revenue and an estimate of expenditure.

The Commission may amend the draft budget during the procedure until such time as the Conciliation Committee, referred to in paragraph 5 below, is convened.

2. The Commission shall submit the draft budget to the European Parliament and the Council not later than 1 September of the year preceding that in which the budget is to be implemented.

3. The Council shall adopt its position on the draft budget law and forward it to the European Parliament not later than 1 October of the year preceding that in which the budget is to be implemented. The Council shall inform the European Parliament fully of the reasons which led it to adopt its position.

4. If, within 40 days of such communication, the European Parliament:

- (a) approves the Council position or has not taken a decision, the budget law shall be deemed to have been adopted;
- (b) proposes amendments to the Council position by a majority of its component members, the amended text shall be forwarded to the Council and to the Commission. The President of the European Parliament, in agreement with the President of the Council, shall immediately convene a meeting of the Conciliation Committee.

If, within ten days, the Council informs the European Parliament that it has approved all its amendments, the Conciliation Committee shall not meet.

5. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of representatives of the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the representatives of the European Parliament within twenty-one days of its being convened, on the basis of the positions of the European Parliament and the Council.

6. The Commission shall take part in the Conciliation Committee's proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

7. If, within twenty-one days of its being convened, the Conciliation Committee approves a joint text, the European Parliament, acting by a majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of fourteen days from that approval in which to adopt the joint text.

8. ~~If, within twenty-one days, the Conciliation Committee does not approve a joint text or if the Council rejects the joint text, the Parliament may, within fourteen days, acting by a majority of its component members and three fifths of the votes cast, confirm its amendments. Where the Parliament amendment is not confirmed, the Council position on the budget item which is the subject of the amendment shall be deemed to be adopted.~~

If, within four weeks, the Conciliation Committee does not approve a joint text or if one of the other institutions rejects the joint text, a budget providing, in the case of each budget item which is the subject of disagreement, for the lowest amount proposed either by the Council or the Parliament or, where it is higher, the figure in the budget law for the previous year, shall be deemed to be adopted.

In all events, the figure in the budget deemed to be adopted shall incorporate the figure in the Commission's Preliminary Draft Budget, or any subsequent amendment by the Commission of this figure, for the means to allow the Union to meet its legal obligations in respect of third parties.

However, if the Parliament, acting by a majority of its component members and three fifths of the votes cast, rejects the joint text, it may ask for a new draft to be submitted.

9. When the procedure provided for in this Article has been completed, the President of the European Parliament shall declare that the budget law has been finally adopted.

Explanation (if any) : The principal issue is the tie-break provision (Sub-Article 306.8) if Parliament and Council cannot reach agreement at Conciliation Committee. This provision is not substantially different from that in the existing EC Treaty. However, in the context of Parliament's being given an enhanced role in adopting the Budget, it is questionable whether the provision for Parliament to have the final say on the Budget is appropriate. A provision for a more balanced relationship between Council and Parliament is preferable.

AMENDMENT FORM

Suggestion for amendment of Article : III-306.8 (ex Article 272)

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**

8. If, within twenty-one days, the Conciliation Committee does not approve a joint text, **expenditure for each budget line on which there is no agreement shall be determined at the lower of the Council's or the European Parliament's final conciliation position, or at the levels included in the previous year's budget if these are higher and within the budget ceilings of the financial framework for the current year. The levels provided for by this arrangement apply until the Council and the European Parliament have reached an agreement on a new budget.** ~~or if the Council rejects the joint text, the Parliament may, within fourteen days, acting by a majority of its component members and three fifths of the votes cast, confirm its amendments. Where the Parliament amendment is not confirmed, the Council position on the budget item which is the subject of the amendment shall be deemed to be adopted.~~

~~However, if the Parliament, acting by a majority of its component members and three fifths of the votes cast, rejects the joint text, it may ask for a new draft to be submitted.~~

Explanation: In order to maintain institutional balance, and provide for long-term stability and budget discipline, we prefer the second option in the report from the Discussion Circle on budgetary matters, as described above. The current proposal from the Praesidium would in practice give the European Parliament the final word on the whole budget, which would disturb the institutional balance compared with today's system.

