

AMENDMENT FORM

**Suggestion for amendment of Article 8**

**By Mr Andrew Duff, Mr Dimitrij Rupel, Mr Paul Helminger, Lord MacLennan and Mr István Szent-Iványi and Mr Lamberto Dini.**

**Status : Members and alternate members.**

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Article 8: Fundamental principles

- 8.1 The *exercise* of Union competences are governed by the principles of conferral, subsidiarity, proportionality and *loyalty*.
- 8.2 In accordance with the principle of conferral, the Union shall act within the limits of the competences conferred upon it by the Constitution to attain the objectives the Constitution sets out. Competences not conferred upon the Union *under the provisions of this* Constitution remain with the Member States.
- 8.3 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, *including where appropriate their regional and local authorities*, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.
- 8.4 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.
- 8.5 In accordance with the principle of loyal cooperation, the Union and the Member States shall, in full mutual respect, assist each other to carry out tasks which flow from the Constitution.

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**Explanation:**

8.1 *We should try to avoid excessively legalistic terminology. The Praesidium's choice of 'limits and use' seems clumsy, and 'loyalty' is better than 'loyal cooperation'.*

*'Attribution' may indeed be better than 'conferral'.*

*8.2 The proposed amendment more accurately reflects the status and function of the Constitution.*

*8.3 The inclusion of regional and local authorities recognises the importance of sub-state levels of government while not exonerating the Member States from their obligations under the Constitution.*