

AMENDMENT FORM

Suggestion for amendment of Article : 10

By MM : Kiljunen and Vanhanen

Status : - Members

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1. [As Presidency draft]
 2. When the Constitution confers on the Union a competence shared with the Member States in a specific area, until the Union has acted with regard to a certain matter, the Member States are entitled to act in respect thereof. When the Union has acted in respect of a certain matter, the Member States shall respect the obligations imposed on them by the relevant Union measures.
 3. **[deleted]**
 4. The Union shall **[delete]** 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 coordinate, supplement or support the actions of the Member States. In such areas, except in respect of matters which shall be identified specifically in the applicable legal basis, action by the Union shall not entail the use of instruments having direct applicability or leading to the harmonisation of the laws of Member States.
 6. [As Presidency draft]
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Explanation (if any) : *For the sake of clarity, this provision should bring together all the elements necessary for the defining of the three categories of Union competence. These should be kept separate from the provisions indicating the various substantive policy areas belonging to each competence category (Articles 11-15). The above definitions are intended to bring the definitions of the three categories of competence closer to the established case law of the Court of Justice and the recommendations of the working group on complementary competence. As regards the areas for supporting action, in particular, there should also be a possibility, in matters identified in the relevant provisions of Part Two, to adopt of measures having direct applicability or entailing harmonisation of the Member States' laws or regulations.*