

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article III-329**

**Déposée par Monsieur de Villepin**

**Qualité : - Membre**

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La loi fixe le statut des fonctionnaires de l'Union et le régime applicable aux autres agents de l'Union. Elle est adoptée **par le Conseil** après consultation **du Parlement** et des autres institutions intéressées.

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**Explication éventuelle :**

## **AMENDMENT FORM**

**Suggestion for amendment of Article III - 331**

**By Mr Proinsias De Rossa**

**Status : - Member**

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Redraft the Article as follows:

**1. Measures for the production and dissemination of official statistics of the European Union (European Statistics), where necessary for the performance of the tasks of the Union, shall be laid down by law or framework law, without prejudice to Article 5 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank.**

**2. The European Statistical System shall comprise the Union's Statistical Service, and the National Statistical Institutes and other statistical authorities of the Member States. It shall produce and disseminate European Statistics in conformity with the principles of relevance, reliability, impartiality, professional independence, equality of access, statistical confidentiality and cost-effectiveness, and it shall not entail excessive burden on respondents.**

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**Explanation (if any) :**

This amendment better reflects the needs of a high quality European Statistical System.

## AMENDMENT FORM

**Suggestion for : Amendment of Article III-329**

**By Mr : Emilio GABAGLIO**

**Status : Observer**

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**Amendment : Art. III-329**

Insert as Para. 1 (new):

**“The European public service executes the missions assigned to it in the general interest of the Union and its citizens with competence, independence and loyalty. It comprises the all persons engaged and offers access to all citizens on an equal basis respecting geographical equilibrium.”**

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The previous Para. 1 now becomes Para. 2:

Replace twice ‘by the law’ with:

**“by the European law”**

Add in the 2<sup>nd</sup> sentence after ‘by the European law’:

**“and any other instrument concerning working conditions”**

and add at the end after ‘consulting the other institutions concerned’:

**“as well as the relevant trade unions”;**

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**Explanation (if any) :**

*The specific role of the European public service in the construction of the Union and in fulfilling its mission has to be recognised expressly.*

## AMENDMENT FORM

Suggestion for amendment of Article : **III – 329**

Suggestion for protocol :

By Mr : **Dick Roche**

Status :    - Member

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### Article III-329 (ex Article 283)

The Staff Regulations of Union officials and the Conditions of Employment of other servants of the Union shall be laid down by law. The law shall be adopted **by the Council, on a proposal from the Commission and** after consulting the other institutions concerned.

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### Explanation (if any) :

**I believe that the current arrangements work well and I am not convinced that the proposed change would be an improvement. If anything a move to the ordinary legislative procedure would make an already complex process even more difficult. It could also lead to compromise positions being adopted, with the result that proposals for reform would be diluted.**

## **AMENDMENT FORM**

**Suggestion for amendment of Article : new article to be inserted in Part III.**

**By Mr Ivan Korčok, Slovak Republic**

**Status : Member**

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1. Measures for the production and dissemination of official statistics of the European Union (European Statistics), where necessary for the performance of the tasks of the Union, shall be laid down by Law [, without prejudice to Article 5 of the Protocol of the Statute of the European System of Central Banks and the European Central Bank].
2. The European Statistical System shall comprise the Union's Statistical Service, and the National Statistical Institutes and other statistical authorities of the Member States. It shall produce and disseminate European Statistics in conformity with the principles of relevance, reliability, impartiality, professional independence, equality of access, statistical confidentiality, and cost-effectiveness; and without imposing excessive burdens on respondents.

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**Explanation (if any) :**

**AMENDMENT FORM**

**Part III - Title VII Common Provisions**

**Suggestion for amendment of Article : III-334**

**By Members: Mr Andrew Duff**

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Article III-334 (ex Article 289)

***DELETE***

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**Explanation:**

*Consistent with our amendments to Article III-236 and III-242, this Article should be suppressed.*

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'Article III-338**

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

**Qualité :      Membres      et Suppléants**

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#### **Ajout d'une nouvelle disposition (ex-article 305 (2) CE)**

(Relation avec Euratom)

**Les dispositions de la présente Constitution ne dérogent pas aux stipulations du traité instituant la Communauté européenne de l'énergie atomique, tel que modifié par le Protocole portant modification du traité Euratom**

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#### **Explication :**

Dans le traité actuel, une disposition (article 305, paragraphe 2 CE) règle la relation entre ce traité et le traité Euratom. Cette disposition manque dans le projet de Constitution, et, en conséquence, il est incertain dans quelle mesure les dispositions générales de la Constitution sont également applicables dans le cadre du traité Euratom. Il est proposé d'insérer la présente disposition, avec une référence au Protocole.

