

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-227

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

Qualité : Membres et Suppléants

Article III-227 (ex-article 190)
(statut des députés européens)

2. Une loi européenne du Parlement européen, adoptée de sa propre initiative, fixe le statut et les conditions générales d'exercice des fonctions de ses membres. Le Parlement européen statue, après avis de la Commission et avec l'approbation du Conseil. ~~Toute règle ou toute condition relative au régime fiscal des membres ou des anciens membres relève de l'unanimité au sein du Conseil.~~

Explication :

Dans une Union de 25 Etats membres, le maintien de l'unanimité équivaut à l'inaction ou en tout cas à des décisions peu satisfaisantes. Il convient donc de supprimer toute exigence d'unanimité à l'article III-227. La phrase selon laquelle le régime fiscal des députés européens doit être approuvé par le Conseil statuant à l'unanimité est d'ailleurs source de blocage.

AMENDMENT FORM

Part III - Chapter VI: The Functionings of the Union - Chapter 1 - Section 1 - The Institutions

Suggestion for amendment of Article : III-236

By Members: Mr Andrew Duff

Article III-236 (ex Article 199)

The European Parliament shall adopt its Rules of Procedure, acting by a majority of its Members.

The proceedings of the European Parliament shall be published in the manner laid down in its Rules of Procedure. *It shall be responsible for deciding the location of its seat.*

Explanation:

Our amendment implies the suppression of paragraph (a) of the Protocol on the location of the seats of the institutions. The legislature is different to other institutions. The Parliament must have equal autonomy with that of the Council to decide where it wishes to be located. See our parallel amendment to Article 242.

AMENDMENT FORM

Suggestion for amendment of Article : III-238a (new Article proposed by UK)

By Mr Hain

Status : Member

New article 238a :

Articles III-229, III-230, III-231 and III-232 do not apply in respect of the common foreign and security policy.

Explanation (if any) :

We are proposing this amendment in order to retain the distinctive inter-governmental nature of CFSP.

AMENDMENT FORM

Suggestion for amendment of Article : III-138

By Ms / Mr : Mr Bonde

Status : X - Member - Alternate

Article III-238 (ex Article 201)

If a motion of censure on the activities of the Commission is tabled before it, the European Parliament shall not vote thereon until at least three days after the motion has been tabled and only by open vote.

If the motion of censure is carried by a [~~DELETE:~~ two-thirds majority] **SIMPLE MAJORITY** of the votes cast, representing a majority of the Members of the European Parliament, the Members of the Commission shall resign as a body. They shall continue to deal with current business until they are replaced in accordance with [Article 214]. In this case, the term of office of the Members of the Commission appointed to replace them shall expire on the date on which the term of office of the Members of the Commission obliged to resign as a body would have expired.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 232

Déposée par Madame : **Cristiana MUSCARDINI**

Qualité : **Membre**

Articolo III - 232 (ex articolo 194)

1. Il Parlamento europeo nomina di propria iniziativa il mediatore europeo, **e su iniziativa dei Parlamenti nazionali un vice-mediatore per Stato membro**. Il mediatore europeo **e i vice mediatori** sono abilitati a ricevere le denunce ...

Conformemente alla sua missione, il mediatore europeo **e i vice-mediatori**, ...

Ogni anno il mediatore europeo **e i vice-mediatori presentano** una relazione al parlamento europeo sui risultati delle sue indagini.

2. Il mediatore europeo **e i vice-mediatori sono nominati** dopo ogni elezione del Parlamento europeo per la durata della legislatura. **I loro mandati sono rinnovabili**.

3. Il mediatore europeo **e i vice-mediatori esercitano le loro funzioni** in piena indipendenza. **Nell'adempimento dei loro doveri, essi non sollecitano né accettano istruzioni da alcun organismo. Per tutta la durata del loro mandato, il mediatore europeo e i vice mediatori non possono esercitare altra attività professionale, remunerata o no.**

4. Una legge europea del Parlamento europeo, adottata di propria iniziativa, stabilisce lo statuto e le condizioni generali per l'esercizio delle funzioni di mediatore europeo **e di vice-mediatore**. Il parlamento europeo delibera previo parere della Commissione e con l'approvazione del Consiglio.

