

Statement by Mr Henrik Hololei
Alternate Member of the Convention
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on Subsidiarity

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Ladies and Gentlemen,

Let me start by saying that the reports by the two first working groups that have finished their work are really encouraging. The reports that have been drafted show that it is possible to come to conclusions, which are both unanimously supported and bring the Union forward.

As regards the report of the subsidiarity working group then I am happy to say that these conclusions largely reflect the position that was advocated by my Government already in the early days of the Convention.

The key point is that one safeguard subsidiarity better also in the framework of existing mechanisms. The Commission has made good efforts lately in motivating their proposals better as has also been suggested in the White Paper on European Governance. However, consultations and explanations can always be improved.

We also agree that the European Parliament and the Council are legitimate decision-makers and thus they should make sure that a proposal passes the subsidiarity test.

In order to ensure greater involvement of the domestic public, it would be advisable to give national parliaments a greater role compared to the present. Parliamentary discussions of Commission proposals and annual working plans would help to reduce the gap between the domestic and European level political systems. If one third of national parliaments opposes a proposal on the ground of the principle of subsidiarity being neglected then further explanations should be provided. This new provision can prove useful, especially if it is done by not creating any new bodies or chambers – in the latter case the arising confusion and complexity could overshadow the potential benefits.

We also agree that the European Court of Justice should take more responsibility in the ex post control of the application of the subsidiarity principle. It is the supreme interpreter of the European law and its scope of control should also extend to subsidiarity.

Finally, let me express some reservations over the possible granting of recourse to the Court of Justice to the Committee of Regions. Although the Committee has proven to be a useful forum of discussion for the multiple regions of the Union, the principle of subsidiarity in EU law first and foremost governs the relations between the Union and national level. Also the administrative units of member states already enjoy access to the

Court of Justice on the basis of article 230(4) of the TEC (in case relevant conditions have been met).

I hope that the conclusions of the subsidiarity working group will be duly reflected in the final document of the Convention.