## AMENDMENT FORM

Suggestion for amendment of Article : III-335

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

Status :    - Member            - ~~Alternate~~

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### Artikel III-335 (ex-Artikel 290)

~~Der Rat nimmt einstimmig eine Verordnung zur~~ *Die* Regelung der Sprachenfrage für die Organe der Union *erfolgt* unbeschadet der Satzung des Gerichtshofs ~~an~~ *durch eine Europäisches Gesetz.*

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Explanation (if any) :

## AMENDMENT FORM

**Suggestion for amendment of Article : III-334**

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

**Status :    - Member            - ~~Alternate~~**

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### **Artikel III-334 (ex-Artikel 289)**

Der Sitz der Organe der Union wird im Einvernehmen zwischen den Regierungen der Mitgliedstaaten bestimmt. *Über den Sitz des Europäischen Parlaments entscheidet das Europäische Parlament mit der Mehrheit seiner Mitglieder.*

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**Explanation (if any) :**

**AMENDMENT FORM**

**Suggestion for amendment of Article III-332 bis**

**By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg, Mr Göran Lennmarker, Mr Kenneth Kvist and Mr Ingvar Svensson national parliament representative.**

**Status :**  
- Member: Hjelm-Wallén, Lekberg and Lennmarker  
- Alternate: Petersson, Kvist and Svensson

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**The Members of the institutions of the Union, the members of committees, and the officials and other servants of the Union have the right to freedom of expression.**

**This may be restricted in accordance with the principles and conditions to be defined in the Staff Regulations.<sup>1</sup>**

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<sup>1</sup> The principle of transparency includes more than public legislative debates and public access to documents, *inter alia* the officials' right to freedom of expression. The right to freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions of its progress. It should be codified in Union law (*cf.* CONV 637/03). This codification could be included in this Article or in Article III-332, presently dealing with confidentiality.

## AMENDMENT FORM

### Suggestion for amendment of Article 331

#### 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. Measures for the production and dissemination of official statistics of the European Union (European Statistics), where necessary for the performance of the tasks of the Union, shall be laid down by Law, without prejudice to Article 5 of the Protocol of the Statute of the European System of Central Banks and the European Central Bank.

2. The European Statistical System shall comprise the Union's Statistical Service, and the National Statistical Institutes and other statistical authorities of the Member States. It shall produce and disseminate European Statistics in conformity with the principles of relevance, reliability, impartiality, professional independence, equality of access, statistical confidentiality, and cost-effectiveness; and shall not entail excessive burden on respondents.

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#### **Explanation (if any):**

The current legal basis for the production of European Statistics as laid down in the proposed Article III-331 ( ex Article 285 TEC) by the Presidium, shows a number of shortcomings such as confirming a legal base for the European Statistical System, and the undisposable provisions of authoritative dissemination of statistical results. Therefore we propose to include in Part III a new Article III-331.

## AMENDMENT FORM

**Suggestion for amendment of Article : III-331**

**Suggestion for protocol :**

**By Ms / Mr : Anne Van Lancker, Maria Berger, Caspar Einem, Helle Thorning-Schmidt, Olivier Duhamel, Luis Marinho, Elena Paciotti, Carlos Carnero, Vytenis Andriukaitis, Adrian Severin, Jürgen Meyer, Claudio Martini, Proinsias De Rossa**

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1) Unbeschadet des Artikels 5 des Protokolls über die Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank werden in einem Gesetz oder in einem Rahmengesetz Maßnahmen für die Erstellung *und Verbreitung amtlicher Statistiken der Europäischen Union* festgelegt, wenn dies für die *Wahrnehmung von Aufgaben* der Union erforderlich ist.

