



the european convention

Points no. 5

Main points of the report by the Working Group on Complementary Competences, submitted to the European Convention at its plenary session on 7 and 8 November 2002.

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COMPLEMENTARY COMPETENCES SHOULD BE RENAMED "SUPPORTING MEASURES"

Areas which might be covered by supporting measures are as follows: employment, education and vocational training, culture, health, trans-European networks, industry, research and development.

The Working Group considered the future of "complementary" competence: should the limits to such competence be specified?

The Group took the view first of all that any ambiguity should be removed, in particular by redefining the relationship between complementary competence and other categories of competence.

In the Group's view, complementary competence is not competence in the same way as exclusive Union competence or shared competence. In the case of complementary competence, States retain full powers, which does not prevent the introduction of assisting and coordinating measures at European level (e.g. the Erasmus programme for large-scale student exchanges).

The Group thus:

- recommends using the term "**supporting measures**" instead of "complementary competence", so as to make the meaning clearer;
- emphasises that, for such measures, national legislation cannot be replaced by any European legislative act;
- points out that such measures are applicable only where in the common interest of the Union and the Member States.

The Group also inclines to the view that:

- the future constitutional treaty should include a title dealing with competence as a whole;
- it should briefly specify which type of competence applies to each policy referred to in the treaty;
- apportionment of competence between Member States and the European Union under the constitutional treaty should not prevent a degree of flexibility. This could be ensured by retaining Article 308 of the Treaty establishing the European Community¹.

However, it should in particular be stipulated that this cannot under any circumstances serve to extend the Union's competence.

¹ "If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures."

