

## European Parliament resolution on the constitutional process and the future of the Union (29 November 2001)

**Caption:** In its resolution of 29 November 2001 on the constitutional process and the future of the Union, the European Parliament 'considers that the aim of the 2003 Intergovernmental Conference must be a Constitution for the European Union'.

**Source:** European Parliament resolution on the constitutional process and the future of the Union (29 November 2001). [ON-LINE]. [s.l.]: European Parliament, [24.02.2005]. 2001/2180(INI). Available on [http://www2.europarl.eu.int/omk/sipade2?SAME\\_LEVEL=1&LEVEL=3&NAV=X&DETAIL=&PUBREF=-//EP//TEXT+TA+20011129+ITEMS+DOC+XML+V0//EN#sdocta20](http://www2.europarl.eu.int/omk/sipade2?SAME_LEVEL=1&LEVEL=3&NAV=X&DETAIL=&PUBREF=-//EP//TEXT+TA+20011129+ITEMS+DOC+XML+V0//EN#sdocta20).

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## European Parliament resolution, of 29 November 2001, on the constitutional process and the future of the Union (2001/2180(INI))

*The European Parliament,*

- having regard to the treaty signed in Nice on 26 February 2001 and in particular Declaration No 23 on the future of the Union,
  - having regard to the communication from the Commission on certain arrangements for the debate on the future of the European Union (COM(2001) 178),
  - having regard to the report on the future of the Union presented to the Göteborg European Council by the Swedish Presidency,
  - having regard to its resolution of 31 May 2001 on the Treaty of Nice and the future of the European Union(1),
  - having regard to its resolution of 25 October 2000 on the constitutionalisation of the Treaties(2),
  - having regard to the report from the European Council on the progress achieved by the European Union in 2000,
  - having regard to the motion for a resolution tabled by Richard Corbett on the High Representative at the Commission (B5-0680/2000),
  - having regard to Rule 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Economic and Monetary Affairs and the Committee on Legal Affairs and the Internal Market (A5-0368/2001),
- A. having regard to Declaration No 23 annexed to the Treaty of Nice, which provides for reform of the Treaties in 2004 preceded by a new process of preparation that is open and public,
- B. whereas the public debate that has taken place throughout 2001 has revealed a very broad consensus in support of a new method of reform of the Treaties based on the work of a Convention which would prepare the IGC,
- C. whereas dialogue with citizens has been inadequate hitherto and must therefore be intensified and extended throughout the process of reform of the Treaties,
- D. having regard to the hearing held in Brussels on 10 and 11 July 2001, in which the parliaments of the Member States and the candidate countries participated,
- E. whereas, in the light of recent world events, the challenges relating to external and internal security have resurfaced as an urgent issue on the Union's agenda,
- F. having regard to its opinion on the Treaty of Nice (which this resolution follows up and builds upon), the weak points of which are indicative of the current drift towards intergovernmental methods and the consequent weakening of the Community method,
- G. whereas European citizens desire, above all, that the policies and procedures adopted to determine the future course of the Union will make the Union more democratic, more effective, more transparent, more vigorous and more responsive to social issues,
- H. whereas one of the aims of the forthcoming reform must be to ensure that the general public fully

embraces the process of European integration, for which purpose it needs to understand clearly who does what in the European Union, what the latter is required to do and how it should set about it,

I. whereas, in all instances where the new Constitutional Treaty of the Union refers to physical persons, both the feminine and masculine genders will be used (principle of gender neutrality), and this principle should therefore apply to this resolution,

### **Future challenges facing Europe**

1. Reiterates its commitment to a European Union which fulfils its fundamental role as a union of peoples and states and provides a stable and durable response to the requirements of democracy, legitimacy, transparency and effectiveness, which are essential if there is to be further progress in European integration, particularly with a view to enlargement, whilst in no event allowing the democratic nature of the Union to be sacrificed for the sake of effectiveness; considers that the aim of the 2003 Intergovernmental Conference must be a Constitution for the European Union;

2. Points out that the list of four topics in Declaration No 23 annexed to the Treaty of Nice is not exhaustive; considers, therefore, that the scope of the forthcoming reform and, consequently, the topics selected for discussion by the Convention must be based on a rigorous in-depth analysis of the strengths and weaknesses of the Union and the role it will have to play in the 21st century;

3. Considers that besides the four topics in Declaration No 23, which will be addressed in specific resolutions, political, economic and social progress, security and well-being for Europe's citizens and peoples and the affirmation of the Union's role in the world require:

(a) the establishment of a foreign, security and defence policy which incorporates the principles and the general guidelines of the CFSP and common defence and whose aims should include the fight against terrorism;

(b) the incorporation of the CFSP into the Community pillar, with all the provisions relating to the various aspects of foreign policy to be brought together within a single chapter;

(c) the recognition of the legal personality of the Union;

(d) the consolidation, within the Treaty, of fundamental rights, citizens' rights and all other provisions relating directly or indirectly to action taken by the European institutions for the benefit of individuals in their capacity as holders of a fundamental right;

(e) the elimination of the lack of transparency that characterises the work of the European Central Bank at present and the establishment of a well-balanced economic and monetary system resulting from the consolidation of economic and social cohesion policy and closer coordination of Member States' economic policies;

(f) the development of the Union into a genuine area of freedom, security and justice by, in particular:

- the merging, within the Community framework, of police and judicial cooperation in criminal matters with judicial cooperation in civil matters, the measures relating to the movement of persons and the other measures to protect fundamental rights and citizenship within the Union;

- the recognition of the full jurisdiction of the Court of Justice in respect of all measures relating to the establishment of this area of freedom, security and justice;

