

AMENDMENT FORM

Suggestion for amendment of Article : **15**

**In connection with
Art. 10(3) and Art. 13**

By Mr : **Emilio GABAGLIO**

Status: **Observer**

15 (2) DELETE “Employment”

15 (3) DELETE

Explanation (if any)

Logical consequences of amendments to Art. 10 and 13.

FICHE AMENDEMENT

Proposition d'amendement à l'Article I. 16
déposée par Anne Van Lancker, Pervenche Beres

Qualité: - Membres

after article 16
article 16 (bis) (new)

Open method of co-ordination :

1. Where the Constitution excludes harmonisation, and does not specifically regulate co-ordination, the attainment of common European goals through national policies may pursued by the open method of co-ordination, whenever the Member States so decide.

2. The Open Method of Co-ordination shall be based on the definition of common guidelines or objectives, with appropriate arrangements for periodic monitoring and evaluation. It may provide for timetables, indicators, benchmarking and exchange of best practices.

3. The European Council shall approve the definitions and adapt the method match the specific needs of the particular policy area in which it wishes to promote co-ordination. At its request, the Commission shall support the process by presenting proposals on guidelines and indicators, organising exchange of best practices and preparing the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.

Explication éventuelle:

The working group on simplification and the majority of the working group on social affairs requested the insertion into the Treaty of a horizontal provision defining the open method of co-ordination and its procedure.

A potential weakness of open co-ordination as it has developed today, is that this kind of intergovernmental collaboration tends to be highly dependent on the coincidental political constellation of the moment. In view of the fact that the open method of co-ordination is not part of the formal *acquis* we need to ensure that that this soft *acquis* remains valid after enlargement. That will be possible by providing an disposal into the Constitution, providing for a legal basis for coordination,

AMENDMENT FORM

Title I

Suggestion for amendment of Article: I-16A

By: Mr. Vytenis Povilas Andriukaitis

Status: Member

Add a new Article I-16A:

Article I-16A: Open Method of Coordination

- 1. Where the Constitution excludes harmonisation, and does not specifically regulate coordination, the attainment of common European goals through national policies may be pursued by the open method of coordination, whenever the Member States so decide.**
- 2. The open method of coordination shall be based on the definition of common guidelines or objectives, with appropriate arrangements for periodic monitoring and evaluation. It may provide for timetables, indicators, benchmarking and exchange of best practice.**
- 3. The European Council shall approve the definitions and adapt the method to match the specific needs of the particular policy area in which it wishes to promote coordination. At its request, the Commission shall support the process by presenting proposals on guidelines and indicators, organising exchange of best practice and preparing the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.**

AMENDMENT FORM

Suggestion for amendment of Article I-16, par. 2:

By Mrs Piia-Noora Kauppi
Status : Alternate

Suggestion

Article I-16: Areas of supporting, coordinating or complementary action

2. The areas for supporting, coordinating or complementary action shall be, at European level:
- industry
 - *forests and forestry*
 - protection and improvement of human health
 - education, vocational training, youth and sport
 - culture
 - civil protection

Explanation:

The Community may take supporting, coordinating or complementary action in the field of forests and forestry with the aim to:

- Ensure an effective coordination between different policy sectors which have an influence on forests and forestry at Community and global level
- Participate pro-actively in international discussion and negotiations on forestry-related issues

FICHE AMENDEMENT

Proposition d'amendement à l'Article : I- 16

Déposée par Madame ou Monsieur : M. Louis Michel, M. Elio di Rupo, Mme Anne Van Lancker, membres de la Convention et M. Pierre Chevalier et Mme Marie Nagy, membres suppléants de la Convention

Qualité : - Membre - Suppléant

1. L'Union peut mener des actions d'appui, de coordination ou de complément.

 2. Les domaines d'action d'appui, de coordination ou de complément sont, dans leur finalité européenne :
 - l'industrie
 - ~~la protection et l'amélioration de la santé humaine~~
 - l'éducation, la formation professionnelle, la jeunesse et le sport
 - la culture
 - la protection civile

 3. Les actes juridiquement obligatoires adoptés par l'Union sur la base des dispositions spécifiques à ces domaines dans la Partie III, ne peuvent pas comporter d'harmonisation des dispositions législatives et réglementaires des États membres.
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Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 16

Déposée par Madame ou Monsieur : Gabriel Cisneros Laborda

Qualité : - Membre - Suppléant

Artículo I-16: Ámbitos de la acción de apoyo, coordinación o complemento

1. La Unión podrá llevar a cabo acciones de apoyo, coordinación o complemento.

2. Los ámbitos de la acción de apoyo, coordinación o complemento serán, en su finalidad europea:
 - la industria
 - la protección y mejora de la salud humana
 - la educación, la formación profesional, la juventud y el deporte
 - **el turismo**
 - la cultura
 - la protección civil.

3. Los actos jurídicamente vinculantes adoptados por la Unión en virtud de las disposiciones específicas de estos ámbitos que figuran en la Parte III no podrán conllevar la armonización de las disposiciones legislativas y reglamentarias de los Estados miembros.

Explication éventuelle :

Dada la importancia creciente del sector turístico, considero necesario que se incluya dentro de los ámbitos de acción de apoyo, coordinación o complemento, de manera que no se produzca un paso atrás en relación al Tratado de la Comunidad Europea.

AMENDMENT FORM

Suggestion for amendment of Article : I-16

By Ms : Danuta Hübner

Status : - Member

<u>Article I-16: Areas of supporting, coordinating or complementary action</u>	<u>Article I-16: Areas of supporting, coordinating or complementary action</u>
<p>1. The Union may take supporting, coordinating or complementary action.</p> <p>1) 2. The areas for supporting, coordinating or complementary action shall be, at European level:</p> <ul style="list-style-type: none">– industry– protection and improvement of human health– education, vocational training, youth and sport– culture– civil protection. <p>3. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Three cannot entail harmonisation of Member States' laws or regulations.</p>	<p>1. The Union may take supporting, coordinating or complementary action.</p> <p>2)2. The areas for supporting, coordinating or complementary action shall be, at European level:</p> <ul style="list-style-type: none">— industry— protection and improvement of human health— education, vocational training, youth and sport— culture— civil protection. <p>3. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Three cannot entail harmonisation of Member States' laws or regulations.</p>

Explanation (if any) : I suggest deletion of this article in consistency with deletions of articles 13-15.

FICHE AMENDEMENT

Proposition d'amendement à l'Article I-16

Déposée par Monsieur de Villepin

Qualité : - Membre

Article I-16 : Les domaines d'action d'appui, de coordination ou de complément

1. L'Union peut mener des actions d'appui, de coordination ou de complément.
2. Les domaines d'action d'appui, de coordination ou de complément sont, dans leur finalité européenne :
 - l'industrie
 - la protection et l'amélioration de la santé humaine
 - l'éducation, la formation professionnelle, la jeunesse et le sport
 - la culture
 - la protection civile
3. Les actes juridiquement obligatoires adoptés par l'Union sur la base des dispositions spécifiques à ces domaines dans la Partie III, ne peuvent pas comporter d'harmonisation des dispositions législatives et réglementaires des États membres, **sauf exception prévue par la troisième partie de la présente Constitution.**

Explication éventuelle :

FICHE AMENDEMENT 6 (FINAL)

Proposition d'amendement à l'Article : I-16

Déposée par Madame ou Monsieur : Borrell, Carnero y López Garrido

Qualité : - Membre - Suppléant

...

- la protección civil

- **el turismo**

Explication éventuelle :

FICHE AMENDEMENT

Proposition d'amendement à l'Article: I-16
Déposée par Monsieur: Erwin Teufel
Qualité: Membre

Texte du Praesidium

- (2) Unterstützungs-, Koordinierungs- oder Ergänzungsmaßnahmen können mit europäischer Zielsetzung in folgenden Bereichen durchgeführt werden:
- Industrie,
 - Schutz und Verbesserung der menschlichen Gesundheit,
 - allgemeine und berufliche Bildung, Jugend und Sport,
 - Kultur,
 - Bevölkerungsschutz.

Amendement proposé

- (2) Unterstützungs-, Koordinierungs- oder Ergänzungsmaßnahmen können mit europäischer Zielsetzung in folgenden Bereichen durchgeführt werden:
- **Beschäftigung,**
 - Industrie,
 - Schutz und Verbesserung der menschlichen Gesundheit,
 - allgemeine und berufliche Bildung, Jugend und Sport,
 - Kultur,
 - Bevölkerungsschutz.

