

AMENDMENT FORM

Suggestion for amendment of Article 24

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A European framework law shall be a legislative act which shall be binding, as to the result to be achieved, on the Member States to which it is addressed, but shall leave the national or regional authorities entirely free to choose the form and means of achieving that result, in accordance with the provisions of each Member State's constitution.

Add the following text:

"3. In cases provided for by the Constitution, a protocol may stipulate the terms of its application. The protocol shall be adopted and amended in accordance with the procedure for amendments to Part II of the Constitution."

Reason

Although the text uses the wording of the ECT Article 249, 3rd paragraph, this wording dates from the Treaty of Rome and takes no account of the division of powers within many of the Member States; it gives citizens the false impression that national authorities can choose on a case-by-case basis whether or not to delegate legislative power to a regional authority, whereas it is in application of the Constitution that the national authority or, alternatively, the regional authority will be required to transpose a framework law.

New text

"To avoid further proliferation of protocols, the Constitution should limit their number by anticipating them. The Convention should decide on the procedure applying to protocols once the general procedure for amending the Constitution has been determined."