

**Personal remarks by Prof. Danuta Hübner,
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Europe, what is its purpose? The Union's mission

The central question for this session of the Convention is at what level should decisions in the Union be made. In this debate I believe we should rather focus on criteria and mechanisms than on a detailed catalogue of competences. The criteria for making this choice must include concerns about the preferences and perceptions of the citizens of the Union, about the value added of making decisions at the Union level and about the rationality and efficiency of the exercise of legislative authority.

The first criterion, the preferences of the citizens, is also the most important, for it connects with the current public disenchantment with the operation of the Union. The globalization of economic and political activity in the world has clearly led to a popular reaction in favour of the local and regional. We see this in the protests against globalization, but more significantly we see this in the perceived preferences of ordinary citizens, who do not go on to the streets at summits. For the majority of our citizens, globalization is not a negative development. It should not however lead to decisions affecting every aspect of their lives being taken far away and without reference to their local needs.

This is also true of their relationship to the Union. For the majority, the logic of deciding on common positions at the Union level on many issues such as world trade negotiations, global environmental objectives, framework legislation on the internal market, or many aspects of internal security and other clearly cross-border issues is obvious and accepted. The logic of centrally regulating in the greatest detail every aspect of Community policy however escapes them. There are also many areas where they do not understand the need for regulation at all.

The second criterion must be the value added of taking decisions at the Union level. There is no intrinsic beauty in harmonization; indeed, as we heard so many times in this room, one of the attractions of Europe lies in its diversity. But we know that there are many areas in which there is considerable value added in working together. Individual member states cannot have sufficient political weight to influence world affairs; working together to develop the Common Foreign and Security Policy or to support common positions in the WTO therefore makes good sense. Cooperation within the Union without frontiers to control international crime or to regulate trans-frontier pollution is also clearly adding value to the efforts of individual member states. And there are many more examples for that.

Thirdly efficiency of both decision-making and of the implementation of decisions should be important considerations. Some decisions need to be taken at the Union level because making them at any other level would be inefficient. This includes the key policy framework decisions in areas like the internal market or the environment. On the other hand, it might be more efficient that detailed decisions should be left to the Member States or regions or indeed communes to decide.

The problem is then to go from these basic considerations to a set of rules which allow these principles to be implemented. At this stage I would not like to take a firm position on this question, but it does seem to me that it might be difficult to envisage a legal form of words which will lead to a clear allocation of decision-making. Rather than setting down legally binding rules on competence, the solution is perhaps to be found more in the political process at the Union level and in adjustments to the roles of the institutions, a matter which the Convention will come to later. With an enhanced value given to the concept and mechanism of subsidiarity by all actors on the European scene, the implementation in concrete cases of the principle of subsidiarity might for instance be given to an institution in a more explicit way.

I certainly would exclude neither the addition of tasks to be undertaken at the level of the Union nor the return of authority in some areas to the Member States. I agree with those

who say that it would be short-sighted and inefficient to settle the role of the Union now for all time. The Union must have the possibility of adapting to changing circumstances in the world and the changing preferences of its citizens. This by all means should not put at risk fundamental Union values or create distortions in the internal market.

The real problem is that policy is a continuum – if a framework for competition policy and state aids is needed at the Union level to ensure fair competition, why not legislate for common working conditions throughout the Union as well? The answer is of course that although the world is a continuum, we have to recognize national, regional, local and enterprise differences. And we have always to consider the competitive position of the Union in the world. So it is better to leave detailed regulation, where it is necessary, to member states, the regions or the appropriate economic agents. But choosing the cut off point is of course the problem and this requires self-discipline at the level of the Union institutions and the Member States.

Finally it is obviously difficult to come down clearly on the question of the missions of the Union separately from the role and scope of its institutions. I hope therefore that there will be a chance to come back to the general question of missions when we discuss the institutions of the Union.

Thank you.