

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 10

Déposée par Madame ou Monsieur : Rt Hon David Heathcoat-Amory, MP

Qualité : - Membre *X* - Suppléant

10.1 Delete

Explication éventuelle

There should be no exclusive competences : the Union should operate through voluntary agreements by participating states.

10.1 Delete « Constitution confers », insert « Treaty grants » [falls if above adopted]

Explication éventuelle

The powers of the Union are arise from and are attributed by Member States

10.1 Delete replace with « By this Treaty, the Member States confer on the Union certain exclusive and shared competences and define areas where the Union may take supporting action. The Union may exercise its competences only to the extent laid down in this Treaty. The conferment of powers on the Union shall not in itself restrict the powers of the Member States in respect of the same subject matter except in the area of exclusive competence expressly conferred on the Union by this Treaty. »

Explication éventuelle

This Article should make clear that the Member States confer competence, through this Treaty, and do not have it conferred upon them. Paragraph 1 should be substantially redrafted to reflect this, and also to explain the various ways in which competence might be partitioned. This would clarify and simplify the whole of the rest of the Article.

10.2 Delete « Constitution confers on the Union », insert « Treaty provides for Union activity in »

Explication éventuelle

The Union is a sum of its parts, not a state

10.2 Delete from «The Member States shall exercise». Insert « When an agreement has been reached by common accord, Member States shall refrain from legislating in the same area »

Explication éventuelle

The emphasis is here placed on national legislation, rather than what national parliaments are forbidden to do

10.3 Delete

Explication éventuelle

Member States, not the Union's institutions, should coordinate their economic policies between themselves

10.4 Delete

Explication éventuelle

The Union in the present treaties is the association of states coming together for common purposes, as made clear in Article 1 of both the Treaty on European Union and the Treaty Establishing the European Communities, which state that « the High Contracting Parties establish among themselves a European Union/Community ». By contrast, the Union set up by this constitution will be a legal body separate from the Member States.

10.5 At end, add «and incurring only administrative costs»

Explication éventuelle

Without this amendment, the intensity of the Union's action can be augmented by the high level of expenditure involved

10.6 At end, add «In any event of conflict between the two Parts of this Treaty, that element which is most favourable to the rights of the nation state is supreme»

Explication éventuelle

Where one part of the treaty evolves independently of the other, a conflict in interpretation may occur.

10.6 At end, add «and the amending procedures for each part shall in all cases be identical»

Explication éventuelle

It is essential to establish beyond doubt that all parties of this Treaty shall be amended in the same way