

**STATEMENT BY MR. JANEZ LENARCIC, ALTERNATE MEMBER OF THE EUROPEAN CONVENTION, Brussels, 6 June 2002**  
**agenda item 1 (Area of freedom, security and justice)**

The area of freedom, security and justice is an essential element of European architecture. It is indispensable for the promotion and protection of common values that are, or should be, shared throughout the EU. The citizens of the Union cannot be considered only as an economic category or merely as consumers. We should strive to encompass all relevant aspects of European citizenship which includes individual's dignity and rights. For this reason we believe that incorporation of the Charter of Fundamental Rights in a constitutional treaty is at the very core of developing further the concept of the EU as an area of freedom, security and justice.

These days European union faces many challenges that due to their cross-border effects cannot be dealt with effectively at the national level. Illegal immigration, organized crime, terrorism and drug trafficking are just some examples. It is no wonder that European citizens - according to recent Eurobarometer statistics - have particularly high expectations in this area. But at the same time the Union's action does not seem to be adequate. We should therefore equip the Union with new tools and instruments to enhance its capabilities so as to meet our citizens' expectations. Tampere Conclusions seem to be a proper basis for further work in this field.

Also, the Commission in its recent communication entitled "A project for the European union" identified a variety of measures to be considered by this Convention. We find these ideas very interesting and worthy of our special attention. While debating them, however, we should not neglect the basic principles that should guide our work, like principles of subsidiarity and solidarity. For instance, the external border control is exercised by national authorities but is an activity of common interest which requires appropriate burden sharing.

In general, the process of »deepening« in the field of justice and home affairs should continue. Greater efficiency of the Union in this field would require gradual communitarisation and, above all, a single source of initiative. Since this area concerns directly individual's rights, it is essential to ensure the necessary democratic control. This could be achieved through qualified majority vote and co-decision, accompanied with a

mechanism for an effective judicial review. The Commission should be a single source of initiative. It should in every case clearly specify the instruments for implementing common objectives, determine the extent of the harmonisation of legislation needed, as well as define swift and efficient decision-making procedures.

To conclude, Mr President, I should like to observe that this agenda item covers such a wide, complex and sensitive area that it is quite impossible to address more than a tiny fraction of it in just three minutes. Hopefully, there will be the opportunity, possibly within a working group, to debate these issues in greater detail, soon.