

## AMENDMENT FORM

### **Title III: Union Competences**

#### **Suggestion for amendment of Article : Article I-11: Categories of competence**

**By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Lord MacLennan**

#### **Article I-11: Categories of competence**

1. *Remove to fourth paragraph.*
2. When the Constitution confers on the Union a competence shared with the Member States in a specific area, the Union and the Member States shall have the power to legislate and adopt legally binding acts in that area. The Member States shall exercise their competence to the extent that the Union has not exercised, or has decided to cease exercising, its competence.

*[1]. When the Constitution confers on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union or for the implementation of acts adopted by the Union.*

3. The Union shall have competence to coordinate the economic and employment policies of the Member States.
4. The Union shall have competence to define and implement a common foreign and security policy, including the progressive framing of a common defence policy.
5. In certain areas and in the conditions laid down in the Constitution, the Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States, without thereby superseding their competence in these areas.

6. The scope of and arrangements for exercising the Union's competences shall be determined by the provisions specific to each area in Part Three of the Constitution.

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**Explanation:**

*When the citizen opens the Constitution, he and she will hope to learn fairly easily what the Union is for, what it does and how much power it has. To start the catalogue of competences with a description of the narrow but small range of exclusive competences does not convey the right impression.*

*Much better to begin with the large range of shared competences, which is the normal delimitation between the Union and Member States, and then to insert the smaller range of exclusive competences later on.*