

CHECK AGAINST DELIVERY!

**PROVISIONS ON ENHANCED COOPERATION
OF THE FUTURE CONSTITUTIONAL TREATY**

**Intervention by Mrs. Meglena Kuneva,
Representative of the Bulgarian Government to
the European Convention
Brussels, 30-31 May 2003**

**Mr. President,
Ladies and Gentlemen,**

I would like to say a few words about the **draft articles on enhanced cooperation proposed by the Presidium**. The reasoning behind the introduction of enhanced cooperation mechanism has been largely discussed during the negotiations which led to the Treaties of Amsterdam and Nice. We agree with the argument that the growing heterogeneity requires greater flexibility. The necessity to keep closer cooperations inside rather than outside the Union is another reason to include the relevant provisions in the Constitution. At the same time **appropriate limitations** should be adopted safeguarding both the objectives of the Union and what has been already achieved.

The provision stating that acts adopted in the framework of enhanced cooperation shall bind only the participating Member States is of particular importance to us as a negotiating country. It is necessary to explicitly specify that **those acts shall not be part of the acquis** and should not be required to be accepted by candidates for accession. This condition is needed in order to avoid a situation where the accession requirements would become a moving target and would be different for candidates and participating states.

My second remark concerns the authorisation of the **enhanced cooperation in the area of common foreign and security policy**. We would agree to lift the now existing restrictions *confining enhanced cooperation in this area* to mere implementation of a joint action or a common position. But this should be conditional on keeping the possible right of veto for any Member State referring to important reasons of national security. This safeguard or emergency break clause becomes much more relevant when the scope of flexibility in CFSP widens significantly. I also think that at the authorisation stage the Commission should give its opinion not only on consistency with existing Union policies but on the substance as well.

Finally, let me stress the central place of the **principle of openness** stating that no Member State can be excluded from a closer cooperation in a given area. This principle guarantees the equality of Member States and the fact that in the future there will not be restricted clubs in the Union. It is very important to specify in the text that a negative decision on participation of a Member State at a later stage may be based solely on failure to meet the objective conditions that are laid down in the basic authorizing decision.

Thank you for your attention.