Begründung:

Die Beschäftigung muss ein Bereich unterstützender Maßnahmen bleiben, wie dies auch im ersten Präsidiumsentswurf anerkannt war. Die der Union auf diesem Gebiet zuerkannten Befugnisse sind eindeutig unterstützender und ergänzender Natur. Würde die Beschäftigung nicht mehr in Art. I-16 genannt, wäre sie eine geteilte Zuständigkeit, bei der Maßnahmen der Mitgliedstaaten in dem Maße unzulässig würden, wie die Union handelt. Dies kann nicht gewollt sein.

AMENDMENT FORM

Suggestion for amendment of Article 16 Part I of the Constitution

By: Teija Tiilikainen, Antti Peltomäki, Kimmo Kiljunen, Jari Vilén, Hannu Takkula and Esko Helle

**Status: Tiilikainen, Kiljunen, Vilén - Members
Peltomäki, Takkula and Helle - Alternates**

Article I-16: Areas of supporting, coordinating or complementary action

1. The Union may take supporting, coordinating or complementary action.
 2. The areas for supporting, coordinating or complementary action shall be, at European level:
 - industry
 - protection and improvement of human health
 - education, vocational training, youth and sport
 - culture
 - civil protection
 - **coordination of economic policy**
 - **coordination of employment policy**
 - **coordination of social policy**
 - **development cooperation and humanitarian aid**
 - **research, technological development and space.**
 3. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Three cannot entail harmonisation of Member States' laws or regulations.
-

Explanation (if any):

In our view, the coordination of economic, employment and social policies, development cooperation and humanitarian aid as well as research, technological development and space belong to the category of supporting, coordinating or complementary action (see our comments on Articles 13 and 14).

FICHE AMENDEMENT

Proposition d'amendement à l'Article : I-16

Déposée par Madame Palacio

Qualité : - Membre - Suppléant

Article I-16 : Les domaines d'action d'appui, de coordination ou de complément

1. L'Union peut mener des actions d'appui, de coordination ou de complément.
 2. Les domaines d'action d'appui, de coordination ou de complément sont, dans leur finalité européenne :
 - l'industrie
 - la protection et l'amélioration de la santé humaine
 - l'éducation, la formation professionnelle, la jeunesse et le sport
 - le tourisme
 - la culture
 - la protection civile
 3. Les actes juridiquement obligatoires adoptés par l'Union sur la base des dispositions spécifiques à ces domaines dans la Partie III, ne peuvent pas comporter d'harmonisation des dispositions législatives et réglementaires des États membres.
-

Explication:

Le tourisme apparaît aujourd'hui dans le Traité de la Communauté européenne (lettre *u* de l'article 3.1 du traité) comme l'un des domaines où l'action de la Communauté peut comporter l'adoption de certaines mesures.

La disparition de toute référence au tourisme dans l'article 16, dont la liste a un caractère exhaustif, voudrait dire, puisqu'il ne s'agit pas à l'évidence ni d'une compétence exclusive ni d'une compétence partagée, que dans ce domaine particulier la Convention a décidé de faire marche arrière par rapport à l'acquis communautaire actuel. Pourtant personne n'a demandé cette suppression au sein de la Convention.

AMENDMENT FORM

Suggestion for amendment of Article :art. I-16

By Mr :Ernâni Lopes and Manuel Lobo Antunes

Status : Member and alternate

Article I-16: Areas of supporting, coordinating or complementary action

1. The Union may take supporting, coordinating or complementary action.
2. The areas for supporting, coordinating or complementary action shall be, at European level:
 - industry
 - protection and improvement of human health
 - education, vocational training, youth and sport
 - culture
 - civil protection
 - **tourism**
3. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Three cannot entail harmonisation of Member States' laws or regulations.

Explanation (if any) : We have proposed a separate article to be inserted in Part III of the Treaty for tourism (Conv. 755/1/03) which should be acknowledged as a new area in this article.

AMENDMENT FORM

Suggestion for amendment of Article I-16, para 2:

By Mrs. Marietta GIANNAKOU

Status : Member

Article I-16: Areas of supporting, coordinating or complementary action

2. The areas for supporting, coordinating or complementary action shall be, at European level:
- industry
 - ~~protection and improvement of human health~~
 - education, vocational training, youth and sport
 - culture
 - civil protection
 - **tourism.**
-

Suggestion

AMENDMENT FORM

Suggestion for amendment of Article : 16

Suggestion for Part I

By Ms / Mr : **G.M. de Vries**
 T.J.A.M. de Bruijn

Status : **Members** **Alternate**

1. The Union may take supporting, coordinating or complementary action.

2. The areas for supporting, coordinating or complementary action shall be, at European level:

3.
 - industry
 - protection and improvement of human health
 - education, vocational training, youth and sport
 - culture
 - civil protection
 - territorial cohesion

3. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Three cannot entail harmonisation of Member States' laws or regulations.

Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article : I-16

By Mr : Hain

Status : - Member -

1. OK.
 2. The areas for supporting, coordinating or complementary action shall be, at European level:
 - employment
 - trans-European networks, except for promotion of interconnection and interoperability of national networks as well as access to such networks
 - consumer protection
 - industry
 - protection and improvement of human health
 - education, vocational training, youth and sport
 - culture
 - civil protection.
 3. OK.
-

Explanation (if any) :

2. *Repeated amendment: We have added employment, trans-European networks, except for aspects dealing with inter-operability of networks, and consumer protection to make clear that they are supporting actions, rather than a shared competence.
Sport is a new competence: we are still looking at the details of this.*

Proposal for an Amendment

Proinsias de Rossa, Member of the Convention

Part One; Title III

New Article 16A: Open Method of Coordination

1. Where the Constitution excludes harmonization, and does not specifically regulate co-ordination, the attainment of common European goals through national policies may be pursued by the open method of co-ordination, whenever the Member States so decide.
2. The open method of co-ordination shall be based on the definition of common guidelines or objectives, with appropriate arrangements for periodic monitoring and evaluation. It may provide for timetables, indicators, benchmarking and exchange of best practice.
3. The European Council shall approve the definitions and adapt the method to match the specific needs of the particular policy area in which it wishes to promote co-ordination. At its request, the Commission shall support the process by presenting proposals on guidelines and indicators, organizing exchange of best practice and preparing the necessary elements for periodic monitoring and evaluation. The European Parliament, and the national parliaments, shall be kept fully informed.

Explanation

Since the Lisbon European Council the open method of co-ordination has been successfully applied to a series of subjects, primarily in the field of employment and social affairs and has facilitated the dissemination of best practice, thus ensuring greater convergence of national policies towards important EU goals.

The open method represents a significant contribution to the progressive movement away from traditional legislative approaches to new methods of working where the legislative approach is inappropriate. It is important that this innovative and flexible method of co-operation between Member States is given a place in the constitutional text.

It is particularly important to provide for the systematic involvement of the European Parliament and of the national parliaments by the provision of relevant information.

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 15
Déposée par Monsieur: Erwin Teufel
Qualité: Membre

Texte du Praesidium

- (2) Unterstützende Maßnahmen können in folgenden Bereichen durchgeführt werden:
- Beschäftigung
 - Industrie
 - allgemeine und berufliche Bildung und Jugend
 - Kultur
 - Sport
 - Katastrophenschutz.

Amendement proposé

- (2) Unterstützende Maßnahmen können in folgenden Bereichen durchgeführt werden:
- **Förderung der Koordinierung der Beschäftigungspolitik der Mitgliedstaaten**
 - **Stärkung der Wettbewerbsfähigkeit der Industrie der Union**
 - **Beitrag zu einer qualitativ hoch stehenden allgemeinen und beruflichen Bildung und zum Jugendaustausch**
 - **Beitrag zur Entfaltung des Kulturlebens in den Mitgliedstaaten**
 - **Beitrag zur Förderung des Sports in den Mitgliedstaaten**
 - **Beitrag zur Erreichung eines hohen Gesundheitsschutzniveaus**
 - **Beitrag zum Katastrophenschutz in den Mitgliedstaaten**
 - **Förderung der Entwicklungszusammenarbeit und humanitären Hilfe**
 - **Förderung der Forschung, technologischen Entwicklung und Raumfahrt.**

(3) Die Mitgliedstaaten koordinieren ihre jeweilige nationale Beschäftigungspolitik im Rahmen der Union.

~~(3) Die Mitgliedstaaten koordinieren ihre jeweilige nationale Beschäftigungspolitik im Rahmen der Union.~~

Begründung:

Abs. 2

Die Änderungsvorschläge sollen verdeutlichen, dass es sich um mitgliedstaatliche Zuständigkeiten handelt. Die Aufnahme des Gesundheitswesens, Forschung und Entwicklungszusammenarbeit vgl. Begründung zu Art. 12 Abs. 4-6.

Abs. 3

Die Förderung der Koordinierung der Beschäftigungspolitik ist schon in Abs. 2 enthalten.

