

## AMENDMENT FORM

**Suggestion for amendment of Article 12.1, 12.4 and 12.4 bis (new):**

**By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives**

**Status :** - **Member: Hjelm-Wallén**

- **Alternate: Petersson**

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1. The Union shall share competence with the Member States where the Constitution confers on it a competence which does not relate to the areas referred to in Articles 11, **13, 14**<sup>1</sup> and 15 .

4. Shared competence applies in the following principal areas:

- internal market
- ~~area of freedom, security and justice~~<sup>2</sup>
- agriculture and fisheries
- transport
- trans-European networks
- [energy]<sup>3</sup>
- social policy
- economic and social cohesion
- environment
- [public health, **except health services and medical care**]<sup>4</sup>, and
- consumer protection.

**4 bis.** The Union shall share competence with the Member States in the area of freedom, security and justice regarding measures in the fields of visas, asylum, migration and judicial cooperation in civil matters. Without prejudice to the competences of the Member States, the Union shall, in accordance with the rules set out in Part Two, develop common action in the fields police and judicial cooperation in criminal matters.<sup>2</sup>

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### Explanation

<sup>1</sup> Coordination of economic policies (Article 13) and the common foreign and security policy (Article 14) are not areas of shared competence.

<sup>2</sup> The area of freedom, security and justice should appear in a separate paragraph. Police and judicial cooperation in criminal matters are highly sensitive and need special provisions. Competence in these fields should primarily belong to the Member States. The nature of the cooperation in these fields must therefore be further clarified in Part Two of the Constitution.

<sup>3</sup> Reservation: Difficult to draft a specific legal basis on energy since acts relating to this area have been adopted on several legal bases (not only on Article 308).

<sup>4</sup> Reservation: Public health is mainly an area for supporting action. The Union should not have shared competence in the areas of health services and medical care (compare Article 152.5 EC).