

AMENDMENT FORM

Suggestion for amendment of Article : I-3 § 3, 4^{ème} alinéa

By Mr : Joao CRAVINHO, President of CEEP

Status : - Member observer

« It shall promote economic, social and territorial cohesion, and solidarity among Member States,
as well as high quality services of general interests. »

Explanation (if any) :

Amendments to articles I-3 and III-3 proposed by Mr Cravinho, President of CEEP

The works of the European Convention with the new draft text of the Praesidium have now reached a stage where structure and contents of a future Constitution are more visible.

Looking at the impact of services of general interest for economic, social and territorial cohesion in Europe and the importance of having clear rules for the provision of these services the signatories would like to draw the attention of the Praesidium and the members of the European Convention on the following:

Services of general economic interest are now established in Articles II-36, III-3, III-52 and III-53. Whereas Articles II-36, Articles III-52 and III-53 reproduce verbatim the current wordings of Article 36 of the Charter of Fundamental Rights and of Articles 86 and 87 of the current Treaty, the Praesidium has suggested a slightly changed version of the current Article 16 in Article III-3 which reads as follows:

"Without prejudice to (ex Articles 73, 86 and 87), and given the place occupied by services of general economic interest as services to which all in the Union attribute value as well as their role in promoting social and territorial cohesion, the Union and the Member States, each within their respective powers and within the scope of application of the Constitution, shall take care that such services operate on the basis of principles and conditions which enable them to fulfil their missions."

The signatories of this joint declaration have noted with satisfaction that the Praesidium recognizes that provisions on services of general interest are needed in the future Constitution. However, the signatories have noticed that the Praesidium has replaced the wording of current Article 16 "...services of general economic interest **"in the shared values of the Union..."**" in its proposal on a new Article III-3 by **"... services to which all in the Union attribute value..."**. This new formulation devaluates the status of services of general (economic) interest within the framework of the future Constitution. Therefore, and given the fact that more and more services of general interest - as a consequence of the evolution of the internal market - will be transformed into services of general **economic** interest as well as the need for clear provisions on these services will enhance, the signatories are suggesting a clear statement in Article I-3 of the future Constitution in favour of high quality services of general interest and an amendment of this Article as follows:

1. Article I-3, paragraph 3, sentence 4, (The Union's objectives) , up and above the notion of "economic, social and territorial cohesion" , should content a clear confession on "the promotion of high quality services of general interest" in order to establish a constitutional objective to the European legislative bodies. This objective, besides others, has to be taken into account when it comes to legislative acts concerning services of general interest. Therefore, Article I-3, paragraph 3, sentence 4, should read as follows:

"It shall promote economic, social and territorial cohesion, and solidarity among Member States, **as well as high quality services of general interest.**"

2. Current Article 16, as amended by the Praesidium in Article III-3 , should be enriched in order to enable a good functioning of services of general interest. This provision could serve as a legal basis for European secondary law precisising and framing the missions of services of general interest. The text would then read as follows:

"Given the place occupied by services of general interest as services **in the shared values of the Union and in order to give everybody access to essential goods and services**, as well as their role in promoting economic, social and territorial cohesion, the Union and the Member States, each within their respective powers and within the scope of application of the Constitution, shall take care that such services operate on the basis of principles and conditions which enable them to fulfill their missions, **and therefore take the appropriate measures**, without prejudice to Articles III-52, III-53 and III-131."[\[1\]](#)

[\[1\]](#) The French translation could read as follows:

« Eu égard à la place qu'occupent les services d'intérêt général, à la valeur que tous dans l'Union leur reconnaissent pour permettre l'accès de chacun aux biens et services essentiels ainsi qu'au rôle qu'ils jouent dans la promotion de leur cohésion économique, sociale et territoriale, l'Union et ses Etats membres, chacun dans les limites de leurs compétences respectives et du champ d'application de la Constitution, veillent et prennent en conséquence les mesures propres à ce que ces services fonctionnent sur la base de principes et dans des conditions qui leur permettent d'accomplir leurs missions, sans préjudice des articles III-52, III-53 et III-131. »