

## AMENDMENT FORM

**Suggestion for amendment of Article 12:****By Mr Georges Jacobs - UNICE****Status: observer***Text of the Praesidium**Proposed Amendments***Article 12: Shared competences****Article 12: Shared competences**

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| <ol style="list-style-type: none"> <li>1. The Union shall share competence with the Member States where the Constitution confers on it a competence which does not relate to the areas referred to in Articles 11 and 15.</li> <li>2. The scope of shared competences is determined by the provisions of Part Two.</li> <li>3. Where the Union has not exercised or ceases to exercise its competence in an area of shared competence, the Member States may exercise theirs.</li> <li>4. Shared competence applies in the following principal areas: <ul style="list-style-type: none"> <li>– internal market</li> <li>– area of freedom, security and justice</li> <li>– agriculture and fisheries</li> </ul> </li> </ol> | <ol style="list-style-type: none"> <li>1. The Union shall share competence with the Member States where the Constitution confers on it a competence which does not relate to the areas referred to in Articles 11 and 15.</li> <li>2. The scope of shared competences is determined by the provisions of Part Two.</li> <li>.</li> <li>3. Where the Union has not exercised or ceases to exercise its competence in an area of shared competence, the Member States may exercise theirs.</li> <li>4. Shared competence applies in the following principal areas: <ul style="list-style-type: none"> <li>– internal market</li> <li>– area of freedom, security and justice</li> <li>– agriculture and fisheries</li> </ul> </li> </ol> |
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- economic and social cohesion
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**Explanation:**

**Public health should not become a shared competence but remain an area of supporting action.**

**Withdrawal of energy from Art 12. is based on the following considerations:**

- **lack of clarity in the definition of shared competence.**
- **uncertainties created regarding the possibility for Member States to face their responsibilities adequately regarding energy policy.**

- **more information needed on the planned energy legal basis. A legal basis granting special status to energy products, divorcing them from the general legislation and leading to an excess of rules and rigidities would be problematic.**
  - **an exclusive competence for the internal energy market already exists in art.11**
- UNICE's position on energy might develop in the light of the future Convention work.**