

## AMENDMENT FORM

### Suggestion for amendment of Article III–174 (ex article 152), part III of the Constitution

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**Status : Tiilikainen, Kiljunen, Vilén - Members  
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#### Article III–174 (ex Article 152)

1. A high level of human health protection shall be ensured in the definition and implementation of all the Union's policies and activities.

Action by the Union, which shall complement national policies, shall be directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human health. Such action shall cover the fight against the major health scourges, by promoting research into their causes, their transmission and their prevention, as well as health information and education.

The Union shall complement the Member States' action in reducing drugs-related health damage, including information and prevention.

2. The Union shall encourage cooperation between the Member States in the areas referred to in this Article and, if necessary, lend support to their action.

Member States shall, in liaison with the Commission, coordinate among themselves their policies and programmes in the areas referred to in paragraph 1. The Commission may, in close contact with the Member States, take any useful initiative to promote such coordination.

3. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of public health.

4. A European law or framework law shall contribute to the achievement of the objectives referred to in this Article by establishing measures enabling common safety concerns to be met, in particular:

- (a) measures setting high standards of quality and safety of organs and substances of human origin, blood and blood derivatives; these measures shall not prevent any Member State from maintaining or introducing more stringent protective measures;
- (b) by way of derogation from [Article III–122 (ex 37)], measures in the veterinary and phytosanitary fields which have as their direct objective the protection of public health;

- (c) **measures aiming at prevention and control of harmful public health effects of tobacco and alcohol; these measures shall not prevent any Member State from maintaining or introducing more stringent protective measures.**

The European law or framework law shall be adopted after consultation of the Economic and Social Committee and the Committee of the Regions.

5. A European law or framework law may also establish incentive measures designed to protect and improve human health, excluding any harmonisation of the laws and regulations of the Member States. It shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

6. For the purposes set out in this Article, the Council, on a proposal from the Commission, may also adopt recommendations.

7. Union action in the field of public health shall fully respect the responsibilities of the Member States for the organisation and delivery of health services and medical care. In particular, measures referred to in paragraph 4(a) shall not affect national provisions on the donation or medical use of organs and blood.

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**Explanation (if any) :**

*Both tobacco and alcohol have serious public health impacts proven by firm scientific evidence. The harmful impacts can be reduced, for example, by harmonising the regulations concerning marketing, sales and labelling of these otherwise freely moving products. We consider that such harmonisation should be made possible with a public health legal basis.*