

AMENDMENT FORM

Suggestion for amendment of Article : art. 8

By Ms / Mr : Ernâni Lopes

Status : - Member -

Article 8: Fundamental principles

- ~~1. The limits and use of Union competencies are governed by the principles of conferral, subsidiarity, proportionality and loyal co-operation.~~
- 2. The limits of Union competencies are governed by the principle of conferral.**
In accordance with the principle of conferral, the Union shall act within the limits of the competencies conferred upon it by the Constitution to attain the objectives the Constitution sets out. Competencies not conferred upon the Union by the Constitution remain with the Member States.
- 3. The use of Union competencies is governed by the principles of subsidiarity, proportionality and loyal co-operation.**
 - In accordance with the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the intended action cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.
 - In accordance with the principle of proportionality, the scope and form of Union action shall not exceed what is necessary to achieve the objectives of the Constitution.
 - In accordance with the principle of loyal co-operation, the Union and the Member States shall, in full mutual respect, assist each other to carry out tasks which flow from the Constitution.
- 3. The Constitution, and law of adopted by the Union Institutions in exercising competencies conferred on it by the Constitution, shall have primacy over the law of the Member States.**