

AMENDMENT FORM

Suggestion for amendment of Article 12

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Status: **Members and alternate member.**

Article 12: Shared competences

12.1 ***In accordance with Article 10.2,*** the Union shall share competence with the Member States ***in the following principal areas:***

12.2 *Delete.*

12.3 *Delete.*

12.4 *(8 words deleted)*

- ***fiscal aspects of the*** internal market
- area of freedom, security and justice
- transport
- trans-European networks
- energy
- social ***and employment*** policy
- economic and social cohesion
- environment
- public health
- consumer protection
- ***research and technological development***
- ***development cooperation and humanitarian aid.***

12.5 *Delete*

12.6 *Delete*

Explanation:

12.1 The explanation of this category has already appeared in Article 10.2, allowing us to re-draft this Article in a clearer and shorter version.

12.2 This has already been covered in Article 10.6. It is confusing and unnecessary to repeat it here with slightly different wording.

12.3 This has already been covered in Article 10.2. It is confusing and unnecessary to repeat it here with slightly different wording.

12.4 To accord with Article 11.1 the fiscal aspects of the internal market feature here.

If the internal market can be assumed to be an exclusive competence, as we have suggested, the Common Agricultural Policy and Common Fisheries Policy, being intrinsic parts of the single market regime, should be dropped from this list.

Employment policy is added to social policy as a shared competence. The existing formulations of the Treaty of Amsterdam on employment policy are possibly the worst examples of treaty drafting we have yet seen in the history of the Union. Many members, from all quarters, of the Convention have expressed themselves in favour of more "delivery on jobs". The citizen expects more action from the Union in this field.

The Praesidium has given both research and technological development and development cooperation and humanitarian aid their own special category of shared competence (Articles 12.5 and 12.6) on the grounds that Member States may not be prevented from exercising their own competence in parallel to that of the Union. In other words, there is the concept of active partnership between the EU and national levels in these sectors.

The way that the Constitution treats all shared competences should be standardised. We propose the deletion of Articles 12.5 and 12.6, and the inclusion of these two policy fields alongside the other shared competences in Article 12.4.

The Union already has ample experience of implementing current policies in these two areas, and of achieving the necessary degree of cooperation in practice. Moreover, the concept of parallel action is also present in all the other fields specified in Article 12.4 and it is not clear why the old formulations of the existing Treaty of Rome should now be maintained. 'Shared competences' are by definition to be shared.

If special forms of partnership are really required in R & D and development cooperation, these can be laid down in Part Two.