FICHE AMENDEMENT

Proposition d'amendement à l'Article:	15
Déposée par Monsieur:	Erwin Teufel
Qualité:	Membre

Texte du Praesidium

- (2) Les domaines d'action d'appui sont:
- l'emploi
 - l'industrie
 - l'éducation, la formation professionnelle et la jeunesse
 - la culture
 - le sport
 - la protection contre les catastrophes.

Amendement proposé

- (2) Les domaines d'action d'appui sont:
- **la promotion d'une coordination entre les politiques de l'emploi des Etats membres**
 - **le renforcement de la compétitivité de l'industrie de l'Union**
 - **une contribution à une éducation et à une formation de qualité et à l'échange des jeunes**
 - **une contribution à l'épanouissement des cultures des Etats membres**
 - **une contribution à l'encouragement du sport dans les Etats membres**
 - **une contribution à la réalisation d'un niveau élevé de protection de la santé**
 - **une contribution à la protection civile dans les Etats membres**
 - **l'encouragement de la coopération au développement et de l'aide humanitaire**
 - **l'encouragement de la recherche, du développement technologique et de l'espace.**
- (3) Les Etats membres coordonnent au sein de l'Union leurs politiques nationales en
- ~~(3) Les Etats membres coordonnent au sein de l'Union leurs politiques nationales en~~

matière d'emploi.

~~matière d'emploi.~~

Explication:

al. 2

Les propositions d'amendement (voir art. 3 TCE) doivent mettre en lumière qu'il s'agit de compétences des Etats membres. En ce qui concerne la santé publique, la recherche et la coopération au développement, voir le commentaire chez l'article 12 al. 4-6.

al. 3

La promotion de la coordination des politiques de l'emploi se trouve déjà dans l'alinéa 2 ci-dessus.

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Ms / Mr : Representatives of the Assembly of the Republic - Portugal

Members Maria Eduarda Azevedo, Alberto Costa

Alternates Guilherme d'Oliveira Martins, António Nazaré Pereira

Status :

Article 15

Complementary competencies

1. The Union has **complementary competencies** to take coordinating, complementary or supporting actions. (...)
2. The areas for **complementary competencies** are:
(...)

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 15

Déposée par Madame ou Monsieur : Représentants de l'Assemblée de la République - Portugal

- **Membre:** Maria Eduarda Azevedo, Alberto Costa

- **Suppléant:** Guilherme d'Oliveira Martins, António Nazaré Pereira

Article 15

A. Les compétences complémentaires

1. L'Union a des **compétences complémentaires** pour mener des actions de coordination, de complément ou d'appui. (...)

2. Les domaines des **compétences complémentaires** sont:

(...)

Proposition d'amendement à l'Article 15

Déposée par Madame Elena Paciotti et Monsieur Valdo Spini, Suppléants

IT Version

Articolo 15: *Competenze complementari*

1. L'Unione può svolgere azioni di coordinamento, di integrazione o di sostegno. La portata di tale competenza è determinata dalle disposizioni della parte II.

2. *Le politiche alle quali si applicano le* azioni di sostegno sono *le* seguenti:

- *(una parola soppressa)*
- *(una parola soppressa)*
- istruzione, formazione professionale e gioventù
- cultura e *mezzi di informazione e comunicazione*
- sport e *turismo*
- protezione dalle calamità

3. *Soppresso.*

4. Gli atti giuridicamente vincolanti adottati dall'Unione in base a disposizioni della parte II specificamente inerenti a tali settori non possono comportare un'armonizzazione delle disposizioni legislative e regolamentari degli Stati membri.

Explication éventuelle:

Proposition d'amendement à l'Article 15

Déposée par Madame Elena Paciotti et Monsieur Valdo Spini, Suppléants

EN Version

Article 15: Areas for supporting action

1. The Union may take co-ordinating, complementary or supporting action. The scope of this competence is determined by the provisions of Part Two.

2. *(3 words deleted)* Supporting action *applies to the following policy areas:*

- Deleted

- Deleted

– education, vocational training and youth

– culture *and means of information and communication*

– sport *and tourism*

– protection against disasters.

3. *Suppressed.*

4. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Two cannot entail harmonisation of Member States' laws or regulations.

Explication éventuelle:

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Ms / Mr : Marie Nagy

Status : - Member - Alternate

Article 15: Areas for supporting action

1. ~~The Union may take coordinating, complementary or supporting action. The scope of this competence is determined by the provisions of Part Two.~~

 2. ~~The areas for supporting action are:~~
 - ~~— employment~~
 - ~~— industry~~
 - ~~— education, vocational training and youth~~
 - ~~— culture~~
 - ~~— sport~~
 - ~~— protection against disasters~~

 3. ~~The Member States shall coordinate their national employment policies within the Union.~~

 4. ~~Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Two cannot entail harmonisation of Member States' laws or regulations.~~
-

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article 15

Déposée par Monsieur Dominique de Villepin

Qualité : Membre

Article 15: Les domaines de coordination, de complément ou d'appui des politiques nationales

1. L'Union peut mener des actions de coordination, de complément ou d'appui. L'étendue de cette compétence est déterminée par les dispositions de la Partie II.
 2. **Les domaines de coordination, de complément ou d'appui sont notamment :**
 - l'emploi
 - **la coopération douanière**
 - l'industrie
 - **les réseaux transeuropéens**
 - l'éducation, la formation professionnelle et la jeunesse
 - la culture
 - le sport
 - la protection **civile**
 3. **suppression**
 4. Les actes juridiquement obligatoires adoptés par l'Union sur la base des dispositions spécifiques à ces domaines dans la Partie II, ne peuvent pas comporter d'harmonisation des dispositions législatives et réglementaires des Etats membres, **sauf exception prévue par la partie II.**
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Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : 15.3

By Lord Tomlinson

Status : Alternate

Delete

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 15.2

By Lord Tomlinson

Status : Alternate

I remain to be convinced concerning the adequacy of the list.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 15.1

By Lord Tomlinson

Status : Alternate

Needs to be redrafted in order to clarify that while the Union may take actions, such actions cannot prevent the exercise by their member states of their competence.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 15

By Mr Andrew Duff, Mr Dimitrij Rupel, Lord Maclellan, Mr István Szent-Iványi, Mr Lamberto Dini and Ms Teresa Almeida-Garrett.

Status : Members and alternate members.

Article 15: *Complementary competences*

15.1 *In accordance with Article 10.5, the Union has complementary competence to coordinate and support the actions of Member States.*

15.2 The *principal* areas for *such* action are:

- industry
- *tourism*
- *cross-border cooperation*
- education, vocational training and youth
- culture
- sport
- protection against disasters.

15.4 Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Two cannot entail harmonisation of Member States' laws or regulations.

Explanation:

15 This category of competences is not simply that of 'supporting action', and the title and the first sentence of 15.1 should be changed to reflect that.

15.1 The reference to Part Two has already been covered in Article 10.6. It is confusing and unnecessary to repeat it here with slightly different wording.

15.2 In line with our more permissive approach to the delimitation of competences, and our opposition to rigid lists, it would be prudent to qualify this category with the provision that these are only the principal areas of supporting action.

A reference to the tourism sector may be appropriately added here. It is a vital component of the economy and an important factor in European integration.

Effective cooperation between authorities in order to assist the development of border regions is frequently hampered by administrative or cultural obstacles. A specific provision in the Constitution to substantiate EU supporting action in this field is appropriate.

15.3 We have suggested (Article 12.4) that employment policy becomes a shared competence.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 15 :

Déposée par M. Pierre LEQUILLER, Président de la Délégation pour l'Union européenne

Article 15 :

Dans le point 4., après les mots "des États membres", rajouter les mots ", sauf exception prévue par la deuxième partie".

Explication éventuelle :

L'interdiction de toute harmonisation n'est expresse dans le TCE que pour certains des domaines concernés; Il peut en outre y avoir certains sujets pour lesquels une telle harmonisation peut être souhaitable (par exemple, s'agissant du sport, pour la lutte contre le dopage).

AMENDMENT FORM

Suggestion for amendment of Article : 15 §3

By Mr : Joachim Wuermeling and Peter Altmaier

Status : - Alternates

(3) Die Mitgliedstaaten ~~*koordinieren*~~ *können* ihre jeweilige nationale Beschäftigungspolitik im Rahmen der Union *koordinieren*.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 15 §2

By Mr : Joachim Wuermeling and Peter Altmaier

Status : - Alternates

(2) Unterstützende Maßnahmen können in folgenden Bereichen durchgeführt werden:

- ...

~~-Katastrophenschutz-~~

Explanation (if any) :

Für Katastrophenschutz ist keine Notwendigkeit gemeinschaftlichen Handelns ersichtlich. Die Schaffung neuer EU-Zuständigkeiten in diesem Bereich wird nicht unterstützt.