- the integration of Eurojust and Europol into the Union's institutional framework;
- the establishment of a European Public Prosecutor's Office accountable to the Court of Justice;

4. Points out that the institutional reforms are not a closed chapter and considers that the agenda for the reform of the Treaties should include issues which were not tackled or not resolved under the Treaty of Nice and which are essential if the Union institutions are to operate more democratically and more effectively, such as:

(a) an updating of the tasks which fall to the European Council, the General Affairs Council and the Council meeting sectorally;

(b) the system for nominating the Presidencies of the European Council, the General Affairs Council and the Council meeting sectorally;

(c) simplification of legislative procedures (with the latter subject to transparency) on the basis that the general principle in legislative matters must be qualified majority voting in the Council and codecision involving the European Parliament, so as to make the Union more democratic; in addition, the Council should deliberate and take decisions on European legislation in public;

(d) the removal of the distinction between compulsory and non-compulsory expenditure, with the budgetary procedure for non-compulsory expenditure thus being applied to the expenditure part of the budget as a whole, and the incorporation of the European Development Fund into the EU budget;

(e) the establishment of an independent European Public Prosecutor's Office empowered to bring cases before the competent Member State jurisdictions in the context of the protection of the Community's financial interests;

(f) the introduction of a hierarchy of Community acts;

(g) full involvement of the European Parliament in the common trade policy, in external economic relations and in the implementation and development of enhanced forms of cooperation;

(h) the election of the Commission president by the European Parliament;

(i) appointment of the members of the Court of Justice and the Court of First Instance by means of a qualified-majority vote and with the European Parliament's assent;

5. Will give detailed opinions on the scope of the reform in subsequent resolutions addressed to the Convention;

### **Composition of the Convention**

6. Insists on the need to establish a Convention whose composition reflects European political pluralism and in which, consequently, the European and national parliaments are well represented, as was the case for the

Convention that drafted the Charter of Fundamental Rights; considers that a Convention of this kind can represent an innovation indispensable for the success of the democratic reform of the EU;

7. Takes the view that the principle governing the composition of the Convention should be the same as that used to determine the composition of the Convention that drafted the aforementioned Charter, with the representation of the European Parliament in proportionate to that of the other component groups remaining the same;

8. Considers it essential that the candidate countries should be involved in preparing the reform of the Treaties and, consequently, that they should participate in the work of the Convention as permanent observers, with two representatives of the parliaments of each State and one representative of each government;

9. Proposes that the Court of Justice should be entitled to appoint an observer to the Convention; considers that the Committee of the Regions and the Economic and Social Committee should participate in the Convention through two permanent observers from each body, so that the regional and local authorities and representatives of the various categories of economic and social activity are also involved;

10. Points out that the composition of its own delegation will endeavour to ensure adequate representation of both sexes, and calls on the other delegations to follow this principle when appointing their representatives;

11. Considers that, in order to be effective, the work of the Convention should be supervised by a Presidium acting in a collegiate fashion, composed of the Chair, the Commission representative, two members chosen by the representatives of national parliaments, two representatives of the European Parliament and a representative of the Presidency-in-Office of the Council and of the following Presidency;

12. Believes that the Chair of the Convention has a key role and therefore considers that this position should be held by a distinguished European political figure with parliamentary experience; believes that the Chair should be elected by the Convention;

13. Considers that the Presidium must be responsible for maintaining relations with the European Council on a regular basis;

14. Considers that, after the work of the Convention has been wound up, the Presidium should participate fully and actively at all stages and levels of the IGC which is to ratify the reform of the Treaties prepared by the Convention;

### **Working methods of the Convention**

15. Considers that the Convention should be free to decide how to organise its work, the Chair, assisted by the Presidium, being responsible for implementing procedural decisions adopted by the four component groups by common accord;

16. Considers that it would be useful for the Convention to be assisted by an interinstitutional Secretariat endowed with substantial resources, particularly in terms of the budget and staff, to ensure that the work of drafting and consultation can be carried out effectively;

17. Believes it is essential for the proceedings of the Convention to be fully transparent with regard to the conduct of debates and deliberations and with respect to documents, where all possible steps must be taken to guarantee public access;

18. Considers it essential that the European Parliament, the national parliaments and all the European institutions should support the work of the Convention through an active dialogue with citizens so that public concerns can be taken into account;

19. Fully supports the proposal for a civil-society forum as proposed by the Belgian Presidency at the informal Council meeting at Genval, which would enable the Convention to keep in close touch with public opinion so as to ensure that the outcome of its work takes account of the concerns, ideas and priorities for the future expressed by civil society; proposes that the Convention should also organise public hearings in the Member States for this purpose;

#### **Mandate and timetable for the Convention**

20. Considers it vital, with a view to effective reform of the Union, that the Convention should have a decision-making procedure under which it can draft a single coherent proposal by consensus and present it to the Intergovernmental Conference as the sole basis for negotiation and decision;

21. Hopes that the Convention will start work immediately after the Laeken European Council and complete its work in time to allow the Intergovernmental Conference to wind up its proceedings by the end of 2003 under the Italian Presidency so as to enable the new treaty to be adopted in December of that year, thereby ensuring that, in 2004, the European elections can act as a democratic fillip to European integration and that, together with the Commission, the European Parliament will be able to play its part in that process under the best possible conditions; considers that the period between presentation of the results of the Convention and the opening summit should be as short as possible, and in any case not longer than three months;

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22. Instructs its President to forward this resolution to the Council and Commission and to the Heads of State and Government and the parliaments of the Member States and the candidate countries.

(1) Texts Adopted, Item 4.

(2) OJ C 197, 12.7.2001, p. 186.