

## AMENDMENT FORM

### Suggestion for amendment of Article 11:

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on behalf of the EPP Convention Group

Status: Members and Alternates

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*Text of the Praesidium*

*Proposed Amendments*

#### Article 11: Exclusive competences

1. The Union shall have exclusive competence to ensure the free movement of persons, goods, services and capital, and establish competition rules, within the internal market, and in the following areas:

- customs union,
- common commercial policy,
- monetary policy for the Member States who have adopted the euro,
- the conservation of marine biological resources under the common fisheries policy.

2. The Union shall have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union, is necessary to enable the Union to exercise its competence internally, or affects an internal Union act.

#### Article 11: Exclusive competences

1. The Union shall have exclusive competence to ensure the free movement of persons, goods, services and capital, and establish competition rules, within the internal market, and in the following areas:

- customs union,
- common commercial policy,
- monetary ***and exchange-rate*** policy for the Member States who have adopted the euro, ***through the independent European Central Bank referred to in Article [X],***
- ***monetary law for the Member States who have adopted the euro,***
- the conservation of marine biological resources under the common fisheries policy,
- ***the definition of the tasks, priority objectives and the organisation of the Structural Funds of the Union,***
- ***Union statistics,***
- ***rules to ensure the proper functioning of the Union Institutions, including language, staff and data protection rules,***

- without prejudice to the institutional autonomy of each Institution,*
- *the funding of the Union budget.*

2. The Union shall have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union, is necessary to enable the Union to exercise its competence internally, or affects an internal Union act.

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## Explanation:

### *Para 1:*

- **Exchange-rate policy:** *Within the euro area, there exists, in parallel to the single monetary policy, also a single exchange-rate policy since 1 January 1999 – see Article 4(2), 105(2), second indent and 111 EC. This should be taken into account in this list of exclusive competences.*
- **Through the independent European Central Bank:** *This amendment is necessary as Article 10(1) of the Praesidium text states that in the field of exclusive competences, “only the Union may legislate and adopt legally binding acts”. Under the acquis, however, monetary policy is not defined and implemented by means of legislation adopted by the Council and the Parliament, but by the independent European Central Bank, in accordance with the EMU provisions and the Statute of the ESCB. It is therefore essential that this is made crystal clear in the text to avoid a fundamental change of the system under which the monetary policy for the euro currently is conducted.*
- **Monetary law:** *This includes all legislative provisions related to the definition of the single currency and to its legal tender status (in particular the Euro regulation No 974/98), legislation to protect the euro against counterfeiting (e.g. Regulation No 1338/2001) and legislation to harmonise the denominations and technical specifications of the euro coins. Today, most of these measures are based on Article 123(4) of the EC Treaty. However, it appears that the Praesidium intends to delete this provision from the constitutional text as redundant. This would take away the legal bases for the current monetary law of the euro and for all possible future modifications, amendments or complementary measures. It is therefore suggested to include this important exclusive competence explicitly in the list of exclusive competences. See also Article 70(d) in the EPP Discussion Paper (Frascati version, as amended, 27 January 2003).*
- **the definition of the tasks, priority objectives and the organisation of the Structural Funds of the Union:** *is intended to incorporate the exclusive competence under Article 161(1) of the EC Treaty. See also para 19 of the Report Lamassoure and Article 70 (j) in the EPP Discussion Paper (Frascati version, as amended, 27 January 2003).*
- **Union statistics:** *is intended to incorporate the exclusive competence under Article 285(1) of the EC Treaty, which is highly relevant in current Community practice. See also Article 70 (l) in the EPP Discussion Paper (Frascati version, as amended, 27 January 2003).*

- *Rules ensuring the proper functioning of the Union Institutions, including the use of language, staff and data protection rules, without prejudice to the institutional autonomy of each Institution:* is meant to incorporate the exclusive competences under Articles 283, 286, 290 of the EC Treaty. See also Article 70 (m), (n) and (p) in the EPP Discussion Paper (Frascati version, as amended, 27 January 2003).