Die gestrichenen Bereiche sind dann in den ergänzenden Maßnahmen aufzuführen.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 15 :

Déposée par M. Pierre LEQUILLER, Président de la Délégation pour l'Union européenne

Article 15 :

Dans le point 2., rajouter l'alinéa suivant : - le tourisme

Explication éventuelle :

Le tourisme fait partie des domaines d'intérêt commun : l'Union doit pouvoir y contribuer par des action d'appui, de coordination ou de complément (elle y est d'ailleurs déjà actuellement engagée).

AMENDMENT FORM

Suggestion for amendment of Article : 15 §2

By Mr : Joachim Wuermeling and Peter Altmaier

Status : - Alternates

(2) Unterstützende Maßnahmen können in folgenden Bereichen durchgeführt werden:

- ...

- ~~*Sport*~~

Explanation (if any) :

Für Sport ist keine Notwendigkeit gemeinschaftlichen Handelns ersichtlich. Die Schaffung neuer EU-Zuständigkeiten in diesem Bereich wird nicht unterstützt.

Die gestrichenen Bereiche sind dannn in den ergänzenden Maßnahmen aufzuführen.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 15 :

Déposée par M. Pierre LEQUILLER, Président de la Délégation pour l'Union européenne

Article 15 :

Dans le point 2., remplacer les mots "d'appui" par les mots "de coordination, de complément ou d'appui" ;

Explication éventuelle :

La formulation "d'appui" est trop restrictive comme l'avait montré les débats sur les conclusions du groupe de travail sur les compétences.

AMENDMENT FORM

Suggestion for amendment of Article : 15 §1

By Mr : Joachim Wuermeling and Peter Altmaier

Status : - Alternates

(1) Die Union kann Koordinierungs-, Ergänzungs- oder Unterstützungsmaßnahmen ergreifen. ***Die Union macht von unterstützenden Maßnahmen im Rahmen der in Teil II eingeräumten Einzelmächtigungen Gebrauch. ~~Der Umfang dieser Zuständigkeit ergibt sich aus den Bestimmungen des Teils II.~~***

Explanation (if any) :

Fiche amendement

Proposition d'amendement à l'article : 15

Déposée par MM. Santer, Helminger, Fayot

En qualité de MEMBRES

Les termes « les domaines d'action d'appui » sont à remplacer par ceux de « les compétences complémentaires ».

1. L'Union peut mener des actions de coordination, de complément ou d'appui. L'étendue de cette compétence complémentaire est déterminée...

2. Les compétences complémentaires s'appliquent dans les domaines suivants :

- l'industrie
- l'éducation, la formation professionnelle et la jeunesse
- etc.

Etant donné que l'emploi serait transféré à l'article 13, il serait supprimé ici.

Explication :

Ad 1) Dans un souci de simplification et de clarté, il y a lieu de remplacer « les domaines d'action d'appui » par celui, plus générique et pouvant englober l'ensemble des actions de coordination, de complément et d'appui, de « compétences complémentaires ». Cette terminologie se retrouve par ailleurs déjà dans le rapport « Lamassoure ».

Ad 2) L'emploi, transféré à l'article 13 suivant la proposition d'amendement afférente, serait en toute logique supprimé dans cette énumération.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 15 :

Déposée par M. Pierre LEQUILLER, Président de la Délégation pour l'Union européenne

Article 15 :

Dans le titre remplacer les mots « d'appui » par les mots « de coordination, de complément ou d'appui ».

Explication éventuelle :

La formulation "d'appui" est trop restrictive comme l'avait montré les débats sur les conclusions du groupe de travail sur les compétences.

AMENDMENT FORM

Suggestion for amendment of Article 15: Les compétences complémentaires

By Ms Meglena Kuneva

Status : Member

1. *(sans changement)*
- 2 et 3. Réserve générale quant à l'adoption d'un catalogue des compétences.
4. Les actes juridiquement obligatoires adoptés par l'Union sur la base des dispositions spécifiques à ces domaines dans la Partie II, ne peuvent pas comporter d'harmonisation des dispositions législatives et réglementaires des États membres, **sauf exception prévue par la partie II.**

Explanation (if any) :

(4) L'interdiction de toute harmonisation n'est expresse dans le TCE que pour certains des domaines concernés. Il peut en outre y avoir certaines sujets où une telle harmonisation peut être souhaitable.

AMENDMENT FORM

Suggestion for amendment of Article 15.2 and 15.3:

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives and Mr Sören Lekberg and Mr Kenneth Kvist, national parliament representatives.

Status : - **Members: Hjelm-Wallén and Lekberg**
- **Alternates: Petersson and Kvist**

2. The areas for supporting action are:

- employment
- industry
- education, vocational training and youth
- culture
- sport¹
- ~~protection against disaster~~ **disaster relief.**

3. The Member States, **shall within the framework of the strategy for employment,** coordinate their national employment policies within the Union.

Explanation

¹ The consequences of adding sport are unclear.

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Ms : Giannakou Marietta

Status : - Member

Article 15: ~~Areas for supporting action~~ *Supporting competencies*

2. The areas for supporting ~~action~~ *competencies* are:
- employment
 - industry
 - *specific measures contributing to the development of quality education and of a european dimension in education*
 - *vocational training*
 - *youth, in particular youth exchange*
 - culture
 - sport
 - protection against disasters.
-

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article: 15

By Ms / Mr : Mr. Ms. Irena Belohorska – member, Jan Zahradil – member, Mr. Jens-Peter Bonde - member, Mr. David Heathcoat-Amory - member, Mr. William Abitbol - alternate, Mr. Peter Skaarup - member, Mr. Per Dalgaard - alternate, Mr. Esko Seppänen – alternate, and Mr. John Gormley - alternate.

Status : - Member - Alternate

Article 15: Areas for supporting action

1. The Europe of Democracies may take coordinating, complementary or supporting action. The scope of this competence is determined by the provisions of Part Two.
2. The areas for supporting action are:
 - employment
 - industry
 - education, vocational training and youth
 - culture
 - sport
 - protection against disasters.
3. The Member States shall coordinate their national employment policies within the Europe of Democracies.
4. Legally binding acts adopted by the Europe of Democracies on the basis of the provisions specific to these areas in Part Two cannot entail harmonisation of Member States' laws or regulations.

AMENDMENT FORM

Suggestion for amendment of Article 15:

By Elmar BROK, Jozsef SZAJER, Erwin TEUFEL, René VAN DER LINDEN, Frantisek KROUPA, John CUSHNAHAN, Antonio TAJANI, Teresa ALMEIDA GARRETT, Peter ALTMAIER, Jan FIGEL, Piia Noora KAUPPI, Göran LENNMARKER, Hanja MAIJ-WEGGEN, Reinhard RACK, Joachim WÜRMELING

on behalf of the EPP Convention Group

Status: Members and Alternates

Text of the Praesidium

Proposed Amendments

Article 15: Areas for supporting action

1. The Union may take coordinating, complementary or supporting action. The scope of this competence is determined by the provisions of Part Two.
2. The areas for supporting action are:
 - employment
 - industry
 - education, vocational training and youth
 - culture
 - sport
 - protection against disasters.
3. The Member States shall coordinate their national employment policies within the Union.
4. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Two cannot entail harmonisation of Member States' laws or regulations.

Article 15: ~~Areas for supporting action~~ *Supporting competences*

1. The Union may take coordinating, complementary or supporting action *in the following areas*:-
~~The scope of this competence is determined by the provisions of Part Two.~~
- ~~2. The areas for supporting action are:~~
 - *incentive measures in the field of* employment with regard to the policies of the Member States,
 - ~~industry~~ *specific measures ensuring that the conditions necessary for the competitiveness of the Union's industry exist,*
~~education, vocational training and youth~~
 - *measures contributing to the development of quality education and of a European dimension in education,*
 - *vocational training policy*
 - *youth, in particular youth exchange*
 - *the fight against drug abuse,*
 - culture,
 - sport
 - ~~protection against disasters~~ *civil protection in the case of exceptional events or disas-*

ters

32. The Member States shall coordinate their national employment policies within the Union *in a way consistent with the broad economic policy guidelines*.
 3. (new) *The details regarding the extent of the supporting competences are set out in Part Two of the Constitution.*
 4. Legally binding acts adopted by the Union *in the field of supporting competences* ~~on the basis of the provisions specific to these areas in Part Two~~ cannot entail harmonisation of Member States' laws or regulations.
-

Explanation:

Para 1, 2 and 3(new):

- *This constitutional provision should set out as clearly as possible the supporting competences of the Union. **The list of supporting competences should be comprehensive**. Any reference to Part Two should only relate to the details of these competences, but not to their existence as such – all issues of power must be settled in Part One.*
- *The **definition of the individual supporting competences** should more closely follow the *acquis* and also make explicit that these are only supporting competences – otherwise one risks to disappoint and frustrate the citizens. This is in particular the case with regard to the supporting competences related to **employment, industry and education**.*

Para 3 (now 2):

*The important principle that the **coordination of employment policies** through the employment guidelines need to be **consistent with the broad economic policy guidelines** – currently stated in Article 126(1) of the EC Treaty – should not be changed.*

AMENDMENT FORM

Suggestion for amendment of Article : 15: Areas for supporting action

By the Earl of Stockton MEP

Status : - Member - Alternate

3. The Member States (New) may coordinate their national employment policies within the Union.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 15

By MM : Kiljunen and Vanhanen

Status : - Members

1. Subject to the provisions of Part Two of this Constitution, the Union may take coordinating, complementary or supporting action in the following areas:

- coordination of economic policies
- employment
- industry
- education, vocational training and youth
- culture
- public health
- development cooperation
- research and technological development
- sport
- protection against disasters.

