

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 316, Partie III, Titre VI

Déposée par Messieurs : Ernâni Lopes, Manuel Lobo Antunes

Qualité : - Membre et Suppléant

Des rencontres régulières des Présidents du Parlement européen, du Conseil et de la Commission sont convoquées **par la Commission, à l'initiative de cette institution ou sur demande des Présidents du Parlement européen ou du Conseil,** ~~à l'initiative de la Commission~~ dans le cadre des procédures budgétaires visées au présent chapitre. Les Présidents prennent toutes les mesures nécessaires afin de promouvoir la concertation et le rapprochement des positions des institutions pour faciliter la mise en œuvre des dispositions du présent chapitre.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : III-315

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 Parliament, the Council and the Commission shall ensure that the financial means are made available to allow the Union to fulfil its legal obligations in respect of third parties.~~

Explanation: There is no need to include this provision in the Treaty. It's implications are unclear and it could be interpreted in a way which would infringe on the competence of the budgetary authority. It is already obvious, and stems from other types of legislation, that the Union has to fulfil its commitments and obligations in respect to third parties. Thus, the provision is not needed here and should therefore be deleted.

AMENDMENT FORM

Suggestion for amendment of Article : III – 315

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

Article III-315 (new)

The European Parliament, the Council and the Commission shall ensure that the financial means are made available to allow the Union to fulfil its legal obligations in respect of third parties.

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: PART III OF THE CONSTITUTION:
Article III-316**

**By BROK, AZEVEDO, LEQUILLER, AKCAM, ALTMAIER, BREJC, DEMETRIOU,
FIGEL, FOGLER, FRENDON, GIANNAKOU, KAUPPI, KELAM, LENNMARKER,
LIEPINA, MAIJ-WEGGEN, PIKS, RACK, SANTER, STOCKTON, SZAJER, TEUFEL,
VAN DER LINDEN, VILEN, KAUPPI, VAN DIJK, WITTBRODT, WUERMEILING**

On behalf of the EPP Convention Group

Status : - Member - Alternate

Suggestion

Article III-316 (new)

Regular meetings between the Presidents of the European Parliament, the Council and the Commission shall be convened on the initiative of the *European Parliament, the Council or the Commission* under the budgetary procedures referred to in this Chapter. The Presidents shall take all the necessary steps to promote consultation and the reconciliation of the Institutions' positions to facilitate the implementation of the provisions of this Chapter.

Explanation (if any) :

The initiative for those regular meetings should also be possible by the European Parliament and the Council as budgetary authorities.

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-314

Déposée par Monsieur de Villepin

Qualité : - Membre

1. La Une loi européenne adoptée par le Conseil après consultation du Parlement européen :

- a) détermine les règles financières qui fixent notamment les modalités relatives à l'établissement et à l'exécution du budget et à la reddition et à la vérification des comptes;
- b) détermine les règles et organise le contrôle de la responsabilité des contrôleurs financiers, ordonnateurs et comptables.

Elle est adoptée après consultation de la Cour des comptes.

2. Un règlement du Conseil adopté sur proposition de la Commission, établit les modalités et la procédure selon lesquelles les recettes budgétaires prévues dans le régime des ressources propres de l'Union sont mises à la disposition de la Commission, ainsi que les mesures à appliquer pour faire face, le cas échéant, aux besoins de trésorerie. Il statue après avis du Parlement européen et de la Cour de comptes.

3. Le Conseil statue à l'unanimité jusqu'au 1^{er} janvier 2007 dans tous les cas visés par le présent article.

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : III- 314

Déposée par Madame ou Monsieur : M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention

Qualité : - Membre - Suppléant

Article III-314 [ex-article 279]

1. La loi européenne :
 - a) détermine les règles financières qui fixent notamment les modalités relatives à l'établissement et à l'exécution du budget et à la reddition et à la vérification des comptes;
 - b) détermine les règles et organise le contrôle de la responsabilité des contrôleurs financiers, ordonnateurs et comptables.

Elle est adoptée après consultation de la Cour des comptes.

2. Un règlement du Conseil adopté sur proposition de la Commission, établit les modalités et la procédure selon lesquelles les recettes budgétaires prévues dans le régime des ressources propres de l'Union sont mises à la disposition de la Commission, ainsi que les mesures à appliquer pour faire face, le cas échéant, aux besoins de trésorerie. Il statue après avis du Parlement européen et de la Cour de comptes.

~~3. Le Conseil statue à l'unanimité jusqu'au 1^{er} janvier 2007 dans tous les cas visés par le présent article.~~

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : III – 314

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

Article III-314 [ex Article 279]

1. The European law:
 - (a) shall lay down the financial rules which determine in particular the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts;
 - (b) lay down rules concerning the responsibility of financial controllers, authorising officers and accounting officers.

