

EUROPEAN PARLIAMENT

2004



2009

Committee on Legal Affairs

2004/2129(INI)

25.11.2004

OPINION

of the Committee on Legal Affairs

for the Committee on Constitutional Affairs

on the Treaty establishing a Constitution for Europe

Draftswoman: Maria Berger

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

Amendment 1

Recital I, point (d a) (new)

(da) the removal of contradictions between the goals and principles laid down in Part I of the Constitution and the provisions of Part III, which as a consequence of the partial withdrawal of the mandate of the Convention at the Thessaloniki European Council had to be adopted in the version of the Presidium draft, although a massive majority in the Convention had called for far-reaching changes,

Amendment 2

Paragraph 2(e)

(e) Union legal acts have been simplified and their number reduced, and their names have been changed so as to be more consistent with the legal traditions of the Member States and to denote more accurately the nature of an act and those who have produced it: legislative acts, which originate invariably from the Community legislator, Parliament and the Council, are accordingly termed laws and framework laws, whereas non-legislative acts are called regulations and decisions;

Amendment 3

Paragraph 3(g)

(g) there will be a more limited set of European Union legislative instruments and a more limited number of procedures for their adoption; a hierarchy of acts will be established; exercising the power delegated to it under the direct supervision of the legislator, the Commission will be able to expand or supplement legislative acts, thus helping to improve the quality of European legislation and make it simpler and more adaptable; furthermore, the general arrangements applicable to implementing acts ('comitology') will be laid down by means of codecision;

Amendment 4

Paragraph 3(ja) (new)

(ja) the changes to the running and the powers of the Court of Justice will enable it to operate more efficiently;

Amendment 5

Paragraph 4(ba) (new)

(ba) Union acts may be subjected to genuine prior scrutiny according to the yardstick of

subsidiarity, a process in which the national and even regional parliaments will be able to play their part, and to subsequent judicial review on the initiative of the parliaments or of the Committee of the Regions;

Amendment 6

Paragraph 4, point (g)

- (g) *although the powers of the European Parliament concerning better regulation and control of the exercise of implementing powers by the Commission are not laid down expressly in the Constitution, the exercise of delegated legislative powers and implementing powers by the Commission will be brought by European laws within a new system of joint supervision by the European Parliament and the Council, which should enable each of them to revoke Commission decisions to which they object;*

Amendment 7

Paragraph 5, point (a)

- (a) all provisions of European Union law and all action taken by European Union institutions or based on European Union law will have to meet the standards of fundamental rights laid down in the draft Constitution, *especially in Part II thereof incorporating the Charter of Fundamental Rights, which is therefore legally binding, although the declaration concerning the explanations given in relation to the Charter of Fundamental Rights as updated under the responsibility of the Presidium of the Convention aims at ring-fencing the interpretation thereof by the courts of the Union and of the Member States;*

Amendment 8

Paragraph 5, point (c)

- (c) *through the introduction of a European citizens' initiative a direct democratic instrument is enshrined in the Constitution, allowing citizens to submit proposals on matters where they consider that a legal act of the Union is required for the purpose of implementing the Constitution;*

Amendment 9

Paragraph 8a (new)

- 8a. Calls on the institutions to use the ratification stage to prepare for entry into force of the Constitution so as to enable the latter to take effect as fully and as quickly as possible;*

PROCEDURE

Title	Treaty establishing a Constitution for Europe		
Procedure number	2004/2129(INI)		
Committee responsible	AFCO		
Enhanced cooperation			
Drafts(wo)man Date appointed	Diana Wallis 14.9.2004		
Discussed in committee	21.9.2004	7.10.2004	26.10.2004
Date suggestions adopted	24.11.2004		
Result of final vote	for:	17	
	against:	0	
	abstentions:	0	
Members present for the final vote	Maria Berger, Marek Aleksander Czarnecki, Monica Frassoni, Pii-Noora Kauppi, Klaus-Heiner Lehne, Katalin Lévai, Antonio Masip Hidalgo, Aloyzas Sakalas, Daniel Stroz, Andrzej Jan Szejna, Diana Wallis, Rainer Wieland, Jaroslav Zvěřina		
Substitutes present for the final vote	Evelin Lichtenberger, Manuel Medina Ortega, Ingo Schmitt, József Szájer		
Substitutes under Rule 178(2) present for the final vote			