

Statement by Mr Henrik Hololei
Alternate Member of the Convention
Government of Estonia
on articles 24-33 of the draft Constitutional Treaty

17-18 March 2003, Brussels

Ladies and Gentlemen,

Thank you so much Mr. Chairman. Along with others I would like to congratulate you for the excellent work. The draft articles that have been discussed here today serve as a useful basis for discussions. Already now we can see that the main aims have been achieved as the list of legislative instruments has become shorter and the new names for legal acts hopefully make the whole system easier to be understood for the public.

I would like to make a few comments on the articles, reflecting also on what has been said by previous speakers. I would extend my full support to the points made by Teija Tiilikainen. Firstly, I agree that there should be a clear list of areas where there is no possibility for adopting delegated acts. I believe that we should clarify what do we mean by essential elements. In addition almost all the constitutions in Europe define certain areas that can only be regulated by laws. Secondly, it should not be possible to change the content of legislative acts by delegated acts. The delegated regulations should only specify or supplement laws and framework laws. And thirdly, I agree that European security and defence policy should be treated in the same article with the common foreign and security policy as suggested in the conclusions of the working group.

Furthermore, I would like to stress that when adopting the legal acts with new names in the future, the choice of instrument should allow as much flexibility as possible, thus allowing to take into account the possible national specificities.

Finally, it is slightly worrying that neither the first nor the second set of articles contain a reference on the languages of the Union. It is certainly necessary to stipulate that all legal acts will be published in all official languages of the Union and that the list of official languages would contain all official languages of member states as it is currently.