

AMENDMENT FORM 4

Amendment of Article 8

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"RESPECT FOR THE INTERNAL DISTRIBUTION OF POWERS WITHIN THE MEMBER STATES"

Addition to Article 8 a paragraph 6 :

" 6. In the delimitation and exercise of competences, the Union shall respect the internal distribution of powers between the different institutional levels of the Member States, as laid down in their respective constitutions."

And

I. Addition to Article 8 §2+ §3 :

...Member States or their regions or local authorities, according to the constitutional provisions in each Member State.

Explanation:

As **Vice-President J.-L.Dehaene** noted in his conclusions at the end of the plenary session of 7 February 2003 debate that the debate showed the Convention's willingness to recognize the role of the regions and local authorities in the Constitutional Treaty from its opening articles onwards.

Under the draft Article 1(2) "The Union shall respect the national identities of its Member States." The draft Article 9(6), which expands on Article 1(3), does indeed lay down that "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 organization of public administration at national, regional and local level."

However, the exchange of view showed that the text of the Constitution should recognize not only the internal structure of each State but also the internal distribution of powers between central government and regional and local authorities. Whereas there is no consensus in the Convention on recognizing a specific status for the legislative regions, there is a consensus on recognizing the existence of specific legislative powers at levels other than the central institutions of the Member State and the need for the Union to respect them.

It is proposed that a general clause is inserted for the whole of Title III covering the powers of the Union. Logically, this clause should appear in the article on fundamental principles. It would have the legal consequence that any reference to the Member States in the Constitutional Treaty is also equivalent to a reference to their regional and local authorities where applicable.