

## **Speech to the Convention by Mr Hans van Mierlo, Representative of the Netherlands Government in the EU Convention**

23 May 2002

Distinguished colleagues,

Question 1, question 2:

The present delimitation of powers roughly corresponds to the EU's tasks, it seems to us. This is leaving aside the situations in the second and third pillars, which we will be discussing later on. Previous meetings have unmistakably revealed a desire for a more fundamental European approach.

What needs to be done, in our view, is not to change the principle of subsidiarity in substance, but to make it more visible in the decision-making process. To achieve this, the Commission would do well to devote more energy to consolidating subsidiarity and proportionality. This consolidation should be discussed in a separate debate in the Council and in the Parliament, whenever there is a need for it, something I would like to call the "admissibility test". The national parliaments can discuss the public considerations in their meeting with the Minister before the latter's departure for a Council meeting. This would accommodate all the institutions. As things stand, we think it would be less desirable to set up a separate chamber of national parliamentarians.

Question 3:

As far as legal instruments are concerned, let me start off with a general observation. We all seek to achieve clarity, transparency and effectiveness. Clarity, of course, is an excellent thing, and my countrywoman Hanja Maij-Weggen of the European Parliament as well as Hans van Baalen and many others have said most commendable things about it. They have painted a picture of an inscrutable jumble of instruments, which need to be properly arranged and pruned. I agree. Still, we must be aware of pruning beyond the point of effectiveness. There are so many instruments because the EU has always tried to find the right instrument for each specific situation while respecting the principles of subsidiarity and proportionality. And I appreciate that the sheer number of instruments is objectionable from the point of view of the European Parliament. But ordinary people are not so bothered by a lack of clarity; their interests are best served by effectiveness. Let me cite the example of my dentist, who uses 20 different drills; I would not be very happy if he removed 18 for the

sake of clarity. So we must look very carefully at where we set priorities in this area. For the EU to perform its legislative task in the first pillar, the existing instruments are clear and effective. Regulations, directives and decisions should in principle remain as they are. The directives should be less detailed. Much will also depend on the degree to which we succeed, together, in dismantling the artificial pillar structure and integrating the pillars into a single coherent structure. If the third pillar undergoes communitisation, its policy areas would automatically come within the scope of the first pillar instruments.