

Editorial

for the first issue of the Convention Spotlight

Dear Reader,

With its work, the European Convention will set a decisive course for the future of Europe. Within a brief period, the Convention will have to tackle reforms which are to pave the way towards Political Union. The EU has undertaken no less than a general revision of its competencies, institutions and Treaties. Issues that, due to various blockades, could not be pushed through in the past years are now to be discussed and solved, and that within hardly more than a year. Given this tight schedule the Convention ought to orient its work right from the start towards a concrete result. Two topics of the Declaration on the Future of the EU are the key: the simplification of the Treaties and the reorganisation of the division of labour between the EU and its Member States. The Convention ought to focus its activities on making progress in these two fields.

This unique process of discussion and reform is also a new challenge for us, the Bertelsmann Foundation and the Center for Applied Policy Research (C·A·P). As think tanks we combine academic know-how with politically relevant strategic concepts. In addition, we have an extensive network of experts in the EU member states and the candidate countries at our disposal. Having already brought in our ideas into the last great reform rounds, we also want to accompany the work of the Convention on a permanent basis. We will present our reform considerations, inter alia, in an EU Reform - Convention Spotlight. The Convention Spotlight is a medium created for this very purpose, i.e. to present forward-looking reform options along the lines of the current debates in the Convention.

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The Future Division of Labour in the EU

Claus Giering

- 1 With the Laeken Declaration the European Union (EU) has undertaken a general revision of its competencies, institutions, decision-making procedures and Treaties. Reorganising competencies will probably be the most complicated task for the Convention and the Intergovernmental Conference. A successful reorganisation requires: Firstly, to improve the assignment of political responsibility. Secondly, to limit the danger of overtaxing the EU's capacities to act as well as the tendency of increasing centralisation in Brussels. Thirdly, to enable the EU to take on its tasks efficiently and democratically.
- 2 Given that the existing division of labour has, over decades, been developed in an evolutionary process and oriented towards the consensus of the Member States, a reform should not start from the principle of specific conferment of power and, thus, from a debate about each individual policy field. Rather, the categorisation striven for ought to clarify the general regulations and guidelines of the division of labour between the Member States and the Union, on the one hand, and among the community bodies, on the other.
- 3 The starting point for categorisation ought to be the varying scope of policies and degree of intervention permitted on the European level. Such a categorisation would formally have to start from Art. 3 EC-Treaty. This list would, however, have to be supplemented by policy fields regulated in other parts of the Treaties. Ultimately, for that purpose the separation between the Union Treaty and the Community Treaties would have to be annulled. On this basis, almost all of today's decision-making competencies can be organised along the lines of five main categories according to their varying scope and degree of intervention:
 - a) *Constitutional fields*: Containing all those regulations which settle the basic division of labour, sovereignty rights of Member States or the accession of new members. Treaty amendments in these fields constitute a substantial intervention into the basic principles of the integration process.

The Centre for Applied Policy Research and the Bertelsmann Foundation have jointly created a homepage (<http://www.cap.uni-muenchen.de/konvent/>) dealing with the questions of the Laeken Declaration. There you can download our working papers on the Future of the European Union.

- b) *Exclusive policies*: Including those policy fields which were completely transferred to the European level in order to realise customs and monetary union and to guarantee the common market.
- c) *Joint policies*: Including those policy fields which due to their transnational character are jointly executed in order to implement elementary objectives of the Treaty, such as the completion of the common market and the four freedoms; a sustainable environmental policy; the abolition of discrimination; or economic and social cohesion.
- d) *Complementary policies*: In fields such as social policy; education; culture; health; consumer protection; industry; or research and development the EU takes supportive, promoting or supplementary action if EU-wide regulation results in an added value for the Member States.
- e) *Co-ordinated fields*: These are explicitly no Community competencies. The European Union and its bodies can participate by rendering support. However, ultimately, they cannot be made politically responsible. At present, employment policy is at the fore of co-ordinating efforts. In addition, fields such as civil protection or tourism belong into this category.

Reorganisation according to this approach increases the degree of transparency without requiring a substantial redistribution of today's competencies. On this basis, the system can be further developed, be it by transferring specific tasks from one category into another, be it by assigning particular decision-making procedures to the individual categories.

- 4 A systematic reorganisation of responsibilities would already add considerably to transparency. Yet the problem remains that individual policies even within these categories or even in themselves are not necessarily comparable. This is mainly due to the fact that different players act with a broad range of tools and according to different decision-making procedures. In consequence, the revision of the division of labour falls short if it is not linked to a clarification and an optimised separation of powers among the community bodies themselves. Simplifying and improving the decision-making procedures and legislative instruments is also a natural consequence of a transparent system of competencies. To achieve more transparency and efficiency, the number of procedures and instruments as well as their variants ought to be limited even further. The simplified basic procedures ought to be applied as respective standard for individual categories.

- 5 A comprehensive organization of competencies is one of the characteristics of a transparent political system. Yet it does not stand alone but ought to be part of a readable EU Constitution. A reorganisation of competencies preconditions the simplification of the Treaties aiming at a coherent, systematically structured Treaty. Vice versa, simplifying the Treaties is hardly imaginable without a clarification of the existing arrangement of competencies. A Basic Treaty for the European Union should, therefore, include the objectives, the fundamental rights, the competencies, the institutions and the decision-making processes. Such a Basic Treaty makes it easier for the citizens of Europe to understand the political system of the EU and to identify themselves with Europe.

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