

Report by the Committee on Constitutional Affairs on the convening of the IGC (9 July 2007)

Caption: Report drafted by the Committee on Constitutional Affairs on 9 July 2007 regarding the convening of the Intergovernmental Conference (IGC). This report confirms the favourable opinion of the European Parliament on the convening of the IGC but expresses regrets at the implications of the IGC's mandate.

Source: European Parliament. Report on the convening of the Intergovernmental Conference (IGC): the European Parliament's opinion (Article 48 of the TEU) – Committee on Constitutional Affairs – Rapporteur: Jo Leinen, Final A6-0279/2007. Strasbourg : 09.07.2007. 9 p. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2007-0279+0+DOC+PDF+V0//EN>.

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REPORT

on the convening of the Intergovernmental Conference (IGC): the European Parliament's opinion (Article 48 of the TEU)
(11222/2007 – C6-0206/2007 – 2007/0808(CNS))

Committee on Constitutional Affairs

Rapporteur: Jo Leinen

CONTENTS

	Page
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION	3
MINORITY OPINION	7
MINORITY OPINION	8
PROCEDURE	9

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the convening of the Intergovernmental Conference (IGC): the European Parliament's opinion (Article 48 of the TEU) (11222/2007 – C5-0206/2007 – 2007/0808(CNS))

The European Parliament,

- having regard to Article 48(2) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0206/2007),
- having regard to the Treaty on European Union and the Treaty establishing the European Community,
- having regard to the Treaty establishing a Constitution for Europe signed in Rome on 29 October 2004 (hereafter referred to as 'the Constitutional Treaty'),
- having regard to the Charter of Fundamental Rights of the European Union as signed and proclaimed in Nice on 7 December 2000,
- having regard to the Laeken declaration of 15 December 2001 on the Future of the Union,
- having regard to the Berlin Declaration of 25 March 2007 on the occasion of the fiftieth anniversary of the signature of the Treaties of Rome,
- having regard to its resolutions of 12 January 2005 on the Treaty establishing a Constitution for Europe¹ and of 7 June 2007 on the roadmap for the Union's constitutional process²,
- having regard to the opinion of the European Economic and Social Committee of 30 May 2007 on the roadmap for the constitutional process and to the opinion of the Committee of the Regions on relaunching the process of reforming the European Union in anticipation of the European Council of 21 and 22 June 2007,
- having regard to the joint parliamentary meeting on the future of Europe held on 11 and 12 June 2007 in Brussels,
- having regard to the Presidency Conclusions of the European Council held in Brussels on 21 and 22 June 2007 containing the mandate for the IGC,
- having regard to the report of the Committee on Constitutional Affairs (A6-0279/2007),

Whereas:

- A. two years of reflection on the future of Europe have confirmed the need to safeguard and to improve the content of the innovations of the Constitutional Treaty in terms of

¹ OJ C 247 E, 6.10.2005, p. 88.

² *Texts Adopted*, P6_TA(2007)0234.

democracy, efficiency and transparency in order to ensure the proper functioning of the European Union as well as to enhance the rights of its citizens and its role in the world,

- B. this view is broadly shared by the national Parliaments of the Member States and the European Parliament, whose representatives worked out the basis for these innovations in the Convention on the Charter of Fundamental Rights and in the Convention on the Future of Europe,
 - C. the European Council agreed on convening an IGC with a mandate aimed at transforming most of the innovations contained in the Constitutional Treaty into amendments to the Treaties in force,
 - D. that mandate is very precise and also allows the conference to quickly agree on the modification of some of the innovations contained in the Constitutional Treaty, without endangering their substance;
 - E. the mandate, however, renounces the ambition of creating a single constitutional treaty to replace the existing ones, abandons a terminology which would give citizens a clear perception of the nature of the acts of the Union, does not maintain a set of symbols which would make it easier for citizens to identify with the European Union, and includes several opt-outs in certain areas where difficulties have been raised by individual Member States,
 - F. the mandate does not sufficiently address the new challenges which the Union is facing since the Constitutional Treaty was signed,
 - G. the European Parliament, as the only institution of the Union directly elected by the citizens, is duty-bound to voice the common interest of the European Union in order to strengthen the European construction and its Community method, which for more than 50 years have been a source of peace, stability and prosperity,
1. Welcomes the efforts deployed by the German Presidency of the Council to achieve a unanimous agreement at the Summit of 21-22 June 2007;
 2. Takes note of the mandate for the IGC which was agreed by the European Council; welcomes its elaborate precision and the tight timetable for the conclusion of the IGC, and calls on the Member States not to retreat from the commitments to which they subscribed in the European Council; expresses a favourable opinion on the convening of the IGC;
 3. Regrets, however, that this mandate implies the loss of some important elements that had been agreed during the 2004 IGC, such as the definition of the EU as a Union of the citizens and the States of Europe; as well as a long delay in the introduction of others;
 4. Expresses its concern about the fact that the mandate allows for an increasing number of derogations granted to certain Member States from the implementation of major provisions of the envisaged Treaties that could lead to a weakening of the cohesion of the Union;
 5. Regrets that the mandate allows for various drafting changes compared to the

