

**AREA OF FREEDOM, SECURITY AND JUSTICE:
THE ROLE OF THE UNION AND OF MEMBER STATES**

**Intervention by Mrs. Nelly Kutzkova, Alternate to the
Representative of the Bulgarian Government to
the European Convention**

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Mr. President,
Dear colleagues,

Speaking about freedom and justice, it seems important to me to stress upon the necessity to incorporate the Charter of Fundamental Rights in the future Constitutional treaty. If the Union is to remain one of the main pillars of democracy, liberty and the respect of human rights, these principles should find clearly their place in the basic texts. The very purpose of the Union policy in the area of justice and home affairs is to guarantee the recognition and promotion of our common values as cornerstone of the European project.

Of course there is no freedom and democracy without security. Organised crime, terrorism, illegal immigration and other negative contemporary phenomena threaten the principles and values of our societies and economies. Therefore security problems become a priority for Europe and will be on the agenda for a very long time. It is clear that individually acting States cannot address the newly emerging problems adequately. The question is how to join our forces and act in the most dynamic and co-ordinated way. I think that we should follow three main principles in our activity: the first one is the uniformity in the guaranteeing of the individuals' protection – the rights of all European citizens should be protected in an equivalent way, no matter under which jurisdiction their case is being heard. The second principle is to penally sanction and prosecute criminal behaviour with the same strictness everywhere in the Union. That means to proceed, when and where possible, to harmonization - to agree on common definitions, common incriminations and common sanctions. The third principle is mutual recognition, which means trust in each other's judicial systems. It is also important for the coherence of our decisions to introduce the application of the Community method to all sectors of justice and home affairs policy.

I would like to draw your attention to one more specific question which is of particular importance to my country as a future external border of the EU. European citizens, in particular in the context of enlargement, point out the necessity to improve the level of internal security. One of the main preconditions for this is to better manage the external border controls. Border security plays a vital role in the protection of the common area of freedom, security and justice. Each national border control service contributes to the safety of every citizen of the Union. The questions under discussion today are how to enhance further the cooperation between national border services and possibly create common services. An integrated strategy in this

area is necessary. The Bulgarian government would welcome the establishment of a mechanism for financial redistribution, for a kind of a financial burden sharing between Member States. It is worth discussing in the Convention possible amendments to the Treaty in order to create a common European body of border guards and organise common surveillance of some sensitive zones of the Union's external borders.

Finally, let me mention that, apart from the improvement of the law enforcement and the judicial co-operation between Member States, the Union should develop the external dimension of the justice and home affairs policy. The new challenges and security threats of the contemporary world and the expansion of the EU require the development of long-term strategies and the identification of common priorities with neighbouring third countries in the fight against terrorism, transnational organized crime, control of illegal migration, etc. Therefore, the Union will need further development of its specific capacities for implementing these new strategies and policies.

Thank you for your attention.