

**AMENDMENT FORM****Suggestion for amendment of Article 12:****By Mr Georges Jacobs - UNICE****Status: observer***Text of the Praesidium**Proposed Amendments***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
- area of freedom, security and justice
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- transport
- trans-European networks
- energy
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- economic and social cohesion

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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:**

**Public health should not become a shared competence but remain an area of supporting action.**

**Withdrawal of energy from Art 12. is based on the following considerations:**

- **lack of clarity in the definition of shared competence.**
- **uncertainties created regarding the possibility for Member States to face their responsibilities adequately regarding energy policy.**
- **more information needed on the planned energy legal basis. A legal basis granting special status to energy products, divorcing them from the general legislation and leading to an excess of rules and rigidities would be problematic.**
- **an exclusive competence for the internal energy market already exists in art.11**

**UNICE's position on energy might develop in the light of the future Convention work.**