2) *Das Europäische Statistische System besteht aus dem Statistischen Dienst der Union, den nationalen statistischen Ämtern und anderen statistischen Institutionen der Mitgliedstaaten. Es erstellt und verbreitet Europäische Statistiken nach den Grundsätzen der Erheblichkeit, Zuverlässigkeit, Unparteilichkeit, fachlichen Unabhängigkeit, Gleichberechtigung beim Zugang, statistischen Geheimhaltung und Kostenwirksamkeit ohne die Respondenten übermäßig zu belasten.*

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**Explanation (if any) :**

Statistiken sollen nicht nur erstellt sondern auch verbreitet werden. Dafür sollen die bestehenden Institutionen und Formen der Zusammenarbeit als eigenes Europäisches Statistisches System zusammenfassend dargestellt werden. Die Grundsätze für Europäische Statistiken sind zu modernisieren.

## AMENDMENT FORM

Suggestion for amendment of Article : III-331

Suggestion for protocol :

By Ms / Mr : Maria Berger  
Caspar Einem  
Gerhard Tusek

Status :    - x Member                      - x Alternate

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1) Unbeschadet des Artikels 5 des Protokolls über die Satzung des Europäischen Systems der Zentralbanken und der Europäischen Zentralbank werden in einem Gesetz oder in einem Rahmengesetz Maßnahmen für die Erstellung *und Verbreitung amtlicher Statistiken der Europäischen Union* festgelegt, wenn dies für die *Wahrnehmung von Aufgaben* der Union erforderlich ist.

2) *Das Europäische Statistische System besteht aus dem Statistischen Dienst der Union, den nationalen statistischen Ämtern und anderen statistischen Institutionen der Mitgliedstaaten. Es erstellt und verbreitet Europäische Statistiken nach den Grundsätzen der Erheblichkeit, Zuverlässigkeit, Unparteilichkeit, fachlichen Unabhängigkeit, Gleichberechtigung beim Zugang, statistischen Geheimhaltung und Kostenwirksamkeit ohne die Respondenten übermäßig zu belasten.*

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### Explanation (if any) :

Statistiken sollen nicht nur erstellt sondern auch verbreitet werden. Dafür sollen die bestehenden Institutionen und Formen der Zusammenarbeit als eigenes Europäisches Statistisches System zusammenfassend dargestellt werden. Die Grundsätze für Europäische Statistiken sind zu modernisieren.

**AMENDMENT FORM**

**Suggestion for amendment of Article 329**

**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 Staff Regulations of Union officials and the Conditions of Employment of other servants of the Union shall be laid down by law. The law shall be adopted by the Council after consultation of the other institutions concerned.

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**Explanation (if any):**

Co-decision for the European Parliament increases the legitimacy of law and regulations. In this case, however, it's about internal regulations. Changes should therefore explicitly be discussed in the Council.

**AMENDMENT FORM**

**Suggestion for amendment of Article : III – 329**

**Suggestion for protocol :**

**By Mr : Dick Roche**

**Status : - Member**

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**Article III-329 (ex Article 283)**

The Staff Regulations of Union officials and the Conditions of Employment of other servants of the Union shall be laid down by law. The law shall be adopted **by the Council, on a proposal from the Commission and** after consulting the other institutions concerned.

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**Explanation (if any) :**

**I believe that the current arrangements work well and I am not convinced that the proposed change would be an improvement. If anything a move to the ordinary legislative procedure would make an already complex process even more difficult. It could also lead to compromise positions being adopted, with the result that proposals for reform would be diluted.**

## AMENDMENT FORM

**Suggestion for amendment of Article :** Article III-329 (ex Article 283)

**By Ms / Mr :**

**Status :**    - Member            - Alternate

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The Staff Regulations of Union officials and the Conditions of Employment of other servants of the Union shall be laid down by law **of the Council**. The law shall be adopted after consultation of the other institutions concerned.<sup>1</sup>

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<sup>1</sup> **Explanation:**

The particular character of the matters governed by the staff regulations justify maintaining the present procedure for adoption"

## AMENDMENT FORM

**Suggestion for amendment of Article : III-329 (ex Article 283)**

**By Mr Hain**

**Status : Member**

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The Staff Regulations of Union officials and the Conditions of Employment of other servants of the Union shall be laid down by a law of the Council. The law shall be adopted after consultation of the other Institutions concerned.

