

## AMENDMENT FORM

### Suggestion for amendment of Article :art. 9

By Ms / Mr :Ernâni Lopes

Status : - Member

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#### **Article 9: Application of fundamental principles**

1. ~~The Constitution, and law adopted by the Union Institutions in exercising competencies conferred on it by the Constitution, shall have primacy over the law of the Member States.~~
2. In exercising the Union's non-exclusive competencies, the Institutions shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality annexed to the Constitution. The procedure set out in the Protocol shall enable national parliaments to ensure compliance with the principle of subsidiarity.<sup>1</sup>
3. In exercising the Union's competencies, the Institutions shall apply the principle of proportionality as laid down in the same Protocol.
4. **In accordance with the principle of loyal co-operation,** Member States shall take all appropriate measures, general or particular, to ensure fulfilment of the obligations flowing from the Constitution or resulting from actions taken by the Union Institutions.
5. **Following the same principle,** ~~In accordance with the principle of loyal co-operation,~~ Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the objectives set out in the Constitution. The Union shall act loyally towards the Member States.
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.~~

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<sup>1</sup> A new version of the Protocol will be circulated shortly.