

Amendments submitted by Teija Tiilikainen and Antti Peltomäki 17 February 2003

[Article 9: Application of fundamental principles (deleted)]

- 1. [see our draft Article 4bis above].**
- 2. [see our draft Article 8 paras. 3 and 6]**
- 3. [see our draft Article 8 paras. 4 and 6]**
- 4. [see our draft Article 4ter]**
- 5. [see our draft Article 4ter]**
- 6. [see our draft Article 1 para. 2]]**

Commentary:

The fundamental principles concerning competence (the principles of conferred powers, subsidiarity and proportionality) and their application could, for the sake of clarity and simplicity, be brought under a single article (Article 8, combining the current Articles 8 and 9).

Title III on Union competences and actions should not deal with those fundamental principles which do not relate solely to the exercise of the Union's competence, but which concern the application of Union law in general. Such principles include in particular the principle of primacy of Union law and the obligation of loyal cooperation. They should rather be placed in Title I as Article 4bis and Article 4ter as proposed under Article 4 in our proposals for amendments.

Article 9, paragraph 6, should be removed to Article 1, paragraph 2, and complemented with a reference to cultural and linguistic diversity.