

Speech by the Representative of the Portuguese Government, Prof. Ernâni Lopes, at the plenary session of the European Convention, 6-7 June 2002

It is with great pleasure that I begin my work as Representative of the Portuguese government in this Convention and I assure you, Mr President, my readiness to an open and constructive co-operation so that we can attain the goals that gather us here.

I would also like to take this opportunity to express my appreciation for the work undertaken by my predecessor, Ambassador João de Vallera, both a colleague and a friend for decades, as well as a person devoted to the European cause, for whom I cherish the highest esteem and consideration.

Ambitious since the beginning, the European project is not compatible with excessive hesitation before today's realities. Nor can it be imprisoned by inflexibility in a time determined by globalisation and the great challenges it implies.

Europe wants and needs to stand out with an autonomous voice in this new international context. The Union's future enlargement will gather people from many parts of our continent.

We will become richer in diversity; we will become stronger in unity; we will become more united in the pursuit of common objectives.

The subject of our today's discussion requires a careful and thorough study – precisely because our citizens are claiming for more freedom, security and justice. And that is precisely what recent surveys show.

The area of security and justice is one of the most important of our Union. It is our duty to search for the best solutions with a view to a safer society, free from the torments of terrorism, organised crime and all kinds of shady business and illegal immigration.

The project of a Citizens' Europe, based on a common area of freedom and security, as well as the instruments for the pursuit of such an objective are already enshrined in the Treaties.

But we believe that we have to go further. The Commission's Communication recently submitted to this Convention shows ways that deserve our attention and development.

It is crucial to grant a real meaning – both political and legal – to the concept of European citizen. It is therefore essential to assure the respect of the

fundamental rights and freedoms recognised by the Union's Charter of Fundamental Rights.

It is also necessary to strengthen our police and judicial co-operation, examine the possibility of taking additional measures to control the Union's borders, pursue in the adoption of common policies regarding immigration and, finally, find the best way to fight terrorism and organised crime in a joint and efficient manner.

Naturally, the principle of subsidiarity must also apply to these areas. In that sense, we should preferably opt for the solution of harmonising legislation, which should resume, in the area of penal law, to certain serious offences.

As regards the distribution of competencies between the Union and the Member States, especially in the areas deriving from the third pillar, I think that it is possible to establish discriminating criteria – e.g. the trans-national dimension of organised crime – but it will always be advisable to avoid an excessive inflexibility.

Concerning the judicial co-operation, I believe that we have to opt for a system of mutual recognition of judicial decisions, based on a general principle of mutual confidence between Member States and the respective internal systems.

Democratic control, designedly by national Parliaments, is fundamental in fields whose sensibility and scope are directly rooted in democracy and human rights' values.

Much to the purpose, I recall that COSAC disposes of some prerogatives that can eventually be strengthened. Also at national level, the Parliaments should be called to participate in the great decisions to be taken by the Union. Other views can be explored, but it is necessary to avoid hindrances to the decision-making process, by preserving the inter-institutional balance and the principle of equality between States.

Finally, I would like to stress the importance of granting the Europol Convention an increased efficiency and the desirable operability, by means of creating an efficient articulation with OLAF and Eurojust. Created in Nice and already in place, this unit contains potentialities which we must explore and deepen before hiding in the creation of new structures.