

## FICHE AMENDEMENT

### Proposition d'amendement à l'Article : 9

Déposée par Monsieur : Hannes FARNLEITNER

Qualité : - Membre

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Art 9.1. *should be moved to Art.8 (see Art 8 above)*

Art 9.2 see explanation

Art 9.5. *should be moved to Art.8 (5)*

Art 9.6. The Union shall respect the national identities of its Member States, inherent in their fundamental structures and essential State functions, especially their political and constitutional structure, including the organisation of public administration at national, regional and local level, **their choices regarding language, national citizenship, territory, legal status of churches and religious societies, national defence and the organisation of armed forces.**

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### Explication :

**Art 9.1.** *should be moved to Art.8 : The primacy of Union law is a fundamental principle. Therefore the first paragraph of Art.9 on the application of fundamental principles should be shifted to Art.8*

**Art 9.2.** *After Art.5 (1) this is the second provision of the Constitution which refers to a Protocol. Would the Protocol on the application of the principles of subsidiarity and proportionality have the same constitutional/legal status as the Protocol on the Charter of Fundamental Rights?*

**Art 9.5. :** *The fifth paragraph of Art.9 should be moved to Art.8 (5) in order to express all aspects of the principle of loyal cooperation in a single treaty provision*

**Art 9.6.** *I highly welcome this provision. However, it should contain the entire wording of the recommendation of WG V (CONV 375/02).*

*Furthermore Declaration No. 11 to the treaty of Amsterdam on the status of churches and religious societies should be incorporated into the Constitution.*