AMENDMENT FORM

Suggestion for amendment of Article : III-306 (ex-272)

By Mr Hain

Status : Member

1. OK.
2. OK.
3. The Council, acting by qualified majority shall adopt its position on the draft budget law and forward it to the European Parliament not later than 1 October of the year preceding that in which the budget is to be implemented. The Council shall inform the European Parliament fully of the reasons which led it to adopt its position.
4. OK.
5. OK
6. OK
7. OK
8. If, within twenty-one days, the Conciliation Committee does not approve a joint text or if the Council rejects the joint text, a budget providing, in the case of each budget item which is the subject of disagreement, for the lowest amount proposed either by the Council or the Parliament or, where it is higher, the figure in the budget law for the previous year, shall be deemed to be adopted.
~~the Parliament may, within fourteen days, acting by a majority of its component members and three fifths of the votes cast, confirm its amendments. Where the Parliament amendment is not confirmed, the Council position on the budget item which is the subject of the amendment shall be deemed to be adopted.~~

~~However, if the Parliament, acting by a majority of its component members and three fifths of the votes cast, rejects the joint text, it may ask for a new draft to be submitted.~~

9. OK
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Explanation (if any) :

306.3:

It should be specified that the Council should act by qualified majority, even if this involves departing from the draft budget proposed by the Commission, to give effect to the exception in Article III-297.1

306.8:

In order to preserve the current institutional balance and thereby maintain strong budget discipline, both the Council and the European Parliament should have an equal say over decisions on the

annual budget. The UK's proposal – option 2 in the report of the budget discussion circle – would secure this.

AMENDMENT FORM

Suggestion for amendment of Article : III-306

By Mr : Joschke Fischer

Status : Member

Artikel III-306 [ex-Artikel 272]

Das Europäische Gesetz, mit dem der Jahreshaushaltsplan der Union festgestellt wird, wird gemäß den folgenden Bestimmungen erlassen:

(1) Jedes Organ stellt vor dem 1. Juli einen Haushaltsvoranschlag für seine Ausgaben auf. Die Kommission fasst diese Voranschläge in einem Entwurf für den Haushaltsplan zusammen. Sie fügt eine Stellungnahme bei, die abweichende Voranschläge enthalten kann.

Dieser Entwurf umfasst den Ansatz der Einnahmen und den Ansatz der Ausgaben.

Die Kommission kann den Entwurf des Haushaltsplans während des laufenden Verfahrens bis zur Einberufung des in Absatz 5 genannten Vermittlungsausschusses ändern.

(2) Die Kommission legt dem Europäischen Parlament und dem Rat den Entwurf des Haushaltsplans spätestens am 1. September des Jahres vor, das dem entsprechenden Haushaltsjahr vorausgeht.

(3) Der Rat legt seinen Standpunkt zu dem Entwurf des Haushaltsgesetzes fest und leitet ihn spätestens am 1. Oktober des Jahres, das dem entsprechenden Haushaltsjahr vorausgeht, dem Europäischen Parlament zu. Er unterrichtet das Europäische Parlament in allen Einzelheiten über die Gründe, aus denen er seinen gemeinsamen Standpunkt festgelegt hat.

(4) Hat das Europäische Parlament binnen vierzig Tagen nach dieser Übermittlung

- a) den Standpunkt des Rates gebilligt oder keinen Beschluss gefasst, so gilt das Haushaltsgesetz als verabschiedet;
- b) mit der absoluten Mehrheit seiner Mitglieder Abänderungen an dem Standpunkt des Rates vorgeschlagen, so wird die abgeänderte Fassung dem Rat und der Kommission zugeleitet. Der Präsident des Europäischen Parlaments beruft im Einvernehmen mit dem Präsidenten des Rates umgehend den Vermittlungsausschuss ein.