It shall be adopted after consultation of the Court of Auditors.

2. A Council regulation adopted on a proposal from the Commission shall lay down measures determining the methods and procedure whereby the budget revenue provided under the arrangements relating to the Union's own resources shall be made available to the Commission, and the measures to be applied, if need be, to meet cash requirements. The Council shall act after consulting the European Parliament and the Court of Auditors.

3. The Council shall act unanimously until 1 January 2007 in all the cases referred to by this Article.

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-315

Déposée par Monsieur de Villepin

Qualité : - Membre

Remplacer l'article par :

« Le PE, le Conseil et la Commission inscrivent les moyens financiers permettant à l'Union de remplir ses obligations juridiques à l'égard des tiers et les dépenses découlant des mécanismes visés à l'article 119-2 ».

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : III-316

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

Status : - Member - Alternate

Artikel III-316

Article III-316 (new)

Regular meetings between (*deletion*) the European Parliament, the Council and the Commission shall be convened on the initiative of the Commission under the budgetary procedures referred to in this Chapter. The Presidents shall take all the necessary steps to promote consultation and the reconciliation of the Institutions' positions to facilitate the implementation of the provisions of this Chapter.

Explanation (if any) :

Dialogues are a common feature in the current interinstitutional agreement on budgetary discipline and improvement of the budgetary procedure. This aspect must be maintained , although without creating a new group of talks between presidents of the institutions on the highly specific and often technical matters.

AMENDMENT FORM

Suggestion for amendment of Article : III-316

By Ms / Mr :

Status : - Member - Alternate

~~Artikel III-316 (neu)~~

~~Auf Initiative der Kommission werden im Rahmen der nach diesem Kapitel vorgesehenen Haushaltsverfahren regelmäßige Treffen der Präsidenten des Europäischen Parlaments, des Rates und der Kommission einberufen. Diese treffen alle erforderlichen Maßnahmen, um die Abstimmung und Annäherung der Standpunkte der Organe zu fördern, um die Durchführung der Bestimmungen dieses Titels zu erleichtern.~~

Explanation (if any) :

Das Haushaltsverfahren ist bereits abschließend in der Verfassung geregelt. Fragen sollten innerhalb der bestehenden Entscheidungsstrukturen geäußert werden. Ein neues in der Verfassung verankertes Gremium ist nicht erforderlich und verwischt nur die Kompetenzverteilung.

AMENDMENT FORM

**Suggestion for amendment of: PART III OF THE CONSTITUTION:
Article III-316**

**By BROK, AZEVEDO, LEQUILLER, AKCAM, ALTMAIER, BREJC, DEMETRIOU,
FIGEL, FOGLER, FRENDON, GIANNAKOU, KAUPPI, KELAM, LENNMARKER,
LIEPINA, MAIJ-WEGGEN, PIKS, RACK, SANTER, STOCKTON, SZAJER, TEUFEL,
VAN DER LINDEN, VILEN, KAUPPI, VAN DIJK, WITTBRODT, WUERMEILING**

On behalf of the EPP Convention Group

Status : - Member - Alternate

Suggestion

Article III-316 (new)

Regular meetings between the Presidents of the European Parliament, the Council and the Commission shall be convened on the initiative of the *European Parliament, the Council or the Commission* under the budgetary procedures referred to in this Chapter. The Presidents shall take all the necessary steps to promote consultation and the reconciliation of the Institutions' positions to facilitate the implementation of the provisions of this Chapter.

Explanation (if any) :

The initiative for those regular meetings should also be possible by the European Parliament and the Council as budgetary authorities.

AMENDMENT FORM

Suggestion for amendment of: Part III, Article 315

By Mr : Dick Roche

Status : - Member

Article III-315 (new)

The European Parliament, the Council and the Commission shall ensure that the financial means are made available to allow the Union to fulfil its legal obligations in respect of third parties. **In particular, where an international agreement or a law or framework law of the Union gives rise to a financial obligation, explicit provision shall be made in the budget for the funds necessary to honour that obligation.**

Explanation

Removal of the distinction between obligatory and non-obligatory spending is acceptable only if two conditions are met. Firstly, as proposed above, the budget must make explicit provision for financial obligations to third parties.

Secondly, Article 122 should be amended to ensure that in respect of the common organisation of the agricultural market, rural development, price levels, agricultural supports and the conditions under which grants in aid are made, the Council shall act by QMV after consulting the European Parliament (see also my proposed amendment to Article 122).

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-315

Déposée par Monsieur de Villepin

Qualité : - Membre

~~**Le Parlement européen, le Conseil et la Commission veillent à la disponibilité des moyens financiers permettant à l'Union de remplir ses obligations juridiques à l'égard de tiers.**~~

Le Parlement européen, le Conseil et la Commission inscrivent les moyens financiers permettant à l'Union de remplir ses obligations juridiques à l'égard des tiers et les dépenses découlant des mécanismes visés à l'article III-119, paragraphe 2.

