

AMENDMENT FORM

Suggestion for amendment of Article 9

By Prof Peter Serracino-Inglott - Member

Mr John Inguanez - Alternate

To be reworded as follows :

1. The Constitution and laws adopted by the Union Institutions in exercising competences conferred on them by the Constitution, shall have primacy over the law of the Member States.
 2. In exercising the Union's non-exclusive competences, 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. ¹
 3. 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.
 4. In accordance with the principle of solidarity, 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.
 5. The Union shall respect the national identities of its Member States, in particular the fundamental structures and essential functions of a State, with special regard to:
 - political and constitutional structure, including regional and local government;
 - national citizenship;
 - territory;
 - the legal status of churches and religious societies;
 - national defence and the organisation of armed forces;
 - choice of languages.
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Explanation (if any) :

Article 9(3) to be deleted as this is a repetition of Article 8(4).

Article 9(6) to be reworded to ensure consistency with the recommendation in the report by the Working Group on Complementary Competences.
