

Draft report on proposals of the European Parliament for the amendment of the Treaties (2022/2051(INL))

Rapporteurs:

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24-10-2023

COMPROMISE AMENDMENT 1

Covers: AMs 9, 10, 11, 12, 407, 408, 409, 411, 412, 413, 414 (Annex) and 337 (resolution)

Annex to the motion for a resolution Treaty on European Union – Article 7

Present text

1. On a reasoned proposal by one third of the Member States, by the European Parliament or by the European Commission, the Council, acting by a majority *of four fifths of its members* after obtaining the consent of the European Parliament, *may* determine *that* there is a clear risk of a serious breach by a Member State of the values referred to in Article 2. Before making such a determination, the Council shall hear the Member State in question and may address recommendations to it, acting in accordance with the same procedure.

2. The *European* Council, acting by *unanimity* on a proposal by one third of the Member States *or by the Commission and after obtaining the consent of* the European Parliament, may *determine* the existence of a serious and persistent breach by a Member State of the values referred to in Article 2, *after inviting the Member State in question to submit its observations.*

Amendment

1. On a reasoned proposal by one third of the Member States, by the European Parliament or by the European Commission, the Council, acting by a *qualified* majority after obtaining the consent of the European Parliament, *shall* determine *within six months whether* there is a clear risk of a serious breach by a Member State of the values referred to in Article 2. Before making such a determination, the Council shall hear the Member State in question and may address recommendations to it, acting in accordance with the same procedure.

2. The Council, acting by *a qualified majority within six months of receiving* a proposal by one third of the Member States, *the European Parliament acting by a majority of its component Members, or the Commission may submit an application to the Court of Justice on* the existence of a serious and persistent breach by a Member State of the values referred to in Article 2.

2b. The Court of Justice shall decide on the application after inviting the Member State in question to submit its observations.

3. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, *may* decide to suspend certain of the rights deriving from the application of the Treaties to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

3. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, ***shall*** decide ***within six months to take appropriate budgetary measures, which may include a suspension of commitments and payments from the Union's budget, or*** to suspend certain of the rights deriving from the application of the Treaties to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council ***and the right of a Member State to exercise the Presidency of the Council.*** In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.

Or. en

Motion for a resolution Paragraph 17

Motion for a resolution

17. Proposes to strengthen and reform the procedure in Article 7 TEU with regard to the protection of the rule of law by ending unanimity and by making the Court of Justice the arbiter of violations;

Amendment

17. Proposes to strengthen and reform the procedure in Article 7 TEU with regard to the protection of the rule of law by ending unanimity, ***introducing a clear timeframe,*** and by making the Court of Justice the arbiter of violations;

Or. en

COMPROMISE AMENDMENT 2

Covers: AMs 465, 466, 61

Annex to the motion for a resolution Treaty on European Union – Article 42 – paragraph 3

Present text

3. *Member States shall make* civilian and military capabilities *available to the Union* for the implementation of the common security and defence policy, *to contribute to the objectives defined by the Council*. Those Member States which together establish multinational forces may also make them available to the common security and defence policy.

Member States shall undertake progressively to improve their military capabilities. The Agency in the field of defence capabilities development, research, acquisition and armaments (hereinafter referred to as "the European Defence Agency") shall identify operational requirements, shall *promote* measures to satisfy those requirements, *shall contribute to identifying and, where appropriate, implementing* any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall *assist the Council in evaluating* the improvement of military capabilities.

Amendment

3. *The Union shall establish a Defence Union with* civilian and military capabilities for the implementation of the common security and defence policy. *This includes military units, including a permanent rapid deployment capacity, under the operational command of the Union. Member States may provide additional capabilities.* Those Member States which together establish multinational forces may also make them available to the common security and defence policy.