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**Explanation (if any) :**

*We oppose co-decision here as there would be a conflict of interest, given the EP is a major employer. It would also lead to practical problems: negotiations are already complex and lengthy, and adding another actor would make confidentiality impossible and lengthen the time need to undertake reform.*

## AMENDMENT FORM

**Suggestion for amendment of Article : III-329**

**By Mr : Joschka Fischer**

**Status : Member**

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### Artikel III-329 (ex-Artikel 283)

Das Statut der Beamten der Union und die Beschäftigungsbedingungen für die sonstigen Bediensteten der Union werden in einem Gesetz festgelegt. Dieses wird vom Rat nach Anhörung des Parlaments und der anderen beteiligten Organe erlassen.

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### **Explanation (if any) :**

Beim EU-Beamtenstatut handelt es sich um internes Organisationsrecht. Das Anhörungsrecht des EP entsprechend dem Acquis ist daher systematisch korrekt.

## AMENDMENT FORM

### Suggestion for amendment of Article : III -329

By Mr : Farnleitner

Status : - Member

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#### Article III - 329

The Staff Regulations of Union officials and the Conditions of Employment of other servants of the Union shall be laid down by a **European law of the Council**. The law shall be adopted after consulting the other institutions concerned.

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#### Explanation (if any):

Negotiations concerning reforms of the Staff Regulations are already characterised by complexity and extreme duration. The involvement of the European Parliament as an additional actor would delay the settlement of a reform disproportionately. Although a strengthening of the European Parliament for democratic reasons (if the EP has to deal with legislation that affects citizens of Member States) is to be welcomed generally, this line of reasoning has no bearing on the internal regulations which have an effect on the staff only.

**FICHE AMENDEMENT 43**

**III ÈME PARTIE : LES POLITIQUES ET LE FONCTIONNEMENT DE L'UNION**  
**TITRE VII : DISPOSITIONS COMMUNES**

**Proposition d'amendement pour l'article III-329**

**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**

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Ajouter :

La loi fixe le statut des fonctionnaires de l'Union et le régime applicable aux autres agents de l'Union.  
Elle est adoptée après consultation des autres institutions **et organes** intéressées.

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**Explication éventuelle :**

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

## AMENDMENT FORM

**Suggestion for amendment of Article III-326 Part III of the Constitution: creation of new article III 326 bis.**

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

**Status :      Tiilikainen, Kiljunen, Vilén - Member  
                 Peltomäki, Takkula and Helle - - Alternate**

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### **Article III-326bis (new)**

**Taking account of the structural, social and economic situation of the areas of extremely low population density in Finland and Sweden, aggravated by their distant location, long distances to markets and cold climate, a European law or framework law of the Council shall lay down the conditions of application of the Constitution to those regions, insofar as concerns State aids and conditions of access to structural funds. The Council shall act after consulting the European Parliament.**

**The measures referred to in the first paragraph shall take account of the special characteristics and constraints of areas of the areas concerned, without undermining the integrity and the coherence of the Union legal order, including the internal market and common policies.**

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### **Explanation (if any) :**

*In the Accession Treaty of Austria, Finland and Sweden (Protocol 6) it was agreed to give the peripheral regions of Finland and Sweden with an extremely low population density a special status (Objective 6) in the framework of the Structural Funds. The eligibility of the regions for assistance from the Structural Funds was re-examined in 1999 simultaneously with the framework Regulation (EEC) No 2081/93 on Structural instruments and policies.*

*The regions of Finland and Sweden with an extremely low population density were assigned Objective 1 status (Council Regulation 1260/99, Article 3) equivalent to that of the ultra-peripheral regions as defined in Article 299, paragraph 2, of the EC Treaty. As the conditions which formed the basis for the special treatment of the regions of Finland and Sweden with extremely low population density are of permanent character, Finland proposes that the treatment of northern regions with an extremely low population density would be recognised in a new Article III-326bis. The special treatment of the northern areas would be restricted to State aids and access to assistance from structural funds.*

