

## AMENDMENT FORM

**Suggestion for amendment of Article :** Article III-37 (ex Article 27)

**By Ms / Mr :** Helle THORNING-SCHMIDT

**Status :** - Alternate

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### Article III-37 (ex Article 27)

In carrying out the tasks entrusted to it under [this Subsection] the Commission shall be guided by:

- (a) the need to promote trade between Member States and third countries;
  - (b) developments in conditions of competition within the Union insofar as they lead to an improvement in the competitive capacity of undertakings;
  - (c) the requirements of the Union as regards the supply of raw materials and semi-finished goods; in this connection the Commission shall take care to avoid distorting conditions of competition between Member States in respect of finished goods;
  - (d) the need to avoid serious disturbances in the economies of Member States and to ensure rational and *sustainable* development of production and *an appropriate* level of consumption within the Union.
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### Explanation (if any) :

To work towards sustainable development, which is one of the Union's objective.

## AMENDMENT FORM

### Suggestion for amendment of Article III-33 bis

**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**

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1. Workers, employers or their respective organisations shall have the right to take sympathetic action across the borders of the Member States. This right only applies when the primary action is allowed according to national legislation or practise.
2. Restrictions in the right laid down in paragraph 1 shall only be allowed on grounds of public policy, public security and public health.<sup>1</sup>

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<sup>1</sup> Paragraph 1: The right to take sympathetic action across national borders within the Union is established. The right is only applicable if the primary conflict is allowable in the Member State where it is taken. For a more extensive commentary on the necessity to regulate sympathetic action in the constitutional treaty we refer to a previous contribution by members of the convention (CONV 515/03).

Paragraph 2: Grounds on which the above-mentioned right may be limited in Union- or Member State-legislation are regulated.

## AMENDMENT FORM

Suggestion for amendment of Article : III-36

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

Status :    - Member            - ~~Alternate~~

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### Artikel III-36 (ex-Artikel 26)

~~Der Rat erlässt auf Vorschlag der Kommission die Europäischen Verordnungen oder Europäischen Beschlüsse zur Festsetzung der~~ Die Sätze des Gemeinsamen Zolltarifs *werden durch Europäische Gesetze festgesetzt.*

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### Explanation (if any) :

Aufgrund der Grundrechtsrelevanz dieser Befugnis sollte das ordentliche Gesetzgebungsverfahren zur Anwendung kommen.

## **FICHE AMENDEMENT**

### **Proposition d'amendement à l'article III - 37**

**Déposée par Monsieur Ben Fayot (Chambre des Députés, Luxembourg)**

**Qualité : - Membre**

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#### **Article III-37 (ex Article 27)**

(d) the need to avoid serious disturbances in the economies of Member States and to ensure rational and environmentally sound development of production and an expansion appropriate level of consumption within the Union.

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**Explication éventuelle :**

## AMENDMENT FORM

### Suggestion for amendment of Article : III-37

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

Status :    - Member            - ~~Alternate~~

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### Artikel III-37 (ex-Artikel 27)

Bei der Ausübung der ihr aufgrund [dieses Unterabschnitts] übertragenen Aufgaben geht die ~~Kommission~~ **Union** von folgenden Gesichtspunkten aus:

- a) der Notwendigkeit, den Handelsverkehr zwischen den Mitgliedstaaten und dritten Ländern zu fördern;
- b) der Entwicklung der Wettbewerbsbedingungen innerhalb der Union, soweit diese Entwicklung zu einer Zunahme der Wettbewerbsfähigkeit der Unternehmen führt;
- c) dem Versorgungsbedarf der Union an Rohstoffen und Halbfertigwaren; hierbei achtet die Kommission darauf, zwischen den Mitgliedstaaten die Wettbewerbsbedingungen für Fertigwaren nicht zu verfälschen;
- d) der Notwendigkeit, ernsthafte Störungen im Wirtschaftsleben der Mitgliedstaaten zu vermeiden und eine rationelle **und nachhaltige** Entwicklung der Erzeugung sowie ~~eine Ausweitung~~ **ein angemessenes** des Verbrauchsniveau innerhalb der Union zu gewährleisten.

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### Explanation (if any) :

Anpassung an Artikel I-3 Absatz 3.

## AMENDMENT FORM

**Suggestion for amendment of Article :** [Article III-33 \(ex Article 23\)](#)

**By Mr Hain**

**Status :**    **Member**

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[Article III-33 \(ex Article 23\)](#)

*Okay*

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**Explanation (if any) :**

*However, the draft on Section3 « Free Movement of Goods » does not provide for the UK/Danish opt-out from Title IV instruments, the equivalent to ex-article 69. We understand that this is to be left for later as a technical provision. This would be okay, but must be included.*