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article:

III-314 [ex 279]

Déposée par Messieurs:

Joachim Wuermeling, Peter Altmaier

Qualité:

Suppléants

Texte du Praesidium

(1) Durch Europäische Gesetze

a) wird die Haushaltsordnung aufgestellt, in der insbesondere die Aufstellung und Ausführung des Haushaltsplans sowie die Rechnungslegung und Rechnungsprüfung im Einzelnen geregelt werden;

b) werden die Vorschriften über die Verantwortung der Finanzkontrolleure, der anweisungsbefugten Personen und der Rechnungsführer sowie die entsprechenden Kontrollmaßnahmen festgelegt.

Diese Europäischen Gesetze werden nach Anhörung des Rechnungshofs angenommen.

(2) In einer auf Vorschlag der Kommission erlassenen Verordnung des Rates werden die Einzelheiten und das Verfahren festgelegt, nach denen die in der Regelung über die Eigenmittel der Union vorgesehenen Haushaltseinnahmen der Kommission zur Verfügung gestellt werden, sowie die Maßnahmen, die zu treffen sind, um gegebenenfalls die erforderlichen Kassenmittel bereitzustellen. Der Rat beschließt nach Stellungnahme des Europäischen Parlaments und des Rechnungshofs.

(3) Bis zum 1. Januar 2007 beschließt der Rat in allen in diesem Artikel genannten Fällen einstimmig.

Amendement proposé

(1) Durch Europäische Gesetze

a) wird die Haushaltsordnung aufgestellt, in der insbesondere die Aufstellung und Ausführung

des Haushaltsplans sowie die Rechnungslegung und Rechnungsprüfung im Einzelnen geregelt

werden;

b) werden die Vorschriften über die Verantwortung der Finanzkontrolleure, der anweisungsbefugten Personen und der Rechnungsführer

sowie die entsprechenden Kontrollmaßnahmen festgelegt.

Diese Europäischen Gesetze werden nach

Anhörung des Rechnungshofs angenommen.

(2) In einer auf Vorschlag der Kommission erlassenen Verordnung des Rates werden die Einzelheiten und das Verfahren festgelegt, nach denen die in der Regelung über die Eigenmittel der Union vorgesehenen Haushaltseinnahmen der Kommission zur Verfügung gestellt werden, sowie die Maßnahmen, die zu treffen sind, um gegebenenfalls die erforderlichen Kassenmittel bereitzustellen. Der Rat beschließt nach Stellungnahme

des Europäischen Parlaments und des Rechnungshofs.

- (3) Der Inhalt der Verordnung nach Abs. II und des Gesetzes über die Modalitäten der Finanzmittel [Art. I-53 Abs. IV] verändert nicht das Verhältnis der Mittelkategorien zueinander.
- (4) Bis zum 1. Januar 2007 beschließt der Rat in allen in diesem Artikel genannten Fällen einstimmig.

Begründung:

Da die Begriffe „Einzelheiten“, Verfahren“ und „Modalitäten“ nur schwer abgrenzbar sind, sollte klargestellt werden, dass damit nicht das für die Beitragszahlung der Mitgliedstaaten erhebliche Verhältnis der Mittelkategorien zueinander mit Mehrheitsentscheidung maßgeblich verändert werden kann.

AMENDMENT FORM

Suggestion for amendment of Article 314

Suggestion for Part: III

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

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

1. The European law:
- (a) shall lay down the financial rules which determine in particular the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts;
 - (b) lay down rules concerning the responsibility of financial controllers, authorising officers and accounting officers.

It shall be adopted after consultation of the Parliament and the Court of Auditors.

Explanation (if any):

The Netherlands wishes that the European Parliament remains consulted.

AMENDMENT FORM

Suggestion for amendment of Article : 314 (ex Article 279), 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-314 [ex Article 279]

1. The European law:
 - (a) shall lay down the financial rules which determine in particular the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts;
 - (b) lay down rules concerning the ~~responsibility of financial controllers, authorising officers and accounting officers~~ **authorisation of the revenue, commitments and payments, the payments of the Union, the internal financial management and control and the responsibilities related to them.**

It shall be adopted after consultation of the Court of Auditors.

2. A Council regulation adopted on a proposal from the Commission shall lay down measures determining the methods and procedure whereby the budget revenue provided under the arrangements relating to the Union's own resources shall be made available to the Commission, and the measures to be applied, if need be, to meet cash requirements. The Council shall act after consulting the European Parliament and the Court of Auditors.

3. The Council shall act unanimously until 1 January 2007 in all the cases referred to by this Article.

Explanation (if any) :

The wording should reflect the modern practises of financial management and control and leave, for example, the existence of the various officers of financial management subject to the European law referred to.

