

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Mr Hain

Status : Member

1. The Union may take coordinating, complementary or supporting action. Union activity in an area for supporting action shall not prevent Member States from exercising their competence in that area.
2. The areas for supporting action are:
 - employment
 - industry
 - education, vocational training and youth
 - culture
 - protection against disasters including the consequences of terrorist attacks within the EU
 - trans-European networks, except for aspects dealing with inter-operability of networks
 - public health, except as provided in [Part Two of this Treaty]
 - police co-operation
 - consumer protection
3. *Delete.*
4. *Praesidium draft is okay.*

Explanation (if any) :

My paragraph 1 redraft clarifies that Union activity in an area of supporting action does not prevent Member States from exercising competence in the same area. This draft does not include the 2nd sentence of the Convention draft (ie scope determined by Part Two) since this is already explained in Article 10.

The UK view is that there is no need for Union exercise of these competences to involve harmonisation of Member State laws or regulations. As the Convention draft notes, exercise of these competences also does not prevent Member States from exercising competence themselves. On specifics, we have removed Sport and added Trans-European Networks, Public Health and Consumer Protection.

***Trans-European networks** is listed as a “shared competence” under the Convention draft. The existing Community competences for trans-European networks (Articles 154-156 EC) only require harmonisation in relation to inter-operability. Otherwise exercise of Union competence in this area should not require harmonisation and therefore this draft lists this competence under “supporting action”. **Public health** is listed in the Convention draft as a “shared competence”. Existing Community competence (Article 152 EC) is mainly limited to complementary action, with harmonisation not permitted except in particular areas (quality standards for organs, substances of human origin, blood and blood derivatives as well as measures in the veterinary and phytosanitary fields). The UK view is that it is not appropriate to extend “shared competence” in this subject area. Public health should therefore be categorised as an area of supporting action, except for those areas where harmonisation is specifically permitted. In order not to overload Part One with too much detail, this draft refers the reader to Part Two for details of aspects of public health where harmonisation is permitted. **Consumer protection**: Harmonisation measures are in any event permitted under Article 95 EC (a shared competence) if they further the internal market. Other consumer protection measures are supplementary only under current Treaties (see Article 153 EC). These measures should not require harmonisation. The UK therefore includes consumer protection as an area of supporting action in so far as such measures are not internal market measures.*