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article III-230

Déposée par Monsieur de Villepin

Qualité : - Membre

Article III-230 (ex-article 193)

Dans le cadre de l'accomplissement de ses missions, le Parlement européen peut, à la demande d'un quart des membres qui le composent, constituer une commission temporaire d'enquête pour examiner, sans préjudice des attributions conférées dans la Constitution à d'autres institutions ou organes, les allégations ~~d'infraction ou~~ de mauvaise administration dans l'application du droit de l'Union, sauf si les faits allégués ~~sont en cause devant une juridiction et aussi longtemps que la procédure juridictionnelle n'est pas achevée.~~ **font l'objet d'une enquête pénale ou d'une procédure judiciaire. Si une enquête pénale ou une procédure judiciaire est ouverte après la création de la commission, la commission temporaire d'enquête met fin à ses travaux dans les plus brefs délais.**

L'existence de la commission temporaire d'enquête prend fin par le dépôt de son rapport.

Une loi européenne du Parlement européen, adoptée sur sa propre initiative, fixe les modalités d'exercice du droit d'enquête. Le Parlement européen statue après avis de la Commission et approbation du Conseil

Explication éventuelle :

En premier lieu, le terme d'infraction se rapporte à des faits qui peuvent faire l'objet d'une enquête pénale ou d'une procédure judiciaire. La réserve concernant les procédures juridictionnelles implique donc que seules les allégations de mauvaise administration puissent faire l'objet d'une enquête du Parlement européen. Ce terme est suffisamment extensif pour permettre un large contrôle du Parlement européen.

Par ailleurs, dans les systèmes judiciaires d'autres Etats membres, la phase d'instruction n'est pas entendue comme une phase juridictionnelle. Or, le souci de confidentialité et de sauvegarde de l'indépendance des autorités judiciaires, qui motive la réserve relative aux procédures juridictionnelles, suppose que le champ d'application du bénéfice de cette réserve puisse être explicitement étendu aux enquêtes pénales.

En outre, la réserve inclut les procédures en cours, mais elle devrait également s'appliquer aux procédures qui seraient initiées après la constitution de la commission d'enquête. Il n'est pas souhaitable que puissent être menées en parallèle deux enquêtes concurrentes, l'une du Parlement européen, et l'autre dans le cadre d'une procédure pénale.

AMENDMENT FORM

Suggestion for amendment of Article : III-230

By Ms / Mr : Mr Bonde

Status : X - Member - Alternate

Article III-230 (ex Article 193)

In the course of its duties, the European Parliament may, **[DELETE:** at the request of a quarter of its component Members,] set up a temporary Committee of Inquiry to investigate, without prejudice to the powers conferred by the Constitution on other institutions or bodies, alleged contraventions or maladministration in the implementation of Union law, except where the alleged facts are being examined before a court and while the case is still subject to legal proceedings.

The temporary Committee of Inquiry shall cease to exist on the submission of its report.

A European law adopted by the European Parliament on its own initiative shall lay down the detailed provisions governing the exercise of the right of inquiry. The European Parliament shall act after seeking an opinion from the Commission and with the approval of the Council.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of: Part III, Article 227

By Mr : Dick Roche

Status : - Member

Article III-227 (ex Article 190)

(Composition of the European Parliament)

1. The European Parliament shall draw up a proposal for a European law for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.

The Council shall, acting unanimously after obtaining the consent of the European Parliament, which shall act by a majority of its ~~component~~ members, adopt the law referred to in the preceding subparagraph, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.

2. A European law of the European Parliament, adopted on its own initiative, shall lay down the regulations and general conditions governing the performance of the duties of its Members. The European Parliament shall act after seeking an opinion from the Commission and with the approval of the Council. All rules or conditions relating to the taxation of Members or former Members shall require unanimity within the Council.

3. **Subject to the provisions of Article I – 19.2, Throughout the 2004–2009 Parliament**, the composition of the European Parliament shall be as set out in the Protocol on the Representation of Citizens in the European Parliament.