AMENDMENT FORM

Suggestion for amendment of Article : III – 314

Suggestion for protocol :

By Mr : Dick Roche

Status : - Member

Article III-314 [ex Article 279]

1. ~~The European law~~ **The Council, having consulted the European Parliament and obtained the opinion of the Court of Auditors, shall, on a proposal from the Commission:**

- (a) ~~shall~~ lay down the financial rules which determine in particular the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts;
- (b) lay down rules concerning the responsibility of financial controllers, authorising officers and accounting officers.

It shall be adopted after consultation of the Court of Auditors. **The Council shall act unanimously until 1 January 2007.**

2. A Council regulation adopted on a proposal from the Commission shall lay down measures determining the methods and procedure whereby the budget revenue provided under the arrangements relating to the Union's own resources shall be made available to the Commission, and the measures to be applied, if need be, to meet cash requirements. The Council shall act **unanimously** after consulting the European Parliament and the Court of Auditors.

3. ~~The Council shall act unanimously until 1 January 2007 in all the cases referred to by this Article.~~

Explanation (if any) : I would wish to retain the agreement reached in the Treaty of Nice to allow a move to QMV in Council after 2007 for Article 314.1 and to retain unanimity and a consultative role for the Parliament with respect to the revenue and own resources provisions in Article 314.2.

AMENDMENT FORM

Suggestion for amendment of Article : III-314

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

Status : - Member: Hjelm-Wallén and Lekberg

- Alternate: Petersson

1. The European law:

- (a) shall lay down the financial rules which determine in particular the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts;
- (b) lay down rules concerning the responsibility of financial controllers, authorising officers and accounting officers.

It shall be adopted after consultation of the Court of Auditors.

The Council shall act by qualified majority after consulting the European Parliament.

2. A Council regulation adopted on a proposal from the Commission shall lay down measures determining the methods and procedure whereby the budget revenue provided under the arrangements relating to the Union's own resources shall be made available to the Commission, and the measures to be applied, if need be, to meet cash requirements. The Council shall act after consulting the European Parliament and the Court of Auditors.

~~3. The Council shall act unanimously until 1 January 2007 in all the cases referred to by this Article.~~

Explanation (if any) : Today, the Financial Regulation is decided by the Council alone. Given the important provisions laid down in the Financial Regulation – sunset clauses, reimbursement of surplus to MS etc. – a change in this aspect would disturb the institutional balance in the budgetary field.

However, the regulation in item 2 could be decided by the ordinary legislative procedure.

AMENDMENT FORM

Suggestion for amendment of Article : III-314 [ex Article 279]

By Mr Hain

Status : Member

1. The European law of the Council:

- (a) shall lay down the financial rules which determine in particular the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts;
- (b) lay down rules concerning the responsibility of financial controllers, authorising officers and accounting officers, and concerning appropriate arrangements for inspection.

It shall be adopted after consultation of the European Parliament and the Court of Auditors. The Council shall act unanimously until 1 January 2007.

2. A Council regulation adopted unanimously on a proposal from the Commission shall lay down measures determining the methods and procedure whereby the budget revenue provided under the arrangements relating to the Union's own resources shall be made available to the Commission, and the measures to be applied, if need be, to meet cash requirements. The Council shall act after consulting the European Parliament and the Court of Auditors.

3. *Delete*

Explanation (if any) :

314.1

The UK does not support extension of co-decision to these articles in which Council control is fundamental to maintaining budget discipline. In the case of the Financial Regulation, co-decision would in addition undermine the principle that control over budget revenues should remain with the Council.

314.2-314.3

The UK believes that all provisions for budget revenues should – as now – remain subject to unanimity in the Council (even after 1 January 2007).

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-314

Déposée par Monsieur de Villepin

Qualité : - Membre

Article III-314 [ex-article 279]

1. La loi européenne:
 - a) détermine les règles financières qui fixent notamment les modalités relatives à l'établissement et à l'exécution du budget et à la reddition et à la vérification des comptes;
 - b) détermine les règles et organise le contrôle de la responsabilité des contrôleurs financiers, ordonnateurs et comptables.

Elle est adoptée **par le Conseil** après consultation **du Parlement et** de la Cour des comptes.

2. Un règlement du Conseil adopté sur proposition de la Commission, établit les modalités et la procédure selon lesquelles les recettes budgétaires prévues dans le régime des ressources propres de l'Union sont mises à la disposition de la Commission, ainsi que les mesures à appliquer pour faire face, le cas échéant, aux besoins de trésorerie. Il statue après avis du Parlement européen et de la Cour des comptes.
 3. Le Conseil statue à l'unanimité jusqu'au 1^{er} janvier 2007 dans tous les cas visés par le présent article.
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Explication éventuelle :