

Working Group V

Working document 17

Working group V « Complementary Competencies »

Subject : **Note by Mrs Marietta Giannakou, Member of the Convention**
"Proposal regarding the addition of a provision on the fight against drugs as a
Complementary Competence of the European Union"

Member of the Working Group will find hereafter a paper by Mrs. Marietta Giannakou, Member of the Convention, representative of the Parliament of Greece.

MARIETTA GIANNAKOU, M.P.

Member of the European Convention

Proposal regarding the addition of a provision on the fight against drugs as a Complementary Competence of the European Union

In the context of the debate regarding the future of Europe, it is common knowledge that the effectiveness of the EU action in all sectors will be improved if a comprehensive division of competencies between the EU and the Member States is drawn. In addition to the definition of competence-categories, a clarifying action would be to introduce an official account of methods and scales of intervention that will be available for specific policy fields.

One of the most interesting policy fields that the EU has been active in is the fight against drugs. Given the importance of this policy, it is imperative to consolidate the EU's competence in that respect, by defining its scope of intervention as well as the relevant method.

This can be achieved, at legislative level, by the introduction of a legislative provision in the EU treaty or a new treaty of constitutional nature for the EU. This provision should not be a specific disposition, containing details of action, because the level of integration has not yet advanced at such a level to allow for a detailed description of action against drug at such a fundamental document like the EU Treaty. It would be more appropriate to include a clause setting a framework for actions and thus define the scope of action on behalf of the EU as well as the Member States. This clause would be applicable as a general provision, at EU Treaty level, and the best possible manner to do that is to upgrade the fight against drugs as a new objective of the EU.

Furthermore, this provision, setting the fight against drugs as an objective of the EU, will define the extent to which the EU will be able to contribute to this fight, using as basis the principle of subsidiarity, thus encompassing as a more general framework, the relevant activities undertaken by the Member States. In that respect, both methods of coordination and harmonisation should be employed, at action and targeting level respectively, in order to achieve a more integrated approach.

Consequently, in order to achieve the above, an example for such a provision in the EU Treaty would be the following:

“The European Union has as objectives: (...)

- *The reinforcement of the global fight against drugs, by favoring a) the coordination of internal and external action as well as the exchange of information and b) the harmonisation of the aims of the fight against drugs. The relevant measures shall be adopted and implemented in and between the Member States and at European Union level, using the necessary legislative instruments.”*