

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 12

Déposée par Monsieur : Hannes FARNLEITNER

Qualité : - Membre

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Art 12. 3. Where the Union **does not exercise** its competence in an area of shared competence, the Member States may exercise theirs.

Art 12. 4. Shared competence applies **in particular** in the following principal areas:

- *internal market*

***RELATION TO ART.11 (1) SHOULD BE CLARIFIED (see there)***

- area of freedom, security and justice
- agriculture and fisheries
- transport
- trans-European networks
- energy
- social policy
- economic and social cohesion
- environment
- public health
- consumer protection
- **intellectual property**

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**Explication:**

**Art 12. 3:** *Simplified and clearer wording.*

**Art 12.4:** *The non-exhaustive character of the following list should be underlined by inserting “**in particular**”.*

*Concerning the **internal market** see comment to Art.11 (1).*

*WG V (CONV 375/02) recommended: “New specific legal bases in the Treaty should be adopted for subject matters that have been regulated primarily on the basis of Article 308, e.g. balance-of-payments loans to third countries, intellectual property rights, energy policy civil protection and the establishment of agencies, if the Union wishes to pursue policies in these fields.” Therefore I welcome the inclusion of energy in the list of principal areas where shared competences apply. However, **intellectual property should be added too.***

*It is my understanding that the inclusion of **public health** among the areas of shared competence would also facilitate possible Union measures against doping and bioterrorism.*