

Statement by Mr Henrik Hololei  
Alternate Member of the Convention  
Government of Estonia  
on articles on the competences of the draft Constitutional Treaty

*27-28 February 2003, Brussels*

Thank you, Mr Chairman,  
Ladies and Gentlemen,

The articles on competences. It had been agreed earlier here that the new Constitutional Treaty should not create a catalogue of competences. However, the articles presented in the draft seem to resemble a rather rigid catalogue and I'm not sure that this is what a dynamic Union needs. I would suggest that we could preserve the list of Union competences and also list the areas where the Union is able to take supportive action, while leaving the shared competences as a residual category along the lines suggested by Baroness of Scotland.

I would like to fully support Teija Tiilikainen who has stressed that we should make it absolutely clear that the competences of the Union emanate from the Member States. The competences of the Union should reflect the tasks that have been set for the Union and they should not go any further.

As a further remark, I would like to voice my doubts whether the four freedoms should belong into the category of Union or exclusive competences as there is ECJ caselaw that has been stating the opposite.

I would like to propose the amendment to the art 10 para 3. I propose that it should be deleted or explicitly stated that it is the Member States that shall co-ordinate their economic policies within the Union. This would more accurately reflect the responsibility of the Member States for the conduct of their economic policies and terms of current article 99 TEC.

I have also proposed amendments to the art 13. The para 2 and 3 should be deleted and para 1 rephrased in the way that it would be very clear that the Member States would co-ordinate their economic policies and not the Union. The competence for these policy areas lies mainly with the Member States. The outcome of the working group on economic governance was not to extend the competences in the field and it was agreed to keep the current division of competences between Member States and the Union in the area of the co-ordination of economic policy.

Thank you!