

AMENDMENT FORM

Suggestion for amendment of Article : 12

By Mr Hain

Status : Member

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 x and x [*currently 11 and 15*].
2. *Delete.*
3. *Delete.*
4. *Delete.*

Paragraphs 5 and 6: The language of these paragraphs is OK, but see below.

Explanation (if any) :

Shared competences should be a residual category. They should therefore not be listed explicitly. To have an 'indicative list' of some shared competences is the worst of both worlds.

So this Article should come after what are currently Articles 11, 13, 14 and 15.

Paragraph 1 has been redrafted to make clear that those areas not covered by exclusive competences or areas for supporting action are shared competences. If this is done sufficiently clearly, paragraphs 2-4 will be unnecessary.

The areas covered by Articles 12.5 and 12.6, do not sit easily in either the category of shared competence or that of supporting measures. These paragraphs should come under a separate Article which should also include economic policy. The new article could be entitled "Policies combining shared competence and supporting actions."