2. – 3. [deleted]

Explanation (if any) : *Again, the text should make it clear that the precise scope and nature of the Union's competence in each policy area is to be defined by the legal bases in Part Two (see the commentary on draft Article 11).*

In addition to the ones proposed by the Praesidium, there are other areas that should be placed in the category of supporting action.

The necessary flexibility in the area of supporting action would be guaranteed by the proposed definition of that category of competence in Article 10, paragraph 5. Under that provision, there would also be a possibility, in matters to be identified in Part Two, to adopt of measures having direct applicability or entailing harmonisation of the Member States' laws or regulations. This would make it possible to place within the category of supporting action areas where harmonisation of the laws of Member States should be excluded as a general rule but authorised in exceptional cases defined in the relevant legal bases (e.g., public health).

FICHE AMENDEMENT

Proposition d'amendement à l'Article 15:

Déposée par M. Olivier DUHAMEL
Mme Linda McAVAN
M. Luis MARINHO
Mme Anne VAN LANCKER
M. Klaus HÄNSCH

Qualité: - Membres

Mme Pervenche BERÈS
Mme Maria BERGER
M. Carlos CARNERO
Mme Elena PACIOTTI
Mme Helle THORNING-SCHMIDT

Qualité: - Suppléants

Article 15: Les **compétences complémentaires**

1. L'Union peut mener des actions de coordination, de complément ou d'appui. L'étendue de cette compétence est déterminée par les dispositions de la Partie II.
 2. Les domaines de **compétences complémentaires** sont:
 - l'éducation, la formation professionnelle et la jeunesse
 - la culture
 - **les médias**
 - le sport
 - **le tourisme**
 - la protection contre les catastrophes.
 3. **A supprimer**
 4. Les actes juridiquement obligatoires adoptés par l'Union sur la base des dispositions spécifiques à ces domaines dans la Partie II, ne peuvent pas comporter d'harmonisation des dispositions législatives et réglementaires des Etats membres.
-

Explication éventuelle:

Amendments submitted by Teija Tiilikainen and Antti Peltomäki 17 February 2003

[Option 1: If there is a provision on the Union's activities in accordance with Article 3bis above, draft Articles 11-15 could be deleted.]

[Option 2: In the absence of Article 3bis, Article 15 should read as follows:

Article 15: Areas for supporting action

1. Subject to the provisions of Part Two of this Constitution, the Union may take coordinating, complementary or supporting action in the following areas:

- **coordination of economic policies**
- employment
- industry
- education, vocational training and youth
- culture
- **public health**
- **development cooperation**
- **research and technological development**
- sport
- protection against disasters.

2. [deleted, see para. 1]

3. [deleted]

4. [see our draft Article 10 para. 5]]

Commentary:

Again, the text should make it clear that the precise scope and nature of the Union's competence in each policy area is to be defined by the legal bases in Part Two.

In addition to the ones proposed by the Praesidium, there are other areas that should be placed in the category of supporting action.

Since employment is mentioned as one of the areas for supporting action, paragraph 3 is redundant.

The necessary flexibility in the area of supporting action would be guaranteed by the proposed definition of that category of competence in Article 10, paragraph 5. Under that provision, there would also be a possibility, in matters to be identified in Part Two, to adopt of measures having direct applicability or entailing harmonisation of the Member States' laws or regulations. This would make it possible to place within the category of supporting action areas where harmonisation of the laws of Member States should be excluded as a general rule but authorised in exceptional cases defined in the relevant legal bases (e.g., public health).

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Ms / Mr : Mr. Ján Figel' (Slovak Parliament, Member), Mrs. Irena Belohorská (Slovak Parliament, Member), Mr. Juraj Migaš (Slovak Government, Alternate)

Status : - Member - Alternate

Change the whole Article 15 as follows :

Supporting competences

1. The Union may take coordinating, complementary or supporting action in the following areas:

- incentive measures in the field of employment with regard to the policies of the Member States,
- specific measures ensuring that the conditions necessary for the competitiveness of the Union's industry exist,
- measures contributing to the development of quality of education and of a European dimension in education,
- vocational training policy,
- youth exchange,
- human health protection,
- culture,
- sport,
- civil protection in the case of exceptional events or disasters.

2. The Member States shall coordinate their national employment policies within the Union in a way consistent with the broad economic policy guidelines.

3. The details regarding the extent of the supporting measures are set out in Part Two of the Constitutional Treaty.

4. Legally binding acts adopted by the Union in the field of supporting competences cannot entail harmonisation of Member States' laws or regulations.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 15 :

By Mr : Ingvar SVENSSON

Status : - Alternate

1. The Union may take coordinating, complementary or supporting action. The scope of this competence is determined by the provisions of Part Two.

2. The areas for supporting action are:

- employment
- industry
- education, vocational training and youth
- culture
- ~~- sport~~
- ~~protection against aid in the case of exceptional events or~~ disasters.

3. The Member States shall coordinate their national employment policies within the Union.

4. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Two cannot entail harmonisation of Member States' laws or regulations.

Explanation:

Sport should not be an area for supporting action.

« Protection against disasters » is too broad. Rather, aid in the case of exceptional events or disasters is a more appropriate area for supporting action.

AMENDMENT FORM

Suggestion for amendment of Article 15(2)

By Prof Peter Serracino-Inglott - Member

Mr John Inguanez - Alternate

To be reworded as follows :

The areas for supporting action include:

- employment
- industry
- education, vocational training and youth
- culture
- sport
- protection against disasters.

Explanation (if any) :

The word 'include' ensures that supporting action in other other areas is not precluded if deemed necessary.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 15

Déposée par Madame ou Monsieur : Mme PALACIO

Qualité : - Membre - Suppléant

Article 15: Les domaines d'action d'appui

1. L'Union peut mener des actions de coordination, de complément ou d'appui. L'étendue de cette compétence est déterminée par les dispositions de la Partie II.
 2. Les domaines d'action d'appui sont:
 - ~~[l'emploi]~~
 - l'industrie
 - l'éducation, la formation professionnelle et la jeunesse
 - la culture
 - le sport
 - le tourisme
 - la protection ~~[contre les catastrophes]~~ civile.
 3. Les Etats membres coordonnent au sein de l'Union leurs politiques nationales en matière d'emploi en vue de contribuer à la réalisation des objectifs de l'Union. Les États membres considèrent la promotion de l'emploi comme une question d'intérêt commun. Les Etats membres et l'Union s'attachent à élaborer une stratégie commune dans ce domaine.
 4. Les actes juridiquement obligatoires adoptés par l'Union sur la base des dispositions spécifiques à ces domaines dans la Partie II, ne peuvent pas comporter d'harmonisation des dispositions législatives et réglementaires des Etats membres.
-

Explication:

La politique d'emploi a une importance particulière dans le Traité actuel de la Communauté qui mérite d'être dûment reflétée.

Le tourisme apparaît dans l'article 3 u) du Traité actuel de la Communauté.

Le terme protection civile est celui couramment utilisé.