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 326, Partie III, Titre VII

Déposée par Messieurs : Ernâni Lopes et Manuel Lobo Antunes

Qualité : - Membre et Suppléant

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Compte tenu de la situation économique et sociale structurelle des départements français d'outremer, des Açores, de Madère et des îles Canaries, qui est aggravée par leur éloignement, l'insularité, leur faible superficie, le relief et le climat difficiles, leur dépendance économique vis-à-vis d'un petit nombre de produits, facteurs dont la permanence et la combinaison nuisent gravement à leur développement, le Conseil, sur proposition de la Commission, adopte ~~des règlements et des décisions européens~~ **des mesures spécifiques** visant, en particulier, à fixer les conditions de l'application de la Constitution à ces régions, y compris les politiques communes. Il statue après consultation du Parlement européen.

Les mesures visées au premier alinéa portent notamment sur les politiques douanières et commerciales, la politique fiscale, les zones franches, les politiques dans les domaines de l'agriculture et de la pêche, les conditions d'approvisionnement en matières premières et en biens de consommation de première nécessité, les aides d'État, et les conditions d'accès aux fonds structurels et aux programmes horizontaux de l'Union.

Le Conseil adopte les mesures visées au premier alinéa en tenant compte des caractéristiques et contraintes particulières des régions ultra-périphériques sans nuire à l'intégrité et à la cohérence de l'ordre juridique de l'Union, y compris le marché intérieur et les politiques communes.

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#### Explication éventuelle :

L'expression de la rédaction actuelle, « mesures spécifiques », nous paraît préférable, car la nouvelle rédaction semble être restrictive en établissant comme seuls instruments juridiques les règlements et décisions, tout en excluant des actes législatifs de l'Union.

## AMENDMENT FORM

**Suggestion for amendment of Article : III-326**

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

**Status :    - Member            - ~~Alternate~~**

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### **Artikel III-326 (ex-Artikel 299)**

Unter Berücksichtigung der strukturbedingten sozialen und wirtschaftlichen Lage der französischen überseeischen Departements, der Azoren, Madeiras und der Kanarischen Inseln, die durch die Faktoren Abgelegenheit, Insellage, geringe Größe, schwierige Relief- und Klimabedingungen und wirtschaftliche Abhängigkeit von einigen wenigen Erzeugnissen erschwert wird, die als ständige Gegebenheiten und durch ihr Zusammenwirken die Entwicklung schwer beeinträchtigen, ~~erlässt der Rat auf Vorschlag der Kommission Europäische Verordnungen und Beschlüsse~~ **werden Europäische Gesetze erlassen**, die insbesondere darauf abzielen, die Bedingungen für die Anwendung der Verfassung auf die genannten Gebiete, einschließlich gemeinsamer Politikbereiche, festzulegen. ~~Er beschließt nach Anhörung des Europäischen Parlaments.~~

Die in Unterabsatz 1 genannten Maßnahmen betreffen insbesondere Zoll- und Handelspolitik, Steuerpolitik, Freizonen, Agrar- und Fischereipolitik, die Bedingungen für die Versorgung mit Rohstoffen und grundlegenden Verbrauchsgütern, staatliche Beihilfen sowie die Bedingungen für den Zugang zu den Strukturfonds und zu den horizontalen Unionsprogrammen.

Der Rat erlässt die in Unterabsatz 1 genannten Maßnahmen unter Berücksichtigung der besonderen Merkmale und Zwänge der Gebiete in äußerster Randlage, ohne dabei die Integrität und Kohärenz der Rechtsordnung der Union, die auch den Binnenmarkt und die gemeinsamen Politikbereiche umfasst, auszuhöhlen.

