

## AMENDMENT FORM

### Suggestion for amendment of : Article 11

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Status : Alternate

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Article 11.1: The Union shall have exclusive competence in the following areas:

- customs union
- common commercial policy
- monetary policy for the Member States who have adopted the euro

Article 11.2 *In the following areas the Union shall have exclusive competence only to the extent prescribed in Part II:*

- *the free movement of persons, goods, services and capital*
- *the establishment of competition rules within the internal market*
- *the regulation of transport*
- *the common organisation of agricultural markets*

Article 11.3 *This article needs to be redrafted.*

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### Explanation :

*11.1 The reference in the Praesidium's draft to the conservation of marine biological resources raises uncertainties of boundary definition due to the shared competence for fisheries policy set out in draft article 12. If the matter requires definition it would be preferable to do it in Part II.*

*The reader of the Constitution must be able to see quickly that the Union's principal competence lies in the economic field. For that reason he or she would be confused by the reference to the conservation of marine resources which is part and parcel of the common fisheries policy.*

*11.2 The exclusive competence of the Union listed in the original draft are all subject to limiting definitions which need to be set out if desirable. The Union's policy of the minimal necessary harmonization would be at risk without reference to these limitations.*

*11.3 This article is unsatisfactory as it stands because it is unclear. It appears to be attempting to translate the language of the Court's jurisprudence into new categories of exclusive competence.*