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Mr : Gianfranco FINI

Status : - Member

Articolo 15: Settori dell'azione di sostegno

1. ***Sulla base di quanto disposto nella parte seconda della presente Costituzione, l'Unione può esercitare azioni di sostegno nei seguenti settori.*** ~~L'Unione può svolgere azioni di coordinamento, di integrazione o di sostegno. La portata di tale competenza è determinata dalle disposizioni della parte II.~~

2. I settori dell'azione di sostegno sono i seguenti:
 - occupazione
 - istruzione, formazione professionale
 - gioventù
 - cultura
 - sport
 - protezione **civile** dalle calamità

3. Gli Stati membri coordinano nell'ambito dell'Unione le rispettive politiche nazionali in materia di occupazione.

4. Gli atti giuridicamente vincolanti adottati dall'Unione in base a disposizioni della parte II specificamente inerenti a tali settori non possono comportare un'armonizzazione delle disposizioni legislative e regolamentari degli Stati membri.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Ms / Mr : Johannes Voggenhuber, Eva Lichtenberger

Status : - Member - Alternate

Article 15: Areas for supporting action

1. ~~The Union may take coordinating, complementary or supporting action. The scope of this competence is determined by the provisions of Part Two.~~

2. ~~The areas for supporting action are:~~

~~— employment~~

~~— industry~~

~~— education, vocational training and youth~~

~~— culture~~

~~— sport~~

~~— protection against disasters~~

3. ~~The Member States shall coordinate their national employment policies within the Union.~~

4. ~~Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Two cannot entail harmonisation of Member States' laws or regulations.~~

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Mr Kirkhope MEP

Status : Member

1. The **Community** may take coordinating, complementary or supporting action. The scope of this competence is determined by the provisions of Part Two.
2. The areas for supporting action are:
 - employment **to provide a flexible labour market**
 - industry **to promote a deregulated industrial base**
 - education, vocational training and youth
 - culture
 - sport
 - protection against disasters
 - **transport**
 - **energy**.
3. **DELETE**
4. Legally binding acts adopted by the **Community** on the basis of the provisions specific to these areas in Part Two cannot entail harmonisation of Member States' laws or regulations.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Mr : Georgios Katiforis

Status : - Member

Article 15: Areas for supporting action

1. The Union may take coordinating, complementary or supporting action. The scope of this competence is determined by the provisions of Part Two.
2. The areas for supporting action ~~are~~ **include**:
 - employment
 - industry
 - education, vocational training and youth
 - culture
 - sport
 - protection against disasters.
3. The Member States shall coordinate their national employment policies within the Union.
(if article 13 amended, delete)
4. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Two cannot entail harmonisation of Member States' laws or regulations.

AMENDMENT FORM

Suggestion for amendment of Article: 15

By Mr: Paraskevas AVGERINOS

Status: Member

Delete Article 15

Explanation:

Είναι πολιτικά άστοχο να υπάρξει αυτή τη στιγμή αυστηρή οριοθέτηση και διαχωρισμός αρμοδιοτήτων σε συντρέχουσες και υποστηρικτικές. Προτιμώ ένα πιο ευέλικτο θεσμικό πλαίσιο το οποίο θα δώσει μεγαλύτερη ώθηση στην εξελικτική πορεία της Ένωσης.

AMENDMENT FORM

Suggestion for amendment of: Article 15, 2

By: Lamberto Dini

Status : - Member

Aim:

In the list of paragraph two, insert the word "tourism"

Explanation :

It is appropriate that tourism should have been added to the list of areas for supporting action, or better "subsidiary competences". At present it is only mentioned in the EC Treaty (Article 3), but has remained dead letter (despite the proposal put forward by Italy and Greece) owing to the absence of a legal basis for the adoption of rules and common action in this field. Now, instead, such a legal basis will appropriately be included in Part Two of the future Treaty, so

that the field of tourism will no longer be in the limbo in which it has been kept until now.

AMENDMENT FORM

Suggestion for amendment of Article 15(2)

By Michael Frendo - Member

To be reworded as follows :

The areas for supporting action include:

- employment
- industry
- education, vocational training and youth
- culture
- sport
- protection against disasters.

Explanation (if any) :

The word 'include' ensures that supporting action in other other areas is not precluded if deemed necessary.

AMENDMENT FORM

Suggestion for amendment of: Article 15

By: Lamberto Dini

Status : - Member

Aim:

Change the title of Article 15 from "Areas for supporting action" to "Subsidiary competences".

Explanation :

The title of Article 15 should evoke a specific category of competences and not refer to them as "supporting action". Together with others, I made this objection also in the plenary session.

AMENDMENT FORM

Suggestion for amendment of Article 15

By : G.M de Vries,
F. Timmermans, (for article 15.2)
R. van der Linden (for article 15.2)

Th. J.A.M. de Bruijn,
J.J. van Dijk.

Status : Members, Alternate Members

Article 15: Areas for supporting action

1. The Union may take coordinating, complementary or supporting action. The scope of this competence is determined by the provisions of Part Two.
 2. The areas for supporting action are:
 - employment
 - industry
 - education, vocational training and youth
 - culture
 - sport
 - protection against disasters
 - [well-being of children and young persons](#)
 - [territorial cohesion](#)
 3. The Member States shall coordinate their national employment policies within the Union.
 4. Legally binding acts adopted by the Union in [the areas specified in Part Two](#) ~~on the basis of the provisions specific to these areas in Part Two~~ cannot entail harmonisation of Member States' laws or regulations.
-

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 15(2)

By Dolores Cristina

Alternate

To be reworded as follows :

The areas for supporting action include:

- employment
- industry
- education, vocational training and youth
- culture
- sport
- protection against disasters.

Explanation (if any) :

The word 'include' ensures that supporting action in other other areas is not precluded if deemed necessary.

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member ~~Alternate~~

Artikel 15: Unterstützende Maßnahmen

Artikel 13: Ergänzende Zuständigkeiten

~~(1) Die Union kann Koordinierungs-, Ergänzungs- oder Unterstützungsmaßnahmen ergreifen. Der Umfang dieser Zuständigkeit ergibt sich aus den Bestimmungen des Teils II.~~

~~(2) Unterstützende Maßnahmen können in folgenden Bereichen durchgeführt werden:~~

(1) Die Union verfügt über eine ergänzende Gesetzgebungszuständigkeit in folgenden Bereichen:

- Beschäftigung
- Industrie
- allgemeine und berufliche Bildung und Jugend
- Kultur
- Sport
- Katastrophenschutz
- **Forschung, technologische Entwicklung und Raumfahrt**
- **Entwicklungszusammenarbeit und humanitäre Hilfe.**

~~(3) Die Mitgliedstaaten koordinieren ihre jeweilige nationale Beschäftigungspolitik im Rahmen der Union.~~

(2) Die Union verfügt über die ergänzende Zuständigkeit für die Koordinierung der Wirtschafts-, Beschäftigungs- und Sozialpolitiken der Mitgliedstaaten.

~~(4) Die rechtsverbindlichen Rechtsakte, die von der Union aufgrund der speziellen, in Teil II für diese Bereiche vorgesehenen Bestimmungen erlassen werden, schließen keinerlei Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten ein.~~

(3) Maßnahmen aufgrund ergänzender Zuständigkeiten schließen keinerlei

Harmonisierung der Rechts- und Verwaltungsvorschriften der Mitgliedstaaten ein.

Explanation (if any) :

Absatz 1:

Diese Bestimmung wiederholt lediglich, was bereits in Artikel 10 Absatz 1 und 4 ausgesagt ist, die wie folgt lauten sollten:

Art. 10. (1) Die Union verfügt über legislative, exekutive und judikative Zuständigkeiten. Der Umfang dieser Zuständigkeiten ergibt sich aus den Bestimmungen des Teil II dieser Verfassung.

(4) Weist diese Verfassung der Union für einen bestimmten Bereich eine ergänzende Zuständigkeit zu, so dürfen in diesem Bereich die Union und die Mitgliedstaaten tätig werden. Macht die Union von ihrer Zuständigkeit Gebrauch, so bleibt die Zuständigkeit der Mitgliedstaaten hiervon unberührt.

Absatz 2 (jetzt Absatz 1):

Die Bereiche "Forschung und technologische Entwicklung" sowie "Entwicklungszusammenarbeit und humanitäre Hilfe" sind Zuständigkeiten der Union, deren Ausübung die Zuständigkeit der Mitgliedstaaten unberührt lässt. Es sind also ergänzende Zuständigkeiten.

Zudem sind in den genannten Bereichen lediglich die Gesetzgebungszuständigkeiten ergänzender Natur.

Absatz 3 (jetzt Absatz 2):

Die Koordinierungskompetenzen der Union sind ihrem Wesen nach ergänzende Maßnahmen. Im Unterschied zu Absatz 2 handelt es sich hierbei jedoch nicht um Gesetzgebungskompetenzen. Im übrigen sind es Kompetenzen der Union, nicht der Mitgliedstaaten.

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Mr : Josef Zieleniec

Status : Member

The word « competences » should be used (« Complementary » or « Supporting » competences).

The article 3 might be canceled.