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**Explanation (if any) :**

## FICHE AMENDEMENT

**Proposition d'amendement à l'Article III-326** (Statut des régions ultra périphériques)

**Déposée par Monsieur de Villepin**

**Qualité : - Membre**

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Compte tenu de la situation économique et sociale structurelle ~~des départements français d'outre-mer,~~ **des régions ultra-périphériques de la Guadeloupe, de la Guyane, de la Martinique, de la Réunion, de Mayotte,** des Açores, de Madère et des îles Canaries, qui est aggravée par leur éloignement, l'insularité, leur faible superficie, le relief et le climat difficiles, leur dépendance économique vis-à-vis d'un petit nombre de produits, facteurs dont la permanence et la combinaison nuisent gravement à leur développement, le Conseil, sur proposition de la Commission, adopte des règlements et des décisions européens visant, en particulier, à fixer les conditions de l'application de la Constitution à ces régions, y compris les politiques communes. Il statue après consultation du Parlement européen.

Les mesures visées au premier alinéa portent notamment sur les politiques douanières et commerciales, la politique fiscale, les zones franches, les politiques dans les domaines de l'agriculture et de la pêche, les conditions d'approvisionnement en matières premières et en biens de consommation de première nécessité, les aides d'État, et les conditions d'accès aux fonds structurels et aux programmes horizontaux de l'Union.

Le Conseil adopte les mesures visées au premier alinéa en tenant compte des caractéristiques et contraintes particulières des régions ultra-périphériques sans nuire à l'intégrité et à la cohérence de l'ordre juridique de l'Union, y compris le marché intérieur et les politiques communes.

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### **Explication éventuelle :**

Cet amendement découle des modifications proposées pour l'article IV-3 sur le champ d'application territoriale.

## **AMENDMENT FORM**

### **Suggestion for amendment of Article 331**

#### **Suggestion for Part: III**

**By Mr :**                      **R. van der Linden**  
                                     **F. Timmermans**

**Status :**            **Member**

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1. Measures for the production and dissemination of official statistics of the European Union (European Statistics), where necessary for the performance of the tasks of the Union, shall be laid down by Law, without prejudice to Article 5 of the Protocol of the Statute of the European System of Central Banks and the European Central Bank.

2. The European Statistical System shall comprise the Union's Statistical Service, and the National Statistical Institutes and other statistical authorities of the Member States. It shall produce and disseminate European Statistics in conformity with the principles of relevance, reliability, impartiality, professional independence, equality of access, statistical confidentiality, and cost-effectiveness; and shall not entail excessive burden on respondents.

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#### **Explanation (if any):**

The current legal basis for the production of European Statistics as laid down in the proposed Article III-331 ( ex Article 285 TEC) by the Presidium, shows a number of shortcomings such as confirming a legal base for the European Statistical System, and the undisposable provisions of authoritative dissemination of statistical results. Therefore we propose to include in Part III a new Article III-331.

## AMENDMENT FORM

### Suggestion for amendment of Article : 326, part III

By Ms / Mr :           **R. van der Linden**  
                                  **F. Timmermans**

**W. van Eekelen**  
**J.J. van Dijk**

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Taking account of the structural economic and social situation of the French overseas departments, the Azores, Madeira and the Canary Islands, which is compounded by their remoteness, insularity, small size, difficult topography and climate, economic dependence on a few products, the permanence and combination of which severely restrain their development, the Council, on a proposal from the Commission, shall adopt European regulations and decisions aimed, in particular, at laying down the conditions of application of the Constitution to those regions, including common policies. It shall act after consulting the European Parliament.

The measures referred to in the first paragraph concern in particular areas such as customs and trade policies, fiscal policy, free zones, agriculture and fisheries policies, conditions for supply of raw materials and essential consumer goods, State aids and conditions of access to structural funds and to horizontal Union programmes.

The Council shall adopt the measures referred to in the first paragraph taking into account the special characteristics and constraints of the outermost regions without undermining the integrity and the coherence of the Union legal order, including the internal market and common policies.

The Council can, on a proposal from the Commission and after consulting the European Parliament, decide with qualified majority voting to apply the previous paragraphs of this article to the Caribbean Islands, belonging to the Kingdom of the Netherlands. As a result of this decision the list as mentioned in article 3, subsection 3 of Part IV shall be modified.

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**Explanation (if any) : This amendment makes possible to acknowledge the special position of Aruba and the Netherlands Antilles as outermost regions in the sense of article 326, part III.**