

AMENDMENT FORM

Suggestion for amendment of **Article 11: Exclusive competences**

By Mr Dick Roche, Representative of the Government of Ireland

Status : Member

Article 11: Exclusive competences – paragraph 2

~~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.~~

Explanation (if any) :

Article 11.2 purports to summarise the jurisprudence of the Court of Justice regarding the implied external competences of the European Community and to extend it across the range of the Union's competences. This is not acceptable and the paragraph, if retained, will have to be amended to reflect the existing situation, whereby international agreements concluded under Articles 24 and 38 TEU and mandated by Member States do not imply any transfer of competences from the Member States to the Union. The wording of any such amendment will have to be carefully considered by legal experts.