Explanation:

1) A large number of members of the Convention disagreed during the debate in the plenary session with the Christophersen's WG conclusions proposal to re-name "complementary competences" to "supporting measures". It is suggested to keep the word competences even in this field („complementary or supporting competences“)

2) The article 3 seems to be redundant with article 2.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 15

Déposée par Madame ou Monsieur : **M. Louis Michel, M. Karel de Gucht, M. Elio di Rupo, Mme Anne Van Lancker**, membres de la Convention et **M. Pierre Chevalier et Mme Marie Nagy**, membres suppléants de la Convention

Qualité : - Membre - Suppléant

Modifier le Titre en : « **Compétences d'appui** »

- ~~1.~~ L'Union **a compétence pour** peut mener des actions de coordination, de complément ou d'appui. ~~L'étendue de cette compétence est déterminée par les dispositions de la Partie II.~~
2. Les domaines d'action d'appui sont:
 - l'emploi
 - l'industrie
 - l'éducation, la formation professionnelle et la jeunesse
 - la culture
 - le sport
 - la protection contre les catastrophes.
- ~~3.~~ ~~Les Etats membres coordonnent au sein de l'Union leurs politiques nationales en matière d'emploi.~~
4. Les actes juridiquement obligatoires adoptés par l'Union sur la base des dispositions spécifiques à ces domaines dans la Partie II, ne peuvent pas comporter d'harmonisation des dispositions législatives et réglementaires des Etats membres.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 15

Déposée par Madame ou Monsieur : Rt Hon David Heathcoat-Amory, MP

Qualité : - Membre *X* - Suppléant

15.2 Delete « employment »

Explication éventuelle

Employment is the result of job creation. If this does require either legislation or deregulation to encourage, it is better achieved closer to the local market, ie by national governments, rather than abstractly for the whole continent

15.2 Delete « education »

Explication éventuelle

The Union should play no part in education, except for sharing best practice information

15.2 Delete « vocational training »

Explication éventuelle

The Union should play no part in this, except for sharing best practice information

15.2 Delete « youth »

Explication éventuelle

There is no reason for Union interest in this field, so diverse and open-ended as to be nonsensical (the Commission classifies « Young Farmers » as anyone under 40)

15.2 Delete « culture »

Explication éventuelle

There is no reason for Union interest in this field, unless it seeks to supercede national identity with a European one. The budget spent in this area should be transferred to the Council of Europe

15.2 Delete « sport »

Explication éventuelle

There is no reason for Union interest in this field, unless it seeks to supercede national identity with a European one. The budget spent in this area should be transferred to the Council of Europe

15.2 Delete «protection against disasters»

Explication éventuelle

The Council of Europe is better placed to act as the home for this agency

15.2 Add to list « public health »

Explication éventuelle

The working group on complementary competences set this competence as a supporting measure

15.3 Delete. Insert « Member States shall share data on best practice in their employment policies»

Explication éventuelle

National governments must be free of any grandiose trans-continental five year plan schemes which do not take into account the economic varieties within.

AMENDMENT FORM

Suggestion for amendment of Article 11, 12 , 15

By: Mr Józef Oleksy

Status: Member

Proposed Amendments:

The possibility of supplementing art. 11, 12 and 15 with new areas of material law (Union policy) on the basis of the annexed attachment.

Explanation:

Attachment

Proposals for division of competences

Name of document	Exclusive competence	Shared competence	Supplementing and supporting competences
attachment CONV 17/02 dated 28 March 2002 r. titled „Description of the current system for the delimitation of competence between the European Union and the Member States”, transmitted by the Secretariat of the Convent to its members.”	These constitute legislative competence, which include: -common commercial policy; -biological protection of the natural resources of the sea; -monetary policy for the twelve Member States of the EMU -Internal Market; (harmonization of legislation); -expansion of joint institutions such as Europol and Eurojust.	-EU citizenship; -agriculture and fisheries; -free movement of persons, goods, services and capital; -visas, asylum and immigration policy; -transport; -competition; -taxation (fiscal policy); -social policy; -environment; -consumer protection; -health; -trans-European networks (interoperability” and standards) -energy; -protection from natural disasters (civil protection); -tourism; -Title V of TEU with the exception of defense -Title VI of the TEU.	-economic policy; -employment; -education; -vocational training; -culture; -trans-European networks; -industry; -economic and social cohesion; -technological research and development; -development cooperation; - defence (Title V of the TEU).

<p>The Belgian proposal dated 13.05.2002 r. (submitted to the European Convent).</p>	<ul style="list-style-type: none"> -rights and duties of EU membership; -customs policy; -immigration and asylum policy; -common commercial policy; -EU budget; -representation of the Union abroad; -special cases such as protection of natural resources of the sea. 	<ul style="list-style-type: none"> -establishing the functioning of the Internal Market (free movement of persons, capital, goods and services as well as competition policy); -common agricultural policy; -policy on fishing; -economic policy; -social policy; -employment; -health care; -consumer right's protection; -transport; -trans-European networks -energy policy; -environmental protection -policy on economic and social cohesion; -cooperation of the police and courts in penal cases; -cooperation of courts in civil cases; -common foreign and security policy; -defense policy; -cooperation in development; -association of nations and transoceanic territories. 	<ul style="list-style-type: none"> -education; -vocational training; -culture; -youth; -industry; -technical research and development.
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FICHE AMENDEMENT

Proposition d'amendement à l'Article : 15

Déposée par Monsieur : Hannes FARNLEITNER

Qualité : - Membre

15. 3. *The Member States shall coordinate their national employment policies within the Union.*

Unclear meaning, either to delete or to clarify

Explication:

The added value of this paragraph seems unclear. Coordination of Member States' national employment policies by the Union is already covered by Art.10 (5) and the first and second paragraph of Art.15.

AMENDMENT FORM

Suggestion for amendment of Article :art. 11, 12 and 15

By Ms / Mr : Ernâni Lopes

Status : - Member

Deletion of these articles.

The Representative of the Portuguese Government has stated, in the course of the debate on the delimitation of competencies between the Union and its Member States, his opposition to a catalogue of competencies.

Such catalogue would introduce a factor of rigidity in the evolution of the Union. It would also very difficult to establish since the competencies conferred upon the Union are of a heterogenous nature and are distributed in different ways and degrees according to the areas in question.

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.*

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 15 (2ème alinéa)

Déposée par Monsieur : Alain Lamassoure

Qualité : Membre

Article 15 (2ème alinéa)

2. Les domaines d'action d'appui sont:
- l'emploi
 - l'industrie
 - l'éducation, la formation professionnelle et la jeunesse
 - la culture
 - le sport
 - la protection contre les catastrophes,
 - **le tourisme,**
 - **la coopération transfrontalière.**

Explication : *Le tourisme est un oubli fâcheux, car tous les pays du sud y tiennent particulièrement. La coopération transfrontalière est le type même de sujet où une action d'appui de l'Union est particulièrement utile ; elle profitera notamment aux pays candidats.*

AMENDMENT FORM

Suggestion for amendment of Article 15: Areas for supporting action

By Mr Dick Roche, Representative of the Government of Ireland

Status : Member

Article 15: Areas for supporting action – paragraph 3

3.—~~The Member States shall coordinate their national employment policies within the Union.~~

Explanation (if any) :

As reference to 'employment' is already included in Article 15.2, Article 15.3 should be deleted.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 15 (titre)

Déposée par Monsieur : Alain Lamassoure

Qualité : Membre

Article 15 : Les compétences complémentaires

Explication : *La notion « de domaines d'actions d'appuis » est incompréhensible pour le grand public. Il faut revenir à la formule simple de « compétences complémentaires » ou « compétences de complément ».*

AMENDMENT FORM

Suggestion for amendment of Article 15: Areas for supporting action

By Mr Dick Roche, Representative of the Government of Ireland

Status : Member

Article 15: Areas for supporting action – paragraph 2

2. The areas for supporting action are:
- employment
 - industry
 - education, vocational training and youth
 - culture
 - sport
 - protection against disasters **within the Union**
 - **trans-European Networks**
 - **public health and**
 - **research and technological development.**

Explanation (if any) :

As recognised by the Working Group on Complementary Competences, trans-European Networks, public health and research are areas for supporting measures by the Union. They should, therefore, be included in Article 15 rather than Article 12.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 15 (3ème alinéa)

Déposée par Monsieur : Alain Lamassoure

Qualité : Membre

Article 15 (3ème alinéa)

3. Les Etats membres, **ou certains d'entre eux, peuvent coordonner d'autres** politiques nationales **au sein de l'Union.**

Explication : *C'est une manière extrêmement souple d'introduire la notion de méthode ouverte de coordination.*

AMENDMENT FORM

Suggestion for amendment of Article 15: Areas for supporting action

By Mr Dick Roche, Representative of the Government of Ireland

Status : Member

Article 15: Areas for supporting action – paragraph 4

4. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part Two cannot entail harmonisation of Member States' laws or regulations. **In acting to coordinate, supplement or support the actions of the Member States in these areas, Union competence shall not supersede the competence of Member States in these areas.**

Explanation (if any) :

This important principle, addressed also in Article 10.5, should be reiterated here.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 15

Déposée par Monsieur : Danny Pieters

Qualité : - Suppléant, Kamer van Volksvertegenwoordigers - België

Taalkundige correctie 3: in artikel 15 sub 2) vervang 'jongeren' door 'jeugd'.

