

**Intervention of Mr. Józef Oleksy,  
Representative of the Sejm of the Republic of Poland  
at the session of the Convention on the Future of Europe,  
on the subject of the missions of Europe, 18-19 April 2002**

Ladies and Gentlemen,

The subject of the future competencies of the European Union is of fundamental importance for its future. What the Convention will be able to consider as appropriate for the development of European integration will influence not only the level of acceptance of the Union by its citizens, but also its ability to act in the international context. In my opinion both aspects of competencies are intrinsically bound together: internal efficiency is a precondition for external efficiency, while both internal and external ones provide for the feeling of security of citizens.

I believe that at the current stage of the Convention proceedings it is necessary to consider, whether we want the Union to have broader competencies or we want to keep them as they stand in the Treaties. In my opinion there is an area which may serve as a litmus test regarding the competencies of the Union – that is the field of defence and security. It seems appropriate to consider whether the Union should have competencies to act also in this field.

Giving the competencies in this area to the Union will be correctly understood by the citizens: if the Union gets the competencies to act in the field of security, it may enhance its level of necessary acceptance for action also in the field of daily regulatory business, also in dealing with bananas and cucumbers. The power that does protect is regarded as our own and can be better understood in daily activity.

In the course of last couple of years Poland supported an idea of the Union which is strong, efficient and close to the citizens. Many Polish politicians expressed this view. The proceedings of the Convention provide for an opportunity to transform those general wishes into more concrete proposals. The strength of the Union stems from objectives and competencies entrusted to it. Not only the Single Market and the common currency should express the strength of the Union. European painful experience in the Balkans and positive experience with the development of the Common European Security and Defence Policy give us a hope that the power of the Union can be enhanced by giving it the competencies in this field.

One of the most important questions asked in the Convention document under consideration deals with the principles on which the Convention might base decisions concerning division of responsibilities. I am convinced that the principles should be as follows:

- (1) a clear division of competencies in all those cases where different competencies can be defined;
- (2) all responsibilities not covered by the Union's missions, should remain within the competencies of the Member States;
- (3) the competencies should be derived from the objectives that can be entrusted to the Union and have to help it to attain those objectives.

Regardless whether it will be possible to broaden the Union's responsibilities into defence field, or not, I am convinced that the citizens want the Union to be more efficient, not less. It is frequently observed, however, that the Union is too active. This, unfortunately, seems to be a natural consequence of contemporary model of democracy that is widely influenced by various interest groups. The legislative process becomes much too often distorted by those interest groups. Yet, this remark

concerns all the layers of the exercise of power in today's Europe: from the local and regional level, through nation-states, up to the European Union. When we debate division of competencies between the Union and its Member States we should remember that power is never perfect. Each and every division of competencies, together with limitation of Union's responsibilities – what I do not favour – will be exposed to an excess of legislative activity.

When we then consider broadening of the Union's competencies – what I do favour – it is necessary to protect the interests of those weakest in such a way, that their perception and understanding of the Union is not based on peculiar legislation. But who is the weakest actor of European integration? This seems to be a common citizen who is affected by the process in his or her daily life. Therefore, it is extremely important to guarantee an easy access to the possibilities offered by the *acquis communautaire* and at the same time to ensure a high level of protection of citizens' interests in their relations with the institutions of the European Union and its Member States acting upon the Community law. In this context a constant improvement of the functioning of the European Court of Justice is needed in order to ensure simplification of procedures and efficiency.

It seems very attractive, especially for the sake of citizens, to draw a rigid catalogue of competencies to describe precisely who does what and for what one is responsible. However, this proposition is not perfect as it petrifies the process of European integration that is not yet a completed undertaking. It is not possible to say today how the world of European politics and economy will look like in – for example – 10 or 15 years from now. It is a cliché to say that technology revolutionises our reality in a quick pace. However, It does not seem to be a cliché, to draw the

attention of the Convention to the fact that we are not able to foresee needs and objectives the coming generation will like to entrust into the Union.

With this in mind, two kinds of tools for further proceedings seem appropriate to me:

First, it is necessary to continuously apply the principle of subsidiarity in practice of planning and exercising of the Union's competencies. The subsidiarity principle should not be interpreted in such a way as leading to a paralysis of the Union or to a roll-back of the process of European integration. This principle should serve only as a precautionary measure in the activities the Union embarks on.

Secondly, the objectives and competencies of the Union should be drawn as broad as possible, while preserving an option for their change in the future. It may seem tempting to embark on drafting as durable constitutional text of the Union, as the Constitution of the United States has proven to be. Yet, the European Union does not emerge in comparable circumstances, and in particular its demos is not enough coherent. Nevertheless, it may be useful to look carefully at the X<sup>th</sup> Amendment of this constitution which in simple words defines its character in relation to the competencies of the states: "*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*"

Hence, broad competencies for the Union, subjected to the principle of subsidiarity.

Thank you for your attention