

24 June 2002

CONVENTION ON THE FUTURE OF EUROPE
ADDRESS BY GEORGES JACOBS
PRESIDENT OF UNICE

President,
Members of the Convention,
Ladies and Gentlemen,

As a social partner, UNICE regards the work of the Convention as a priority, to which we give our highest attention. One of the issues to be addressed by the Convention is how to close the existing gap with civil society. In this context, we welcome this initiative to enable direct participation of civil society in the Convention debate.

Companies are also an important part of civil society. UNICE represents more than 16 million companies, the vast majority of which are small and medium-sized. Altogether, these companies provide employment for more than 106 million people. In addition, UNICE has links to other business associations to coordinate views.

UNICE considers the process of economic integration to be the main dynamic behind peace, stability and prosperity achieved in Europe over the past fifty years.

From a business perspective, the EU must deliver a business-friendly environment in which companies can operate and compete on a level playing-field and adapt to the increasing challenges that globalisation brings. This will lead to wealth creation and therefore employment opportunities.

Since we are today discussing the interaction between the EU and civil society, it is crucial that the Convention recommends ways to rethink the method of consultation of relevant stakeholders.

1. NEED TO RE-THINK THE METHOD FOR CONSULTATION OF RELEVANT STAKEHOLDERS

The current system for consultation of civil society is not satisfactory. UNICE proposes adoption of a comprehensive code for consultation. The code should set out clear guidelines for the definition of core stakeholders, purpose, content, methodology and timeframe of the consultation. The representativeness of organisations should be duly taken into account.

In addition, UNICE, as a social partner at European level, calls for a very clear distinction to be made between the social dialogue and consultation of civil society. The social dialogue at European level is a clearly structured and autonomous process involving the social partners. UNICE believes that articles 138 and 139 provide an appropriate framework for agreements made by the social partners and do not need to be modified. However, over and above social partner agreements, the Convention should reflect on how to make room for other types of self-regulatory instruments by representative stakeholders on specific topics in other areas (than employment and social policy).

2. WE NEED A CLEARER DIVISION OF COMPETENCES AND RELATED DECISION-MAKING PROCEDURES IN A SINGLE TEXT

A consolidation of the existing treaties into a single comprehensible and structured instrument would give more clarity concerning the basic values, objectives and competences of the EU.

We need a European Union capable of refocusing its actions on its main task (trade and customs union, monetary policy and its common currency, consolidation and completion of the Internal Market, competition policy, environmental protection, common representation in the global economy and its institutions, the Common Foreign Policy, asylum and refugee policies and the fight against international crime).

Nevertheless, we consider a detailed catalogue of competences as inappropriate, as it would deprive the EU of the flexibility to adapt to new tasks and challenges.

When discussing the possible Constitution for the EU, reference is made to the Charter of fundamental rights. Without question, UNICE supports the objective of making those rights and freedoms more visible to the Union's citizens. Nevertheless, the consequences of its integration into the Treaties raise questions as to its impact on individual and collective citizens' rights. The current text of the Charter contains some articles on economic and social rights which fall outside the ambit of EU competences. Thus the existing text for the Charter is not suitable to become legally binding.

The Convention must also consider ways in which respect of the subsidiarity principle, in both its territorial and functional dimension, can be ensured strictly and systematically.

Functional subsidiarity means that when an action is justified at EU level, there is a need to assess whether other actors than the EU institutions can achieve the objectives of the proposed EU action. These two levels of subsidiarity (territorial and functional) should function in tandem complementing each other, and monitoring processes should be put in place to ensure their respect.

In this context, co-regulation and self-regulation should be considered more often as alternatives to legislation.

3. THE UNION MUST IMPROVE THE EFFICIENCY AND TRANSPARENCY OF ITS INSTITUTIONS

Efficient functioning of the EU Institutions is key to the success of the enlarged EU. The implementation of the highly important Lisbon objectives, for example, requires quick and efficient decision-making.

The Convention should therefore ensure that an enlarged EU is able to make rapid decisions, which are transparent, which are generally supported, which can be understood by all, and which can be effectively reviewed by efficient courts.

UNICE calls for a preservation of the Community method. The EU should have an independent and strong Commission which acts as guardian of the Treaty and proposes legislation to the Council and the Parliament in the interest of the whole Community.

Furthermore, especially in view of the enlargement, UNICE calls for the use of qualified majority voting as a general rule with a very limited number of exceptions.

4. NEED FOR A LIGHTER REGULATORY FRAMEWORK

The legislative framework must be streamlined and simplified. This is essential for business and in particular for SMEs.

Mechanisms should be put in place to better assess the impact of regulation.

Where legislation is considered necessary, UNICE calls for a better quality legal framework.

Impact assessment of legislation must be carried out in a systematic way by an independent body to be established.

5. INTERNATIONAL DIMENSION OF THE EU

UNICE welcomes a stronger emphasis on the global dimension in the framing of EU policy. The discussion in the Convention has shown the need for stronger representation in international political and economic affairs. In order to make the Union's external commercial policy more effective and coherent, UNICE supports giving the EU a legal personality.

6. CONCLUSION

I would like to thank the Presidium of the Convention for this possibility for representatives of civil society to contribute to the current debate and we encourage the Convention to maintain close links with this forum.

Thank you very much for your attention.