Explanation

It is not clear what is meant by 'component Member'. This phrase should be deleted throughout subsection 1.

It is important that the principles of Article 19 be respected. The European Council may agree that the Nice arrangements should continue after 2009, therefore there is no need to include any dates in this article.

AMENDMENT FORM

Suggestion for amendment of Article: III-227

By: **Danuta Hübner**

Status: Member

Text of the Praesidium

1. The European Parliament shall draw up a proposal for a European law for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.

The Council shall, acting unanimously after obtaining the consent of the European Parliament, which shall act by a majority of its component members, adopt the law referred to in the preceding subparagraph, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.

2. A European law of the European Parliament, adopted on its own initiative, shall lay down the regulations and general conditions governing the performance of the duties of its Members. The European Parliament shall act after seeking an opinion from the Commission and with the approval of the Council. All rules or conditions relating to the taxation of Members or former Members shall require unanimity within the Council.

3. Throughout the 2004-2009 Parliament, the composition of the European Parliament shall be as set out in the Protocol on the Representation of Citizens in the European Parliament.

Proposed Amendments

1. The European Parliament shall draw up a proposal for a European law for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.

The Council shall, acting unanimously after obtaining the consent of the European Parliament, which shall act by a majority of its component members, adopt the law referred to in the preceding subparagraph, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.

2. A European law of the European Parliament, adopted on its own initiative, shall lay down the regulations and general conditions governing the performance of the duties of its Members. The European Parliament shall act after seeking an opinion from the Commission and with the approval of the Council. All rules or conditions relating to the taxation of Members or former Members shall require unanimity within the Council.

3. ~~Throughout the 2004-2009 Parliament,~~ The composition of the European Parliament shall be as set out in the Protocol on the Representation of Citizens in the European Parliament.

Explanation:

AMENDMENT FORM

Suggestion for amendment of Article : III - 227

By Mr : Esko Helle

Status : - Alternate

Article III-227 (ex Article 190)
(Composition of the European Parliament)

1. The European Parliament shall draw up a proposal for a European law for the election of its Members by direct universal suffrage **and by a system of proportional representation**, in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.

The Council shall, acting unanimously after obtaining the consent of the European Parliament, which shall act by a majority of its component members, adopt the law referred to in the preceding subparagraph, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.

2. A European law of the European Parliament, adopted on its own initiative, shall lay down the regulations and general conditions governing the performance of the duties of its Members. The European Parliament shall act after seeking an opinion from the Commission and with the approval of the Council. All rules or conditions relating to the taxation of Members or former Members shall require unanimity within the Council.

3. Throughout the 2004-2009 Parliament, the composition of the European Parliament shall be as set out in the Protocol on the Representation of Citizens in the European Parliament.

Explanation (if any):

The elections of the European Parliament should be based on a system of proportional representation in all Member States.

**Suggestion for amendment of Article : Part III, Title VI The Function of the Union,
Chapter 1the institutions,
new III-227
before subsection1.**

Suggestion for protocol :

AMENDMENT FORM

By Ms / Mr : Mr Bonde

Status : X- Member - Alternate

THE PRINCIPAL OF OPENNESS AND TRANSPARENCY IS DIRECTLY APPLICABLE FOR ALL INSTITUTIONS IN THE UNION. GENERAL DEROGATIONS ARE ARE LAID DOWN IN LAW DECIDED THROUGH THE LEGISLATIVE PROCEDURE. SPECIFIC DEROGATIONS CAN BE GRANTED BY 2/3 MAJORITY IN THE INSTITUTION CONCERNED.

Explanation (if any) :

Nearly 200 members, alternates and observers of the Convention have signed and support a proposal on transparency, which has been submitted to the Convention as CONV 00765/03. This amendment is a short version of the same proposal. It is absolutely necessary that the Transparency article I-49.1 stating that "conduct their work as openly as possible" is specified.

The amendment should be inserted in the beginning of the Chapter on institutions as it applies to all Union's institutions.