*The Union and the Member States shall undertake progressively to improve their military capabilities. The Agency in the field of defence capabilities development, research, acquisition and armaments (hereinafter referred to as "the European Defence Agency") shall identify operational requirements, shall **implement** measures to satisfy those requirements, **shall procure armaments on behalf of the Union and its Member States, shall take** any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall **evaluate** the improvement of military capabilities.*

Motion for a resolution
Paragraph 20

Motion for a resolution

20. Reiterates its call for decisions on sanctions, interim steps in the enlargement process and other foreign policy decisions to be taken by QMV;

Amendment

20. Reiterates its call for decisions on sanctions, interim steps in the enlargement process and other foreign policy decisions to be taken by QMV; ***underlines an exception to this principle for decisions authorising military missions or operations with executive mandate;***

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COMPROMISE AMENDMENT 3

Covers: AMs 113, 116

Treaty on the Functioning of the European Union Article 77 – paragraph 2 – point d a (new)

Present text

Amendment

(da) any measure necessary and proportionate to ensuring the efficient monitoring, securing and effective control of the Union's external borders, as well as the effective return of those who do not have the right to remain on the territory of the Union;

Or. en

Treaty on the Functioning of the European Union Article 79 – paragraph 1

Present text

Amendment

1. The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.

1. The Union shall develop a common immigration policy, ***taking into account the economic and social stability of Member States***, aimed at ensuring, at all stages, the ***ability to meet labour demands of the single market in support of the economic situation in the Member States***, efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.

Or. en

COMPROMISE AMENDMENT 4

Covers: AMs 84, ENVI 4 CP 1, 483

Treaty on the Functioning of the European Union

Article 4 – paragraph 2 – point d

Present text

(d) agriculture and fisheries, excluding the conservation of marine biological resources;

Amendment

(d) ~~forestry~~, agriculture and fisheries, excluding the conservation of marine biological resources;

Or. en

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COMPROMISE AMENDMENT 5

Covers: AMs 97, FEMM 16, 488, 100, FEMM 17, 490

Motion for a resolution

Article 10 TFEU

Present text

In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Amendment

In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, ***gender***, racial, ethnic ***or social*** origin, ***language***, religion or belief, ***political opinion, belonging to a national minority***, disability, age or sexual orientation.

Or. en

Article 19 TFEU – paragraph 1

Present text

1. Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting ***unanimously*** in accordance with ***a special*** legislative procedure ***and after obtaining the consent of the European Parliament***, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Amendment

1. Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council ***and the European Parliament***, acting in accordance with ***the ordinary*** legislative procedure, may take appropriate action to combat discrimination based on sex, ***gender***, racial, ethnic or ***social*** origin, ***language***, religion or belief, ***political opinion, belonging to a national minority***, disability, age or sexual orientation.

Or. en

COMPROMISE AMENDMENT 6

Covers: AMs: 85, 481, FEMM 14, ENVI 10, ENVI 8 CP 2, 168, 564, FEMM 23, 396

Annex to the motion for a resolution

Treaty on the Functioning of the European Union – Article 4 – paragraph 2 – point e

Present text

Amendment

(e) *environment*;

(e) *public health matters, in particular the protection and improvement of human health, especially cross-border health threats, including reproductive health, and the One-Health approach.*

Or. en

**Treaty on the Functioning of the European Union
Article 168 – paragraph 4 – point c a (new)**

Present text

Amendment

(ca) *measures setting common indicators on universal and equal access to affordable and high-quality health care services, including reproductive health.*

Or. en

COMPROMISE AMENDMENT 7

Covers: AMs 131, 358, 508

Motion for a resolution Paragraph 21a (new)

Motion for a resolution

Amendment

21 a (new) Proposes for the convention to examine ways to prevent tax havens from distorting competition in the single market;

Or. en

Motion for a resolution Paragraph 22

Motion for a resolution

Amendment

22. Proposes that the OLP and QMV be used for decisions on direct and indirect taxation; calls for the establishment of the multiannual financial framework for a five year period;

22. Proposes that reinforced QMV be used for decisions on direct and indirect taxation; calls for the establishment of the multiannual financial framework for a five year period;