~~Der Vermittlungsausschuss tritt nicht zusammen, falls der Rat dem Europäischen Parlament binnen zehn Tagen mitteilt, dass er alle seine Abänderungen billigt.~~

~~(5) Der Vermittlungsausschuss, der aus den Mitgliedern des Rates oder deren Vertretern und ebenso vielen Vertretern des Europäischen Parlaments besteht, hat die Aufgabe, binnen einer Frist von einzwanzig Tagen nach seiner Einberufung auf der Grundlage der Standpunkte des Europäischen Parlaments und des Rates eine Einigung über einen gemeinsamen Entwurf mit der qualifizierten Mehrheit der Mitglieder des Rates oder deren Vertreter und der Mehrheit der Vertreter des~~

Europäischen Parlaments zu erzielen.

(6) Die Kommission nimmt an den Arbeiten des Vermittlungsausschusses teil und ergreift alle erforderlichen Initiativen, um auf eine Annäherung der Standpunkte des Europäischen Parlaments und des Rates hinzuwirken.

(7) ~~Billigt der Vermittlungsausschuss binnen einundzwanzig Tagen nach seiner Einberufung einen gemeinsamen Entwurf, so verfügen das Europäische Parlament und der Rat ab dieser Billigung über eine Frist von vierzehn Tagen, um den gemeinsamen Entwurf anzunehmen, wobei im Europäischen Parlament die absolute Mehrheit der abgegebenen Stimmen und im Rat die qualifizierte Mehrheit erforderlich ist.~~

(8) ~~Billigt der Vermittlungsausschuss binnen einundzwanzig Tagen keinen gemeinsamen Entwurf oder lehnt der Rat den gemeinsamen Entwurf ab, so kann das Europäische Parlament binnen einer Frist von vierzehn Tagen mit der Mehrheit seiner Mitglieder und mit drei Fünfteln der abgegebenen Stimmen beschließen, seine Abänderungen zu bestätigen. Wenn das Europäische Parlament seine Abänderung nicht bestätigt, gilt der Standpunkt des Rates zu jedem Haushaltsposten, der abgeändert wurde, als angenommen.~~

~~Lehnt das Europäische Parlament den gemeinsamen Entwurf mit der Mehrheit seiner Mitglieder und mit drei Fünfteln der abgegebenen Stimmen ab, so kann es verlangen, dass ein neuer Haushaltsplanentwurf unterbreitet wird.~~

(9) Nach Abschluss des Verfahrens dieses Artikels stellt der Präsident des Europäischen Parlaments fest, dass das Haushaltsgesetz endgültig verabschiedet ist.

Explanation (if any) :

Deutschland ist für strikte Gleichberechtigung zwischen Europäischem Parlament und Rat bei den Entscheidungen über die jährlichen Ausgaben. Das vorgeschlagene Entscheidungsverfahren führt aber zu einem Letztentscheidungsrecht des EP und muß deshalb grundsätzlich überarbeitet werden. Die Grundzüge des Verfahrens sollten wie folgt aussehen:

- 1) Rat entscheidet, inwieweit er einzelne Änderungen des EP akzeptiert, die damit angenommen sind;**
- 2) Vermittlungsausschuss berät über die einzelnen Änderungen des EP, die vom Rat abgelehnt wurden. Wenn Einigung zu einzelnen Änderungen (Mehrheitserfordernis wie in Abs.5) erzielt wird, werden diese aufgenommen. Bei Änderungen des EP, zu denen keine Einigung erzielt werden kann, wird der niedere Wert aus Vorjahresansatz und Kommissionsvorschlag eingesetzt.**
- 3) Der daraus resultierende Haushaltsentwurf wird Rat und EP zur Billigung vorgelegt, wobei der Rat mit qualifizierter Mehrheit und EP mit der Mehrheit seiner Mitglieder und drei Fünfteln der abgegebenen Stimmen den Entwurf ablehnen können. Sofern ein Organ ablehnt, kann es verlangen, dass ein neuer Haushalt aufgestellt wird.**

