

Working Group V

Working document 15

Working group V « Complementary Competencies »

Subject : Note by Mr. Joachim WUERMEILING, Member of the Convention

Members of the Working Group will find attached the English version of the Working Document 15.

On the basis of these aims and criteria, CDU and CSU demand the following reforms of EU powers in the various policy sectors.

Employment policy

Although the EU is currently allowed only to take a supportive and complementary role in terms of employment policy, it is laying down increasingly specific targets for the Member States. An enhanced exchange of experience and information between the Member States in terms of employment policy can help to improve the Member States' employment situations and strengthen European economies in the face of global competition. However, the EU should not be laying down aims centrally and thereby blurring the national governments', and the social partners', employment policy responsibilities, and thereby hampering competition as to which is the best policy. Harmonised EU action would block any competitive impetus engendered by the internal market.

Demands

- Clarify the Member States' employment policy responsibilities.
- Limit the EU's employment policy powers to the following areas:
 - better exchange of experience and information, more especially on tried and trusted procedures, the provision of comparative analyses and expert reports, and support for innovative approaches;
 - better macro-economic framework conditions (within the framework of what are already EU responsibilities in other areas) by such measures as the employment-friendly design of internal market law, a liberal external trade policy, help to stabilise the euro, and plans for a new European corporate law.
- A leaner European guidelines process (Article 128 of the EC Treaty):
 - restrict the "European employment strategy" to the basic essentials;

- outlaw detailed guidelines, especially quantified targets;
 - longer intervals between the guidelines and the national action plans (currently annual).
- No more general targets (Articles 125, 126, Article 2 of the EC Treaty).

Research

EU support for research is currently geared to strengthening the scientific and technological bases and improving the competitiveness of industry. As far as top-level research is concerned, the Member States' resources can sometimes be overstretched, and it makes sense to lump together certain activities. Having Member States exchange information and experience can help to support national research efforts and technological development and strengthen the EU's international competitiveness. Thought should also be given to the current use of research work to underpin Community aims. For instance, using research policy for cohesion purposes may work to the detriment of supporting higher-quality projects or achieving European added value. It should also be borne in mind that research aims may reflect a range of political options on the part of the Member States (e.g. genetic and nuclear research). In other words, the Member States' political responsibility for deciding on and financing their own research policies should not be hampered by centralised EU objectives.

Demands

- Restrict EU research policy input to the provision of financial support for cost-intensive research which can no longer be afforded by individual Member States, and in areas where there is European added-value potential, complementing efforts made by the Member States. In all other cases, revert to international research cooperation on an intergovernmental basis.

- Ensure that, as part of its research policy, the EU has no powers to regulate in different policy sectors.
- Make it clear that the Member States alone have responsibility for deciding on, organising and funding their research policies.
- Outlaw EU targets or guidelines from research policy, more especially quantified aims and surveillance or vetting rights. Reduce the “European research area” under the “open coordination” system to the exchange of information and experience.
- Give the Member States more leeway in providing firms with risk capital to develop innovative, technologically outstanding products.
- Do away with the general aim set out in Article 163 of the EC Treaty, and include any essential factual aspects from Article 163 in the EU’s research-policy powers (e.g. Article 164 of the EC Treaty).

Health policy

The EU can complement the Member States’ health policies and improve cooperation between the Member States, and can thereby improve preventive health work. Above all, an exchange of information and experience on health policy issues at EU level can support Member States’ efforts to deal with health risks which cannot be handled in isolation in the Member States. The EU can also help to broaden the facilities the Member States have to offer in terms of health policy.

However, health policy also reflects a wide range of conditions in the Member States. Harmonisation would take too little account of the situation on the ground, and would also hamper the Member States’ own responsibilities for funding their health policy standards and their health systems. Setting centralised EU targets for health policy standards would be more of a hindrance than a help in carrying out necessary structural reforms in a number of Member States because it would eliminate the competitive element between national systems.

Demands

- Restrict EU powers in terms of health policy promotion measures (Article 152(c) of the EC Treaty) to the exchange of information and experience.
- No EU targets or guidelines, especially quantified targets (e.g. minimum standards of health insurance), and no supervisory and vetting rights in terms of health protection.
- Make it clear that the Member States alone are responsible for the organisation, funding and benefits provided by their health systems.

Trans-European networks (TENs)

The Community's contribution to developments in transport, telecommunications and energy infrastructure is designed to underpin the internal market, and more especially the cross-border provision of liberalised services. The networking and interoperability of TENs cannot be addressed adequately at Member State level. In addition, Community involvement in the cost of transport projects makes sense where this is mainly in the Community interest or because the cross-border use that will be made of the results makes it appropriate to contribute to the national infrastructure costs.

However, the use of TEN resources must be geared to real flows of goods and persons, and not to cohesion considerations.

Demands

- Look into the need for further EU powers which would serve to consolidate and expand liberalised energy markets in Europe, e.g. by doing away with national obstacles to the cross-border construction of networks (e.g. by preventing the use of conflicting national decisions in dispossession procedures).
- Get rid of targeted requirements concerning TENs, more especially the cohesion target (Article 154(1) of the EC Treaty), and remove funding possibilities for TEN

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projects from the Cohesion Fund. EU supporting measures for telecommunications infrastructure in weak regions are a regional-policy matter. In the interests of clear delineation of competences, this aspect should be completely removed from the TENs, which are an EU task.

Health and consumer protection

Having health and consumer protection dealt with at Community level provides a high level of food safety. It is not possible to carry out 100% checks on the origin and quality of food and feedstuffs and their various ingredients, which is why real safety will always depend on having high EU standards. Consumer protection provisions serve to safeguard the economic interests of consumers and strengthen product competition within the Community. However, in harmonising health and consumer protection provisions, the basic conditions on the ground, e.g. manufacturing traditions, have to be borne in mind.

There are good grounds for moderation when it comes to creating EU supervisory rights on health policy issues in the Member States. They violate the basic principle whereby enforcement is essentially a matter for the Member States. In addition, having EU surveillance rights might well show up administrative deficiencies in the Member States, but they cannot deal with them. In cases where administrative action on the part of the EU may exceptionally be needed, thought should be given to whether the current inadequate level of legal protection against EU enforcement measures and sanctions could not be improved by reforming the Treaty violation procedure or by setting up an upstream arbitration procedure.

Demands

- Restrict the EU's powers of action in the field of health and consumer protection for all commercial and agricultural products and services dealt with in intra-Community trade, and focus health and consumer protection on food law and, in association, animal feed, veterinary law and plant protection.

- As regards application of the EU's consumer policy aims, ensure that the enforcement of Community law continues to lie with the Member States. Using existing authorities must take precedence over the creation of new ones. Likewise, consumer information should remain a matter for the Member States.
- Replace the cross-sectional Article 153(2) of the EC Treaty as part of the drive to broaden the scope of EU authorisations for action to include consumer protection aspects.