

***CHECK AGAINST DELIVERY!***

**DRAFT ARTICLES OF THE FUTURE CONSTITUTIONAL TREATY  
RELATED TO THE AREA OF FREEDOM, SECURITY AND  
JUSTICE IN THE EU**

**Intervention by Mrs. Nelly Kutzkova, Alternate to the  
Representative of the Bulgarian Government to  
the European Convention  
Brussels, 3-4 April 2003**

**Ladies and Gentlemen,**

Let me express my satisfaction with the legal and political content of the Praesidium's **draft articles related to the Area of Freedom, Security and Justice**. I am satisfied that the texts of the Praesidium follow the conclusions of the working group, which managed to achieve considerable degree of consensus on the future development of that area.

Here, I would like to briefly share our main considerations on the draft provisions:

Firstly, we suggest the inclusion of a general reference to the principle of subsidiarity parallel to the principle of respect for the different legal traditions and systems, both of which are of particular importance in this sensitive area.

Secondly, we consider that the provision of article 3 is redundant. The role of national parliaments and the European Parliament itself in monitoring Europol's activities is sufficiently taken account of under the provision of article 4. We suggest that it remain up to each Member State to define the extent to which the respective national parliament will be involved in the conduct of the evaluations. Furthermore, the right of the NPs and EP to political surveillance of Europol's activities will be enacted by law as provided in Article 22, paragraph 2.

Concerning the provision on operational cooperation we feel that a stronger language is needed. The decision to set up a standing committee should be taken by the Convention and the IGC and not left to subsequent discussions within the Council.

Finally, let me draw your attention to article 10, which is of particular relevance to Bulgaria as future EU external border. Border security plays a vital role in the protection of the European area of freedom, security and justice. Each national border control service contributes to the safety of every citizen of the Union.

For this reason, the Bulgarian government is strongly in favour of introducing an enabling clause for the creation of a common European Border Guard Service, capable of ensuring effective control on some sensitive zones of the Union's external borders. This proposal responds to the concern expressed by some Convention members on the necessity of effective external border control on the new external borders as the Union enlarges.

Thank you for your attention.