AMENDMENT FORM

Suggestion for amendment of Article : III-306

By Mr : Farnleitner

Status : - Member

8. Si dans le délai de ~~vingt et un jours~~ **quatre semaines**, le comité de conciliation n'approuve pas de projet commun ou si ~~le Conseil rejette le projet commun~~ **l'une ou l'autre des deux institutions rejette le projet commun**, le Parlement européen peut, dans un délai de quatorze jours, statuant à la majorité des membres qui le composent et des trois cinquièmes des suffrages exprimés, confirmer ses amendements. Si l'amendement du Parlement n'est pas confirmé, la position du Conseil pour le poste budgétaire qui fait l'objet de cet amendement est réputée adoptée. **un budget qui prévoit pour chaque poste budgétaire qui a fait l'objet de divergence, le montant le moins élevé proposé soit par le Conseil soit par le Parlement ou bien celui qui figure dans la loi du budget de l'année précédente s'il est plus élevé, est réputé adopté.**"

Si le Parlement rejette **pour des motifs importants** le projet commun à la majorité des membres qui le composent et des ~~trois cinquièmes~~ **deux tiers** des suffrages exprimés, il peut demander qu'un nouveau projet de budget soit soumis.

Explanation (if any) :

I prefer Option 2 of the discussion circle's report to the Presidium. Instead of drawing on the current procedure for non-compulsory expenditure, under option 2, the Parliament would adopt a budget which would provide, for those budget headings on which there was no agreement, the lowest amount proposed by the Council or the Parliament, or the previous year's amount, if higher. In this case there would be no final vote by the Parliament.

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-306

Déposée par Monsieur de Villepin

Qualité : - Membre

[Les paragraphes 1 à 7 sans changements]

8. Si dans le délai de vingt et un jours, le comité de conciliation n'approuve pas de projet commun ou si le Parlement ou le Conseil ~~rejette~~ n'adopte pas le projet commun, est réputé adopté le budget ainsi établi :

- pour les chapitres dont les crédits font l'objet d'un accord entre le Parlement et le Conseil est retenu le montant qui résulte de cet accord
- pour les chapitres dont les crédits ne font pas l'objet d'un accord est retenu le montant le plus bas des montants proposés par le Conseil et le Parlement. Dans l'hypothèse où lesdits montants seraient inférieurs au montant inscrit dans le budget initial de l'année en cours, ce dernier est retenu.

~~le Parlement européen peut, dans un délai de quatorze jours, statuant à la majorité des membres qui le composent et des trois-cinquièmes des suffrages exprimés, confirmer ses amendements. Si l'amendement du Parlement n'est pas confirmé, la position du Conseil pour le poste budgétaire qui fait l'objet de cet amendement est réputée adoptée.~~

Par dérogation à l'alinéa précédent, ~~si~~ le Parlement rejette le projet commun à la majorité des membres qui le composent et des trois-cinquièmes des suffrages exprimés, il peut demander qu'un nouveau projet de budget soit soumis.

9. Lorsque la procédure prévue au présent article est achevée, le président du Parlement européen constate que la loi de budget est définitivement arrêtée.

Explication éventuelle :

Il importe de prévoir une réelle codécision entre le Parlement et le Conseil, conformément à l'article I-55, qui dispose que ce sont ces deux institutions (et non simplement l'une d'entre elles) qui adoptent le budget. Ceci suppose de ne pas donner le dernier mot à l'une des deux institutions, mais de prévoir un critère permettant de résoudre les divergences persistantes entre elles.

Conformément au rapport du cercle de réflexion sur la procédure budgétaire, il est proposé le critère suivant lorsque le comité de conciliation n'a pu établir un projet commun ou lorsque ce

projet n'est pas adopté par les deux institutions dans le délai prévu par le paragraphe 7 (donc non seulement en cas de rejet explicite mais aussi en l'absence de décision):

- pour chaque chapitre faisant l'objet d'un accord avant la conciliation, on retient le montant résultant de cet accord ;
- pour chaque chapitre faisant l'objet d'un désaccord avant la conciliation, on retient le montant inférieur proposé par l'une ou l'autre institution, ou le montant inscrit au budget de l'année en cours s'il est supérieur.

