

**Contribution by Ján Figel',
representative of the Government of the Slovak Republic in the Convention
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- **Why do we need a clearer division of competencies?**

As EU integration has reached qualitatively new levels, we need more clarity and transparency in terms of who does what in the EU. The issue of clarity is especially important for the candidate states - newcomers to the policymaking process in the EU. Better division of labor in the Union can also help in allocating the degree of political responsibility of the various supranational, national and sub-national actors. It can foster more effective practice in an enlarged EU by placing limits on the powers and capacities on the level of both the EU and the member states. Ultimately, a clearer vertical division of labor in the EU can also play an important role in the reform of specific policy areas – such as the CAP, regional policy or internal and external security policies.

- **What kind of a division of competencies should we have?**

Before we begin to discuss any changes to the existing division of competencies, we need to establish a system of categorization of competencies. The system of categorization would provide basic guidelines for the division of powers between the Member states and the Union and clarify the corresponding division of labor among the institutions of the EU. The system has to remain flexible. We should not speak of a binding catalogue of competencies but rather of an organization of competencies into several categories depending on the nature of policies and the degree of intervention at the level of the Union. The system of categorization should include exclusive, shared and member states' competencies. The category of complementary competencies may also be useful in clarifying the degree of permitted intervention by the Union in sensitive policy areas, such as culture or education. But we should not seek additional categories.

When deciding about the level of appropriate intervention, the principles of subsidiarity and proportionality must be applied. There is a strong need to improve the monitoring of

compliance with the principles of subsidiarity and proportionality. In terms of the political control of compliance, we are open to the creation of an "ad hoc" body or a "subsidiary" committee made up of a balanced representation from the Council, European Parliament and national parliaments. The judicial control of compliance should be improved by establishing a permanent mechanism of cooperation between the European Court of Justice and national courts.

- **Slovakia and the division of competencies**

Slovakia, as a candidate state, would welcome enhanced clarity, transparency and accountability through an explicit system of categorization of competencies. Explicit categories of competencies can in the future become a useful vehicle for further reforms of decision-making mechanisms and a new allocation of resources that will be necessary for the full success of enlargement. Slovakia places strong emphasis on the application of principles of subsidiarity and proportionality. Our citizens expect that membership in the European Union will add to their prosperity, security and stability. We therefore support further integration in the area of justice and home affairs. We also believe that the EU should play a more coherent and more active role in the formulation and execution of its common foreign policy, especially with respect to the eastern neighborhood of an enlarged European Union. At the same time, issues of culture and ethics should in the future - as today - be decided exclusively at the level of member states.