

**CONV 107/02**

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Lähettiläjä:	Sihteeristö
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Asia:	<b>Valmistelukunnan jäsenen Joachim Wuermelingin esitys EU:n toimivallasta</b>

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Valmistelukunnan jäsen Joachim Wuermeling on toimittanut valmistelukunnan pääsihteerille liitteenä olevan esityksen.

*First written contribution by Joachim Wuermeling on EU competences*

Colleagues,

In the Convention I would like to focus on the issue of adjusting the EU-competences. From time to time I will invite you to take notice of some observations and ideas in this field.

Our first discussions in April, May and June provided us with a surprisingly broad ground of common understanding but also some divergences in respect of competences.

**First: We need to better organize the existing competences.**

Colleagues came up with various proposals to categorize the competences. Indeed, in the treaties we find dozens of different kinds of responsibilities and instruments. Time has come to give them a clear structure.

Proposal:	Let us work on the basis of the report of M. Lamassoure in the EP which proposes an intelligent method to restructure the competences. This is missing in the Florence-proposal. Let us then work out texts for the respective areas.
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**Second: Enable the EU to make better use of the principles of subsidiarity and proportionality.**

There was widespread criticism on the lacking respect of subsidiarity. However, the scope of the EU-activities in general (acquis communautaire) was not questioned. Nobody has demanded new internal competences. Many colleagues advocated a body for the control of subsidiarity.

*In my view this is a good point of departure. But we should probably not stop here. The future scope of internal competences needs further reflection:*

- We are enlarging the Union. This will considerably extend the variety of economy and social life in the Union.
- We face criticism of too detailed and too far reaching laws. Let us be frank: This substantially undermines public support for European integration. A whole lot of surveys give evidence of that. And we should not ignore the deplorable results of anti-european parties in recent elections. People expect us to provide a remedy: They support a constitution by a 2/3-majority.
- As stated above, we want to give answers to new challenges in the global environment. Yet to set new priorities, we need to reallocate our resources. There is a risk of overloading the system.

*I wonder whether there is a case for a certain decentralisation of EU activities. Here we can probably take advantage of the various success stories of decentralisation in the Member States and applicant countries.*

*It goes without saying that this does not touch on the acquis communautaire as such and no renationalisation is advocated. Yet a certain realignment of activities should not be excluded.*

*We should make an effort to identify areas where such an adjustment is necessary. We should then go for the core-competences of the Union and should concentrate activities.*

Proposal:	We should once go through the Treaties chapter by chapter to check whether adjustments are necessary. I would call it a „screening“ which could be done by the Christophersen working-group. Proposal for changes could be brought in when we establish the new structure.
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### **Third: European integration needs flexibility.**

Most interventions underlined the need to maintain flexibility.

***I agree.** Currently flexibility is assured by vague and general formulation of the competences (e.g. internal market: „provisions [...] which have as their object the establishment and functioning of the internal market“; environment: „preserving, protecting and improving the quality of the environment“). This fostered wide-ranging EU-activities in many fields. But at the end of the day nobody knows who is responsible for what in Europe.*

*If we are working on a basic or constitutional treaty we have to be more precise. We would fail our task to delimitate the competences if at the same time we pleaded for the widest openness, that is to say uncertainty. Therefore we cannot leave the general lines of division of power to day-to-day-decisions. We should take the responsibility seriously to propose these borderlines in the convention ourselves.*

*Given that, we should also search for an easier way to adjust the competences. With up to 30 member states we should respect the prerogation of national parliaments but not stick to the complicated and long-lasting diplomatic process of Intergovernmental Conferences. Every order of competences undergoes change. In my country (Germany), we permanently amend the division of powers between the Federal state and the Länder.*

In the next paper I will set out some ideas for rebalancing the competences in some selected areas.

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