

AMENDMENT FORM

Suggestion for amendment of Article : 16

By Mr. Lennmarker

Status : ☒ Member

Article 16: Flexibility clause

1. If action by the Union should prove necessary within the framework of the policies defined in Part Two to attain one of the objectives set by this Constitution, and the Constitution has not provided the necessary powers, the Council, acting unanimously on a proposal from the Commission and after obtaining the assent of the European Parliament, shall take the appropriate measures.
 2. Using the procedure for monitoring the subsidiarity principle referred to in Article 9, the Commission shall draw Member States' national parliaments' attention to proposals based on this Article.
 3. Provisions adopted on the basis of this Article may not **affect the competences of the Union or** entail harmonisation of Member States' laws or regulations in cases where the Constitution excludes such harmonisation.
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Explanation:

The proposed amendment in 16.3 follows from the recommendation in the final report from Mr Christophersen's Working Group page 17. It is important that the scope of Union competences is not affected through this article. The Union should only by given competences through Treaty changes.