In de huidige verdragen wordt reeds over 'jeugd' en niet over 'jongeren' gehandeld. Ook zien we niet de toegevoegde waarde van een verandering naar 'jongeren', wel integendeel. Inderdaad, het verdient aanbeveling het abstracte begrip 'jeugd' hier te gebruiken eerder dan de groepsaanduiding 'jongeren'.

in artikel 15 sub 2, het derde liggend streepje vervangen, door twee liggende streepjes, te weten:

“- onderwijs en beroepsopleiding’

- jeugd”.

-

Ook al gaat het vandaag om één rubriek, het verdient de voorkeur deze te splitsen. Immers, waar aan de oorsprong van de EEG, onderwijs en beroepsopleiding gezien werden als eng verweven met de jeugd, is, ondermeer dank zij de EG, de idee van levenslang leren meer en meer ingeburgerd. Ook al speelt onderwijs en beroepsopleiding voor de jeugd nog steeds een belangrijke rol, het is beter beide te dissociëren om geen verkeerde indruk te wekken.

: in artikel 15, sub 4) een zin toevoegen: **“Ze kunnen wel minimum standaarden vaststellen”.**

Deze bepaling doet geen afbreuk aan wat gesteld wordt, maar wil zeer duidelijk stellen dat het gebrek aan harmoniseringsbevoegdheid niet betekent dat de Unie geen minima zou mogen vaststellen, zo b.v. inzake onderwijs en beroepsopleiding, b.v. om de uitwisselbaarheid van diploma's mogelijk te maken.

Explication éventuelle :

Er wordt in de toelichting bij artikel 15 gesteld: “... ervoor te zorgen dat niets gewijzigd wordt ten opzichte van de huidige situatie behalve de punten die de Conventie uitdrukkelijk gewijzigd zou willen zien”. Dit veronderstelt dat de Conventie ook in de gelegenheid wordt gesteld over de inhoud van deel II op een behoorlijke wijze te reflecteren. Dit was tot vandaag slechts zo in verband met de sociale dimensie en dan nog slechts gedeeltelijk. Wij zijn er van overtuigd dat op andere inhoudelijke domeinen wel degelijk consensus mogelijk is ter vereenvoudiging en aggiornamento van de artikelen. Wellicht zijn zeer beperkte werkgroepen voor elk hoofdstuk van deel II dan ook aangewezen. Zoniet dreigt de Conventie geconfronteerd te worden met een deel II waartegenover dan in gespreide orde en binnen een zeer korte termijn ergens in de late lente stelling genomen moet worden.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 15

Déposée par M. Hubert HAENEL, membre, et M. Robert BADINTER, suppléant.

Article 15 : Les compétences complémentaires

1. L'Union peut mener des actions de coordination, de complément ou *de soutien*. L'étendue de cette compétence est déterminée par les dispositions de la Partie II.

2. Les domaines de *compétences complémentaires* sont:

- l'emploi
- ~~- l'industrie~~
- l'éducation, la formation professionnelle et la jeunesse
- la culture
- le sport
- la protection contre les catastrophes.

3. Les États membres coordonnent au sein de l'Union leurs politiques nationales en matière d'emploi.

4. Les actes juridiquement obligatoires adoptés par l'Union sur la base des dispositions spécifiques à ces domaines dans la Partie II, ne peuvent pas comporter d'harmonisation des dispositions législatives et réglementaires des États membres.

Explication éventuelle :

La notion de « **compétences complémentaires** » est plus compréhensible que celle de « **domaines d'action d'appui** ». De plus, il est plus logique de répartir les compétences entre trois catégories de compétences (exclusives, partagées et complémentaires) plutôt qu'entre « compétences » et « domaines ».

1. Il est préférable de parler d'action « **de soutien** » plutôt que d'actions « d'appui ».

2. **L'industrie** doit figurer dans les compétences partagées et non dans les compétences complémentaires.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 15

Déposée par Monsieur Eckstein-Kovács Péter

Qualité : - Membre suppléant

Article 15 Para 2 – modifier comme suit :

Les domaines d'action d'appui sont :

- l'emploi
 - l'industrie
 - l'éducation, la formation professionnelle et la jeunesse
 - la culture
 - la protection de la diversité culturelle, linguistique et religieuse de l'Union
 - le sport
 - la protection contre les catastrophe.
-

AMENDMENT FORM

Suggestion for amendment of Article : Artículo 15

By Ms / Mr : Borrell (miembro), Carnero y López Garrido (miembros suplentes)

Status : - Member - Alternate

Punto 1: sustituir la palabra *competencia* por “*competencias complementarias*”

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : Artículo 15

By Ms / Mr : Borrell (miembro), Carnero y López Garrido (miembros suplentes)

Status : - Member - Alternate

Suprimir los puntos 3 y 4. Suprimir en el punto dos el guión "- el empleo" y añadir turismo.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : Artículo 15

By Ms / Mr : Borrell (miembro), Carnero y López Garrido (miembros suplentes)

Status : - Member - Alternate

Sustituir en el título el término “*medidas de apoyo*” por “*competencias complementarias*”

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article 15

Déposée par Monsieur William ABITBOL

Qualité : Suppléant

Article 15 :

Dans tous les domaines non expressément visés par les articles 11 à 14, l'Union et les Etats membres coopèrent librement et s'assistent mutuellement.
L'Union ne légifère pas dans ces domaines.

Explication éventuelle :

Ce texte remplace l'ensemble du texte original de l'article visé

AMENDMENT FORM

Suggestion for amendment of Article : 15

By Mr : František Kroupa

Status : Alternate

I very support the proposals by Mr. Brok involved in his contribution CONV 541/03 pages 11-13 for the determination of the sphere of supporting competences. I propose to insert these list of competences into Article 15.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of : Part One, Title III, New Article 16A: Open Method of Coordination

By Mr Proinsias de Rossa
Status : Member

co-signed by Mr Henrik Dam Kristensen, member, Mr John Gormley, alternate, Mr Panayiotis Demetriou, member, Mr Jens-Peter Bonde, member, Ms Sylvia-Yvonne Kaufmann, member, Mr Pat Carey, alternate, Mr Alberto Costa, member, Mr Guilherme d'Oliveira Martins, alternate, and Mr Vytenis Andriukaitis, member

New Article 16A: Open Method of Coordination

1. Where the Constitution excludes harmonization, and does not specifically regulate co-ordination, the attainment of common European goals through national policies may be pursued by the open method of co-ordination, whenever the Member States so decide.
2. The open method of co-ordination shall be based on the definition of common guidelines or objectives, with appropriate arrangements for periodic monitoring and evaluation. It may provide for timetables, indicators, benchmarking and exchange of best practice.
3. The European Council shall approve the definitions and adapt the method to match the specific needs of the particular policy area in which it wishes to promote co-ordination. At its request, the Commission shall support the process by presenting proposals on guidelines and indicators, organizing exchange of best practice and preparing the necessary elements for periodic monitoring and evaluation. The European Parliament, and the national parliaments, shall be kept fully informed.

Explanation

Since the Lisbon European Council the open method of co-ordination has been successfully applied to a series of subjects, primarily in the field of employment and social affairs and has facilitated the dissemination of best practice, thus ensuring greater convergence of national policies towards important EU goals.

The open method represents a significant contribution to the progressive movement away from traditional legislative approaches to new methods of working where the legislative approach is inappropriate. It is important that this innovative and flexible method of co-operation between Member States is given a place in the constitutional text.

It is particularly important to provide for the systematic involvement of the European Parliament and of the national parliaments by the provision of relevant information.

AMENDMENT FORM

Suggestion for amendment of Article 16, par. 3

By Mr Poul Schlüter

Status : Alternate

Article 16: Flexibility clause

3. Provisions adopted on the basis of this Article may not result in widening the scope of Union powers beyond the general framework of this Constitutional Treaty or, in substance, in an amendment thereto, nor entail harmonisation of Member States' laws or regulations in cases where the Constitution excludes such harmonisation

Explanation:

There seems to be general agreement to the point covered by the proposed wording. It is also in line with the recommendations of WG V on complementary competence. It should therefore be included for sake of clarity.

The point follows from Opinion 2/94 in which the ECJ stated with regard to the former Article 235 TEC:

“That provision, being an integral part of an institutional system based on the principle of conferred powers, cannot serve as a basis for widening the scope of Community powers beyond the general framework created by the provisions of the Treaty as a whole and, in particular, by those that define the tasks and the activities of the Community. On any view, Article 235 cannot be used as a basis for the adoption of provisions whose effect would, in substance, be to amend the Treaty without following the procedure which it provides for that purpose.”