Le Parlement garde cependant la possibilité de s'opposer à l'adoption d'un tel budget en statuant à la majorité des 3/5, pour demander qu'un nouveau projet de budget soit soumis.

AMENDMENT FORM

Suggestion for amendment of Article : 306

By Ms / Mr : Mr Bonde

Status : X - Member - Alternate

Article III-306 [ex Article 272]

A European law shall establish the Union's annual budget in accordance with the following provisions:

THE LAW SHALL BE APPROVED BY THE COUNCIL TAKING A DECISION BY A 75% MAJORITY OF THE MEMBER STATES, REPRESENTING 50% OF THE POPULATION. THE EUROPEAN PARLIAMENT SHALL APPROVE THE LAW BY SIMPLE MAJORITY.

1. Each Institution shall, before 1 July, draw up estimates of its expenditure. The Commission shall consolidate these estimates in a draft budget. It shall attach thereto an opinion which may contain different estimates.

The draft budget shall contain an estimate of revenue and an estimate of expenditure.

The Commission may amend the draft budget during the procedure until such time as the Conciliation Committee, referred to in paragraph 5 below, is convened.

2. The Commission shall submit the draft budget to the European Parliament and the Council not later than 1 September of the year preceding that in which the budget is to be implemented.

3. The Council shall adopt its position on the draft budget law and forward it to the European Parliament not later than 1 October of the year preceding that in which the budget is to be implemented. The Council shall inform the European Parliament fully of the reasons which led it to adopt its position.

4. If, within 40 days of such communication, the European Parliament:

- (a) approves the Council position or has not taken a decision, the budget law shall be deemed to have been adopted;
- (b) proposes amendments to the Council position by a majority of its component members, the amended text shall be forwarded to the Council and to the Commission. The President of the European Parliament, in agreement with the President of the Council, shall immediately convene a meeting of the Conciliation Committee.

If, within ten days, the Council informs the European Parliament that it has approved all its amendments, the Conciliation Committee shall not meet.

5. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of representatives of the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or

their representatives and by a majority of the representatives of the European Parliament within twenty-one days of its being convened, on the basis of the positions of the European Parliament and the Council.

6. The Commission shall take part in the Conciliation Committee's proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

7. If, within twenty-one days of its being convened, the Conciliation Committee approves a joint text, the European Parliament, acting by a majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of fourteen days from that approval in which to adopt the joint text.

8. If, within twenty-one days, the Conciliation Committee does not approve a joint text or if the Council rejects the joint text, the Parliament may, within fourteen days, acting by a majority of its component members and three fifths of the votes cast, confirm its amendments. Where the Parliament amendment is not confirmed, the Council position on the budget item which is the subject of the amendment shall be deemed to be adopted.

However, if the Parliament, acting by a majority of its component members and three fifths of the votes cast, rejects the joint text, it may ask for a new draft to be submitted.

9. When the procedure provided for in this Article has been completed, the President of the European Parliament shall declare that the budget law has been finally adopted.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-306

Déposée par MM. Barnier, Vitorino, O'Sullivan et Ponzano

Qualité : Membres et Suppléants

Article III- 306 [ex-article 272] (procédure budgétaire)

La loi européenne établit le budget annuel de l'Union conformément aux dispositions suivantes:

1. Chaque institution dresse, avant le 1^{er} juillet, un état prévisionnel de ses dépenses. La Commission groupe ces états dans un projet de budget. Elle y joint un avis qui peut comporter des prévisions divergentes.

Ce projet comprend une prévision des recettes et une prévision des dépenses.

La Commission peut modifier le projet de budget au cours de la procédure jusqu'à la convocation du comité de conciliation visé au paragraphe 5.

2. La Commission soumet le projet de budget au Parlement européen et au Conseil au plus tard le 1^{er} septembre de l'année qui précède celle de l'exécution du budget.

