

AMENDMENT FORM

Suggestion for amendment of Article : 12

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Status : - Member - Alternate

Article 12: Shared competences

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 and 15 .
2. The scope of shared competences is determined by the provisions of Part Two.
3. Where the Union has not exercised or ceases to exercise its competence in an area of shared competence, the Member States may exercise theirs.
4. Shared competence applies in the following principal areas:

—— ~~internal market~~

- judicial cooperation in civil matters

- police cooperaton and judicial cooperation in penal matters

—— ~~area of freedom, security and justice~~

- agriculture and fisheries
- transport
- trans-European networks
- **sustainable energy (*falls under current Art. 174 of the ECT*)**
- **health, safety and protection of the environment from nuclear installations (*falls under current Art. 174 of the ECT*)**
- **nuclear safeguards and non-proliferation (*may require the creation of a specific legal basis for that area in Part III of the Constitution as there might not be such legal basis in the current EC/EU Treaties*)**

- social policy
- economic and social cohesion
- environment
- public health, and
- consumer protection.
- **Animal protection**
- **economic policy**
- **employment policy**
- **research policy**
- **development cooperation and humanitarian aid**
- **industry**

~~5. In the areas of research, technological development and space, the Union shall have competence to carry out actions, in particular to implement programmes; however, the exercise of that competence may not result in Member States being prevented from exercising their competence.~~

~~6. In the areas of development cooperation and humanitarian aid, the Union shall have competence to take action and conduct a common policy; however, the exercise of that competence may not result in Member States being prevented from exercising their competence.~~

Explanation (if any) :