

**Speech by Minister-President Erwin Teufel (German
Federal Council)**

at the European Convention on 6 June 2002

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Not to be released before the beginning of the debate

Mr. President, I wish to address the topic of the “space of freedom, security, and justice”, and then take up the question of the division of powers between the Union and its member states again briefly.

1. Our responsibilities for the “space of freedom, security, and justice”

Because the time is limited, I have to pick out a few points.

In the future Union of more than twenty-five member states, effective protection of our external frontiers will be more necessary than ever, for the sake of the battle against international terrorism, organized crime, and illegal immigration. The EU, together with its member states, must possess the legal means for actually creating the “space of freedom, security, and justice”.

For this, the “third pillar” of the Union Treaty must be incorporated into the future structure of the Community.

Among other things, improvements in EUROPOL and OLAF, and a European public prosecutor’s office will need to be considered. I favour executive powers for EUROPOL, acting jointly with national police agencies.

In our April session, I already advocated the creation of a European border police force.

But I also consider it important that the member states be empowered to regulate immigration for their national labour markets themselves.

For the demand for labour varies widely in the different national labour markets. Just think of the differing rates of unemployment within the European Union.

Therefore, each member state must be able to determine the immigration from non-EU countries according to its needs and its capacity for integrating the immigrants.

2. More on the division of powers

Let me turn again briefly to the division of powers between the Union and its member states. I am pleased that we have now established a good basis for the further consideration of this central problem.

I am thinking in particular of the document from the Praesidium, CONV 47/02, of the Lamassoure Report of the European Parliament, and of the Commission's Communication of 22 May.

My alternate, Minister Senff, and I have forwarded the resolution of the German Federal Council on the questions of division of powers to the Convention. At the end of this Convention, everyone, including every citizen, must know which level of government is responsible for what. That is what it has been authorized to do, and for which it bears the responsibility.

We are not concerned about the terms used, but about the contents. It is a question of allocating the authority so clearly that conflicts between the member states and the Union do not arise in the first place. And if necessary, an ex ante political / parliamentary or judicial body monitoring this division of powers must intervene at an early stage, so as, in particular, to preserve the principle of subsidiarity.

If we succeed in delimiting these powers unambiguously, we can at the same time think about mechanisms that will provide the necessary flexibility for the future.