

THE EUROPEAN CONVENTION

THE SECRETARIAT

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COVER NOTE

from:	Secretariat
to:	Convention
Subject:	Contribution from Mrs Lena Hjelm Wallén, member of the Convention

The Secretary-General of the Convention has received the attached contribution from Mrs Lena Hjelm Wallén, member of the Convention.

Contribution from Mrs Hjelm-Wallén, member of the Convention

ANSWERS TO THE QUESTIONS SENT OUT BY THE SECRETARIAT
IN DOCUMENT CONV 16/02

QUESTIONS 1/2

1. Taking into account the new dimension of the Union, the present international environment, its present remit, and the aspirations of its citizens, would you give the Union more tasks? If so, what should be added? Or would you give it fewer tasks? If so, giving which tasks back to Member States?
2. In expressing your preference, what criteria do you use for deciding which missions should be carried out at Union level? And what, in your view, should be the principles on which the Convention should base such decisions?

ANSWERS

The Maastricht and Amsterdam Treaties and the Lisbon Process have resulted in the extension of EU cooperation to new areas of society. Globalisation places demands on the Union becoming even more active in the international arena. The Union's role externally as a significant trade partner and assistance donor gives it a unique, but at times unrealised potential to promote international peace, security and development. It may be necessary to adapt the Treaties in order to improve coordination between traditional foreign and security policy, development cooperation, trade and migration policies, and to achieve greater coherence and effectiveness in relations vis-à-vis the rest of the world.

The activities of the Union should focus more on areas with a direct bearing on the needs and expectations of its citizens. The people of the Union want the EU to achieve sustainable development and to develop into an area of freedom, security and justice, with a well-functioning internal market that looks after the interests of consumers. The Union must also be in a position to take action in a range of different areas – from employment to international crises – while avoiding involvement in unnecessary details.

The most relevant issue does not seem to be whether the Union should be given more or less tasks. It is rather a question of how tasks are defined in the Treaty and balanced against each other and against national competences (such as, for example, what influence should the internal market be allowed to have on national health policies?).

We should furthermore apply more effectively the various methods for co-operation that have been developed. Traditional Community method and harmonisation will continue to be necessary in core areas. In other areas, the new open method of co-operation with common policy objectives, but with more freedom for national ways of achieving them, may serve us better. If we manage to do this right, we can achieve the dual goal of strengthening co-operation while keeping bureaucratic intervention to a minimum.

When identifying the need for amendments to the Treaties regarding the division of competence, we must be guided by the principle of subsidiarity. The following criteria should therefore be used to establish priority tasks at the EU level.

- the task should present cross-border aspects, that cannot be satisfactorily dealt with via measures taken by the Member States themselves.
- tasks in which measures taken by the Member States alone, or a lack of Community measures would risk seriously damaging the interests of the Member States, for example by distorting competition.
- tasks in which, owing to their extent or effects, measures at Community level would mean clear advantages compared with measures at Member State level.

The point of departure should always be, however, that it is the Member States that decide whether the power of decision-making should be transferred to the Union level, in other words, that the ultimate power to amend the Treaties resides with them.

The objectives of the Union as laid down in the Treaties may need to be clarified in the following policy areas:

- * The objectives of the agricultural policy need to be modernized. They should focus towards sustainable development, rural development and production of public goods in agriculture. The issue of where responsibility for decisions, financing and implementation should lie should be determined by whether Member States are able to achieve their targets better using nationally adapted rules without this leading to competition-distorting effects.

- * The objectives of regional and structural policies need to be updated.

- * The objectives for asylum and migration policies should be more flexible and reflect the Tampere European Council conclusions more closely. The Community method should be more generally applied.

- * Police and criminal law co-operation should be discussed, in which proposals exist, inter alia, for the establishment of a European prosecutor agency within the first pillar for certain crimes.

QUESTION 3.

Should the Treaties explicitly decide that responsibilities not covered by the missions of the Union remain with Member States? Or should these competences be spelt out in the Treaties? What in your view should be such responsibilities, and what criteria do you use in drawing up your list? And what, in your view, should be the principles on which the Convention might base such decisions?

ANSWER

A clearer distinction between what is national competence and what is EC competence could be of value. However, a redefined division of competence must not lead to the undermining of central parts of the existing *acquis communautaire*. Nor must it lead to a Union that lacks flexibility and the capacity to take on fresh challenges. The dynamic nature of European cooperation must not be lost.

Sweden therefore questions the value of a strict catalogue of competences. Instead, it advocates the current system, in which the Union's competence is primarily determined on the basis of the objectives of the Treaties. Some of these objectives may, as indicated above, need to be modernised.

Sweden is opposed to a catalogue regulating relations between the Member States and their regional and local levels. This belongs to the competence of national decision-making.

QUESTION 4.

Should the missions of the Union be settled now, for all time? Or should the possibility of further evolution be foreseen?

ANSWER

It is neither realistic nor desirable to define the Unions "final objectives". Sweden advocates the maintenance of the current functional division of competences, which has been developed into a dynamic system, bound deeply to the missions and objectives of the Union. But in order to make the role of the Union more understandable to the citizens, a clear presentation of its competences and possibilities would be desirable.