

THE EUROPEAN CONVENTION

THE SECRETARIAT

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COVER NOTE

from: Secretariat

to: Convention

Subject: Contribution from a member of the Convention

The Secretary-General of the Convention has received the attached contribution from Dr Matjaž Nahtigal, member of the Convention.

**Contribution by Dr Matjaž Nahtigal,
representative of the Prime Minister of the Republic of Slovenia
at the Convention on the future of the European Union
21 March 2002**

What do we expect from the Convention and the IGC?

1. The Convention must be successful in its preparations for the next IGC. It must elaborate clear proposals. If it succeeds in drafting a constitutional treaty for Europe, then so much the better. Therefore, it would be expedient to extend the time limit set for the Convention if it does not manage to conclude its work within a year.
2. By integrating into the EU, the candidate countries should also assume responsibility for a united Europe. Therefore, Slovenia would like to contribute to and participate in the work of the Convention, and be involved in all stages of the decision-making process relating to our common future. If we were excluded from the debate and decision-making process, this would mean an unacceptable democratic deficit. Therefore, it must be guaranteed that those candidate countries that will have signed the accession treaty by the time the IGC is convened are equally represented and have equal rights at the IGC as members.

The Convention is an assembly of equals. Members from the candidate countries must be given a chance of equal representation and functioning as any other members. In this regard, we believe that the structure of the Presidium in its present composition is unsuitable. We welcome the objective of the Presidium to improve its structure. We believe that it should be expanded with two members, one of whom being a representative of governments, and the other of parliaments of the candidate countries. Both representatives should fully participate in the work of the Presidium. We therefore propose that the Convention adopt the following decision:

“The Convention invites the representatives from the candidate countries to designate one representative among their representatives of the Heads of State or Government and one representative among their representatives of national parliaments to participate fully in the work of the Presidium without, however, being able to prevent any consensus which may emerge among the members of the Presidium.”

3. The issue of equality of languages is important for all Members of the Convention. We appreciate the prompt response of the secretariat and its readiness to guarantee an appropriate publication of summary records and documents, which will be translated by the candidate countries themselves. However, this solution cannot be applied to the entire period of work of the Convention. The issue of equality of languages is one of the key issues of the life of a Europe free and united. We cannot imagine a united Europe without the preservation of linguistic heritage of all, including the smallest European nations. We propose the following decision:

“The Convention decides that the documents submitted in the languages of the candidate countries shall be posted on its web site alongside other documents of the Convention. Further, it decides that the secretariat should explore the possibilities for translation of a) summary records, b) documents issued by the President of the Presidium and c) for simultaneous interpretation into at least one of the official languages of the EU and should submit its findings and proposals to the Convention by the end of April.”

What do we expect from the EU?

4. Considering the European reality, the vital question for Europe is the question of coexistence while taking into account diversity. Europe's motto can only be diversity within unity. Such regulation has to be based on equality, on the interest in cooperation and on the basis of equal rules and solidarity.
5. Nation states are a basis of identity of each European nation, a basic element of European architecture and common European identity. In the enlarged European Union the basic sources of individual identities have to be protected from weakening and merging. The future European Union needs to ensure the preservation and development of national, linguistic and cultural identities of European nations. Bearing in mind the equality of the use of the languages of the candidates, the Convention should enable to each of its members to express themselves in their mother tongue.
6. In order to maintain the legitimacy of the future European order, the preservation of equality of small and large countries is essential. Over-representation of small states needs to be preserved in order to attain full equality. On the other hand, ensuring the equality of future and present members guarantees the legitimacy of the European project.
7. We advocate further strengthening of the Community method. Only such method can ensure democracy, transparency and the implementation of the principles of solidarity and equality in the Union. The essential elements of the Community method are a strong, neutral, impartial Commission, representing the common interest of the Union and has, as such, the right of initiative; the Council which represents national legitimacy and limits the problem of majority principle in the European society with national pluralism; the European Parliament which represents the European public and is a forum for political debates and the monitor of the Council and of the Commission; and the European Court of Justice.
8. Citizens need more opportunities for the participation in European matters; we therefore anticipate the enhanced role of national parliaments. We expect the future European order to strengthen the democratic political process in the EU – the legislative process, political decision-making and the implementation of policies have to be open to the processes of political debate at the European and national levels.
9. The division of competencies between supranational and national levels in different fields has to be clearly defined. One of the key tasks of the Convention is to find mechanisms for defining EU competencies in a simple, systematic, coherent and transparent manner. It should be taken into account that the Union's development is dynamic, and that it would not be possible to make the final list of competencies. Before

entrusting the EU with new competencies the consultations with the national parliaments would be compulsory. At the same time, we would have to reexamine which questions – today within the competence of the EU – should be returned to the member states. In this way, the principle of political responsibility of the EU institutions and member states would be implemented.

10. We support the proposal of the Chairman of the Convention that the ultimate result of the Convention be a constitutional treaty. This should be transparent and clear. It should simplify the EU architecture and made it more comprehensible by implementing the principles of subsidiarity and proportionality and by the inclusion of the amended Charter of Fundamental Rights. All this will contribute to the strengthening of European identity.

What is our vision of the development of the EU policies?

11. Proceeding from bringing the Union closer to its citizens and the need to greater transparency, public opinion should be taken into account in formulating the EU policies¹. We therefore expect the Union:
 - to establish within its borders an area of freedom, justice (equality of Member States, equal rules for all, social justice, solidarity) and peace (the issue of administering the EU external borders, the fight against organised crime, protection of minorities whose status should be clearly defined);
 - to ensure the conditions for a steady, sustained and stable development of all its nations and citizens (preservation of the *acquis communautaire* relating to single market, progress in certain areas – telecommunications, postal services, energy, financial services; to improve coordination of stabilisation policies and environmental protection; to simplify the rules of redistribution policies taking into account the principle of solidarity or allowing for rapid progress of less developed Member States) and to preserve the achievements of the European social model;
 - to act as a factor of peace and development in the international community (strengthening EU external and security policy dimensions). One of the key challenges Europe is facing is the issue of its security. The response to this challenge requires greater coherence of policies to ensure internal and external security. Partial communitarisation of these activities is required. We believe that merging the functions of the high representative and commissioner, responsible for external relations, is an idea worthy of consideration.
12. In order to be able to respond to new challenges, the EU requires flexibility and the possibility of further integration in new areas. The possibility of enhanced cooperation is therefore inevitable. The following principles should be taken into account: cooperation should develop in compliance with the provisions of the Treaty; openness as a basic principle; solidarity which should provide for ways and means to enable others to subsequently gain access to enhanced cooperation; the rights of those who do not participate should not be infringed in any way; the *acquis communautaire* falling within the exclusive competence of the Union should not be affected.

¹ The public opinion poll from 2000 shows that people are mostly concerned about: unemployment, environmental protection, maintenance of peace and security and the fight against organised crime and drug trafficking.