

Amendments submitted by Teija Tiilikainen and Antti Peltomäki 17 February 2003

[Option 1: If there is a provision on the Union's activities in accordance with Article 3bis above, draft Articles 11-15 could be deleted.]

[Option 2: In the absence of Article 3bis, Article 12 should read as follows:

Article 12: Shared competences

- 1. Subject to the provisions of Part Two of this Constitution,** 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, 14** and **15**.
- 2. [deleted, see para. 1]**
- 3. [see our draft Article 10 para. 2]**
- 4. [deleted]**
- 5. [see our draft Article 15]**
- 6. [see our draft Article 15]]**

Commentary:

The precise scope and nature of the Union's competence in each policy area should to be defined by the legal bases in Part Two.

Article 12, paragraph 3, would no longer be necessary in the light of Article 10, paragraph 2, as proposed above. Should the provision be retained, it would be more appropriate to place it in Article 10. The latter would then set out, in a comprehensive fashion, all the criteria defining the three categories of competence as well as their nature and legal effects.

Article 12 paragraph 4, on the other hand, is superfluous in the light of Article 12, paragraph 1.

The areas referred to in paragraphs 5 and 6 should be placed under draft Article 15.