

INTERVENTION OF THE ROMANIAN GOVERNMENT REPRESENTATIVE,
MRS. HILDEGARD PUWAK, MINISTER OF EUROPEAN INTEGRATION,
TO THE PLENARY SESSION OF THE
CONVENTION ON THE FUTURE OF EUROPE
MAY 23rd-24th, 2002

Mr. Chairman,

Ladies and Gentlemen,

The citizens of our countries wish to have a more comprehensive image of the decision making process in the Union and I think this would be possible if a clearer division of competences is provided, a kind of “catalogue” – even if the word could make some people be afraid. But a rigid catalogue could hardly accommodate present realities with the evolution of the Union. For this reason, flexibility is a prerequisite for ensuring further developments, without hindering the dynamism of the Union, especially in the view of the enlargement. Flexibility is also needed in order to set up a mechanism that would not imply revising the treaties whenever new competences should be added.

It is highly important that such a division of competences represents the result of people’s wish, as expressed during the national debates or through the opinion polls, in order to reduce the democratic deficit that the Union is currently criticized for.

We should all bear in mind that the legitimacy of the Union comes from the ways it is perceived by the citizens: how close, how clear and how transparent.

Taking into consideration the importance of this topic, we suggest that one of the working groups to be created in the frame of the Convention should have the task to draft a flexible catalogue of competences. In the meantime, a division of competences has to be sought in connection with the catalogue of instruments available to the Union. The opacity of EU legal instruments

affects the credibility and efficiency if the Community action in the eyes of its citizens.

We do consider that the future Constitutional Treaty of the European Union should not necessarily comprise a definition of the Member States missions, but the missions of the Union itself. (both the exclusive and the shared ones).

To ensure flexibility of such a catalogue, article 308 from the Treaty of European Union should be maintained in the future treaty in its constitutional part and its areas of application should be eventually extended beyond the internal market issues. On the other hand, only a clear definition of areas where it may be applied can contribute to the good enforcement of the subsidiarity and the proportionality principles.

In what concerns the control of the distribution of powers, we suggest that there should be two mechanisms: an ex- ante mechanism, with strong political features that could take the form of a “Committee of the national parliaments”, and an ex-post mechanism that would observe the correct application of these principles and would give solutions to the eventual disputes. The European Court of Justice could perform these specific tasks as well.

Last but not least, clarification and repartition of competences is also needed in the context of the enlargement of the Union. A constantly moving target, the implementation of the Community acquis is even more difficult to deal with, if its substance is hard to grasp. Once citizens of the enlarged European Union, the new comers might become more confused, widening the democratic deficit and reducing thus the legitimacy of the Union.