

AMENDMENT FORM

Suggestion for amendment of Article 12: Shared competences

By Mr Dick Roche, Representative of the Government of Ireland

Status : Member

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 **aspects of** the following ~~principal~~ areas **the scope of which is determined by the provisions of Part Two:**
 - internal market
 - area of freedom, security and justice
 - agriculture and fisheries
 - transport
 - ~~– trans-European networks~~
 - energy
 - social policy
 - economic and social cohesion
 - environment
 - ~~public health~~, and
 - consumer protection.
 - ~~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.
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Explanation (if any) :

To bring greater clarity to the Article, the terms of paragraph 2 should be included in paragraph 4.

As recognised by the Working Group on Complementary Competences, trans-European Networks, public health and research are areas for supporting measures by the Union. They should, therefore, be included in Article 15.