Or. en

Treaty on the Functioning of the European Union Article 113

Present text

Amendment

The Council *shall*, acting *unanimously in accordance with a special legislative procedure* and after consulting *the European Parliament and* the Economic and Social Committee, adopt provisions for the harmonisation of legislation concerning turnover taxes, excise duties and other forms of indirect taxation *to the extent that such harmonisation is necessary to ensure the establishment and the functioning of the internal market and to avoid distortion of competition.*

The European Parliament and the Council, acting by *reinforced qualified majority*, and after consulting the Economic and Social Committee, *shall* adopt provisions for the harmonisation of legislation concerning *direct and indirect taxes, including* turnover taxes *and* excise duties and other forms of *direct and* indirect taxation.

COMPROMISE AMENDMENT 8

Covers: AMs: 96, 486

Treaty on the Functioning of the European Union Article 9

Present text

In defining and implementing its policies and activities, the Union shall ***take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.***

Amendment

In defining and implementing its policies and activities, the Union shall ***ensure that social progress is anchored in a social protocol.***

The Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health, as well as the effective exercise of democratic collective rights of trade unions.

Or. en

COMPROMISE AMENDMENT 9

Covers: AMs: 20, 75, 80, 423, and paragraph 11 of the resolution

Motion for a resolution Paragraph 11

Motion for a resolution

11. Proposes the introduction of an EU referendum on matters relevant to the Union's actions and policies; calls for the strengthening of instruments for citizens' participation in the EU decision-making process within the framework of representative democracy;

Treaty on European Union Article 11 – paragraph 4 b (new)

Present text

Amendment

4b. The European Parliament may, by a majority of its component Members, submit to the European Council a proposal for a European referendum. A proposal for a European referendum shall be in accordance with the European values as laid down in Article 2.

If the European Council adopts by a majority a decision in favour of the proposed referendum, the Commission shall organise one.

Any European referendum shall be organised on the same day throughout the Union and shall be deemed approved if a majority of voters at EU level, and at national level in a majority of member states, vote in favour.

Or. en

Amendment 75

Treaty on European Union Article 48 – paragraph 5

Present text

5. If, two years after the signature of a treaty amending the Treaties, four fifths of the Member States have ratified it ***and one or more Member States have encountered difficulties in proceeding with ratification***, the matter shall be ***referred to the European Council***.

Amendment

5. If, two years after the signature of a treaty amending the Treaties, ***fewer than four-fifths*** of the Member States have ratified it, the matter shall be ***put to a European referendum***.

Or.en

Amendment 80

**Treaty on European Union
Article 54 – paragraph 2**

Present text

2. This Treaty shall enter into force on ***1 January 1993, provided that all the Instruments of ratification have been deposited, or, failing that, on the first day of the month following the deposit of the Instrument of ratification by the last signatory State to take this step***.

Amendment

2. This Treaty shall enter into force on ***the first day of the month following the deposit of the Instrument of ratification by the governments of four-fifths of the Member States or following the official verification by the Commission of the results of a European referendum in which the requisite majority was obtained***.

Or. en

COMPROMISE AMENDMENT 10

Covers: AMs: 25

Treaty on European Union
Article 14 – paragraph 2 b (new)

Present text

Amendment

2b. The European Parliament shall establish its composition by a majority of its component Members, respecting the principles referred to in paragraphs 2 and 2a. The Council shall give its approval.

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COMPROMISE AMENDMENT 11

Covers: AMs: 102

Treaty on the Functioning of the European Union Article 20 – paragraph 2 a (new)

Present text

Amendment

2a. The Council and the European Parliament may, in accordance with the ordinary legislative procedures, adopt common provisions on preventing the sale or other abuse regarding the acquisition and loss of citizenship of the Union by third country nationals, with a view to approximate conditions under which such citizenship can be acquired.

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COMPROMISE AMENDMENT 12

Covers: paragraph 40 a (new)

Motion for a resolution

Paragraph 40 a (new)

Motion for a resolution

Amendment

40 a. Points out that the proposals for the amendment of the Treaties as annexed hereto should all be discussed during the Convention;

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