

Intervention by Mr Lamberto Dini
at the plenary session of the European Convention
held on the 21st March 2002

This Convention is a unique, and perhaps unrepeatable, instrument with which to deliberate on the future of our Continent. It is a democratic project involving the enhancement of the Union's parliamentary dimension which guarantees its legitimacy as an association of peoples and citizens, and not only of States.

The central issues that the Convention must address refer to two main questions:

- 1) what are the tasks and competences, which Europe can perform and exercise better than individual States?
- 2) what are the instruments with which the Union must be endowed in order to effectively acquit itself of the tasks that we shall be entrusting to it?

On the first point: Europe must above all be mindful of its "soul", namely, its legacy of ideals, its spiritual, social, political and historical heritage on which the principles and the values enshrined in the European Charter of Fundamental Rights are based. Europe must also provide "added value" to what the individual States can offer in terms of prosperity, freedom, justice and security. Lastly, Europe must be able to speak out to the world knowing that its huge economic dimensions are a necessary, but in itself insufficient, condition for Europe to become a global political player.

The decisions regarding the missions to be entrusted to Europe will stem from the powers and competences vested in the Union (exclusive and shared) and those vested in the individual Member States applying the principles of subsidiarity and proportionality. We must avoid attributions that are too broad (for example, values rather than rights), revise any mechanisms (article 308) which involve creeping transfers of powers, and flesh out the rules governing subsidiarity.

The Treaties establishing the Union merely mention subsidiarity without making any provision for the instruments to achieve it: they do not identify those that are lawfully empowered to denounce violations of the principle, or identify the authority responsible and competent for judging any violations. This is a void that must be filled.

With regard to the second question relating to the instruments needed to make the European Institutions more efficient, the first issue to be resolved is the legal personality of the European Union. This is closely linked to the will of the member states to go beyond the Maastricht architecture based on three pillars, moving from an intergovernmental vision resting on the principle of unanimity, towards a Community vision.

Italy has always maintained that the objective of closer integration or identity at the European level can be achieved by gradually narrowing down the number of issues requiring unanimity on the part of the member states. Today, looking ahead to an enlarged Europe, and mindful of the nature of the interests to be protected and jointly defended, majority voting appears to be the only appropriate way of preventing the Community activities from becoming paralysed, in compliance with the principle of solidarity.

Majority voting must be extended to matters that fall under the first pillar, with particular reference to social and fiscal policies, as well as to such areas as foreign policy, security, defence, and home and judicial affairs. We know that the extension of majority voting on Council decisions involves the parallel extension of codecision with the European Parliament.

Greater participation by the European Parliament in lawmaking, as a consequence of heightened democratic control and scrutiny, also makes it necessary to clearly specify the matters to be submitted to the legislative process.

It might be useful here to once again take up the idea that the Italian delegation raised at Maastricht of introducing the notion of a hierarchy of norms, drawing a distinction between the constitutional function and the legislative and regulatory functions of individual acts. Furthermore, both for practical reasons and on the grounds of commonsense, we should direct the Union's legislative activity in a way that will give back to Community Directives their character as an instrument used merely to set down objectives.

More Europe means less government, because ever since its establishment, Europe has always meant fewer barriers, fewer customs tariffs, fewer restrictions, fewer prohibitions, and fewer public and private monopolies. As Alcide De Gasperi said, in order to build up Europe "it is necessary above all to pare down". But in order to pare down, more and not less European power is required. We firmly believe in this objective, for we are convinced that our work will be crowned with success only if it leads to the drafting of a new European Founding Act.
