

**THE EUROPEAN CONVENTION**

THE SECRETARIAT

**Brussels, 9 April 2003**

**CONV 676/03**

**CONTRIB 300**

**COVER NOTE**

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from	Secretariat
to	The Convention
Subject :	Contribution from Mr Edmund Wittbrodt, member of the Convention “Area of freedom, justice and security”

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The Secretary-General of the Convention has received the contribution annexed hereto from Mr Edmund Wittbrodt, member of the Convention.

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**Contribution “Area of freedom, justice and security”,**  
Senator Edmund Wittbrodt,  
Representative of the Polish Parliament to the European Convention.

One of the biggest problems which the European Union faces, is that the current existing structure is not understandable for its citizens. Maintaining the three pillars, with different legislative tools and different areas of community competences, does not ensure any step forward towards the simplification of the Union and making it closer to Europeans.

In order to merge the third and the first pillar of the Union, the whole article 31 the Constitutional Treaty, concerning the implementation of the area of freedom, security and justice should be removed. It will follow the Laeken Declaration and simplify the structure of the European Union.

We should also guarantee that the only body having the right of initiative, which normally does not belong to a group of Member States, is - paralelly with the rules of the first pillar - an exclusive right of the Commission. This would unify the legislative rules, and allow the area of freedom, security and justice to go under the community regime.

The European Court of Justice should be granted with a jurisdiction surrounding all policy areas. It is the body, which has been guaranteeing the control over exercising the competences of the Union, therefore its jurisdiction should be expanded to the current third pillar.

The Eurojust should definitely have legal personality which will give it more power to act. I support as well shifting the competences and structure of the OLAF to the Eurojust in order to avoid double structures and to provide OLAF with the necessary legal basis for investigations. OLAF should be incorporated in the structure of Eurojust. I agree although with a creation of a new institution of the European Public Prosecutor's Office responsible for investigating and prosecuting of serious crimes affecting several Member States and of offences against the Union's financial interests. This Prosecutor should co-operate with the Eurojust.

And finally, I would suggest defining the procedure which involves national Parliaments in determining Europol's structure, operation, field of action and tasks (article 22, p. 2). It should be included in the protocol on the role of national parliaments and not in the text of the Constitutional Treaty.