3. Le **Parlement européen** ~~Conseil~~ arrête sa position sur le projet de budget et le transmet au **Conseil** ~~Parlement européen~~ au plus tard le 1^{er} **25** octobre de l'année qui précède celle de l'exécution du budget. Il informe pleinement le **Conseil** ~~Parlement européen~~ des raisons qui l'ont conduit à arrêter sa position.

4. Si, **au plus tard le 20 novembre**, le **Conseil** ~~dans un délai de quarante jours après cette transmission, le Parlement européen~~

a) approuve la position du **Parlement européen** ~~Conseil~~ ou ne s'est pas prononcé, la loi de budget est réputée adoptée;

b) propose, ~~à la majorité des membres qui le composent~~, des amendements à la position du **Parlement européen** ~~Conseil~~, le texte ainsi amendé est transmis au **Parlement européen** ~~Conseil~~ et à la Commission. Le président du Parlement européen, en accord avec le président du Conseil, convoque sans délai le comité de conciliation.

~~Le comité de conciliation ne se réunit pas si dans un délai de dix jours, le Conseil communique au Parlement européen qu'il approuve tous ses amendements.~~

5. Le comité de conciliation, qui réunit les membres du Conseil ou leurs représentants et autant de représentants du Parlement européen, a pour mission d'aboutir à un accord sur un projet commun à la majorité qualifiée des membres du Conseil ou de leurs représentants et à la majorité des représentants du Parlement

européen **au plus tard le 5 décembre** ~~dans un délai de vingt et un jours à partir de sa convocation~~, sur la base des positions du Parlement européen et du Conseil.

6. La Commission participe aux travaux du comité de conciliation et prend toutes les initiatives nécessaires en vue de promouvoir un rapprochement des positions du Parlement européen et du Conseil.

7. Si ~~dans le délai de vingt et un jours après sa convocation~~ le comité de conciliation approuve un projet commun, le Parlement européen et le Conseil disposent chacun d'un délai **d'une semaine** ~~de quatorze jours~~ à compter de cette approbation pour adopter le projet commun, à la majorité des suffrages exprimés lorsqu'il s'agit du Parlement européen et à la majorité qualifiée lorsqu'il s'agit du Conseil.

8. Si, **au 5 décembre**, ~~dans le délai de vingt et un jours~~, le comité de conciliation n'approuve pas de projet commun ou si **le Parlement européen** ou le Conseil rejette le projet commun, le Parlement européen peut, **juqu'au 20 décembre** ~~dans un délai de quatorze jours~~, statuant à la majorité **trois-cinquièmes** des membres qui le composent ~~et des trois-cinquièmes des suffrages exprimés~~, confirmer ses amendements. Si l'amendement du Parlement n'est pas confirmé, la position du Conseil pour le poste budgétaire qui fait l'objet de cet amendement est réputée adoptée.

~~Si le Parlement rejette le projet commun à la majorité des membres qui le composent et des trois-cinquièmes des suffrages exprimés, il peut demander qu'un nouveau projet de budget soit soumis.~~

9. Lorsque la procédure prévue au présent article est achevée, le président du Parlement européen constate que la loi de budget est définitivement arrêtée.

Explication :

Les modifications proposées répondent aux objectifs suivants :

- Simplification de la procédure avec une seule lecture du Parlement et une seule lecture du Conseil, suivie de la conciliation, puis éventuellement d'une deuxième lecture au Parlement européen si le comité de conciliation n'approuve pas de projet commun.

- Inciter les deux branches de l'autorité budgétaire à trouver un accord dans le comité de conciliation. Il faut donc qu'une véritable négociation y ait lieu, ce que l'on ne peut obtenir que si, en cas d'échec, il n'est ni trop difficile, ni trop facile pour le Parlement européen (qui a le dernier mot) de modifier le projet de budget tel qu'il a été amendé par le Conseil. La majorité au Parlement doit donc être plus élevée dans ce cas que pour adopter le projet commun.