Constitutional Treaty which give an impression of distrust vis-à-vis the Union and its institutions and thus send a wrong signal to public opinion;

6. Regrets the decreasing European goodwill and political courage of Member States' representatives and expresses its concern about the evolution of attitudes opposed to the European ideas of solidarity and integration;
7. Stresses that the mandate allows for the modification of the denomination of legal acts, but does not provide for any substantial change in their structure and hierarchy, and expresses its intention to closely scrutinise the way in which this will be introduced in the related provisions, with a view to guaranteeing political accountability and safeguarding its legislative powers, in particular as regards the control of delegated acts;
8. Welcomes, nevertheless, the fact that the mandate safeguards much of the substance of the Constitutional Treaty, notably the single legal personality of the Union and the suppression of the pillars structure, the extension of qualified majority voting in the Council and co-decision by Parliament and the Council, the elements of participatory democracy, the legally binding status of the Charter of Fundamental Rights, the enhancement of the coherence of the external action of the Union and the balanced institutional package;
9. Observes that all positive results in terms of the strengthening of democratic procedures and citizens rights, in terms of enlargement of competences and in terms of definition of the EU's values and objectives derive exclusively from the work of the Convention on the Future of Europe;
10. Welcomes the fact that economic and monetary union was introduced in the Treaty on European Union as an objective of the EU;
11. Welcomes the fact that the mandate provides for the introduction of certain new elements in the treaties, such as the explicit mention of climate change and solidarity in the field of energy;
12. Recalls that the EU has declared itself, both to its own citizens and to the whole world, to be a community of values, that fundamental rights and freedoms form the innermost core of this community of values, and that they have been comprehensively expressed in the Charter of Fundamental Rights and recognised by the EU institutions and all the Member States on many occasions; considers, therefore, that if one or more Member States now claim an opt-out from the Charter of Fundamental Rights, this would represent a dramatic setback and cause serious damage to the EU's innermost sense of identity; for this reason, urgently appeals to all the Member States once again to make every effort to overcome this internal division and reach a consensus after all on the unrestricted validity of this Charter;
13. Invites the IGC to conclude its work before the end of the year 2007, so as to allow the new Treaty to enter into force in good time before the 2009 European elections;
14. Welcomes the strengthening of the modalities of its participation in the IGC at all levels as agreed by the European Council;

15. Reserves its right to address to the IGC concrete proposals on specific items within the scope of the mandate;
16. Will respond to the invitation made by the European Council to deal with the issue of its own composition in due time;
17. Stresses its intention to carefully scrutinise the outcome of the IGC in order to assess whether the reforms agreed during the negotiations comply in a satisfactory way with its interpretation of the mandate;
18. Calls on the Member States and its representatives to ensure full transparency of the work done by the IGC, notably by publishing all the documents submitted to it for discussion;
19. Reaffirms its intention to maintain a very intensive relationship with the national parliaments and with civil society during the process of revision of the treaties;
20. Calls on the IGC to ensure, for reasons of transparency, that the results of its work will also be published in the form of a draft consolidated version of the Treaties;
21. Announces its firm resolve to put forward, after the 2009 elections, new proposals on a further constitutional settlement for the Union, in accordance with the clause on treaty revision¹;
22. Calls on the IGC and the Commission to put forward specific proposals to involve European citizens once again in the continuation of the constitutional process;
23. Invites its competent committee to study the introduction of a modification of its Rules of Procedure so as to lend official character to the European Union flag and hymn contained in the European Constitution in its activities and premises;
24. Instructs its President to forward this resolution constituting its opinion on the convening of the IGC to the Council, to the Commission, to the Heads of State or Government and the parliaments of the Member States and to the European Central Bank.

¹ See Article IV-443 of the Constitutional Treaty.

MINORITY OPINION

pursuant to Rule 48(3) of the Rules of Procedure
Marco Cappato

The Treaties of the Union grant the EP the power to express an opinion on the convening of the IGC responsible for amending the Treaties. The European Council ended on 24 June, with a 'closed' brief and a rigid schedule which tends, or is intended, to impose on Parliament timescales, methods and procedures incompatible with the nature of a parliament, with transparency and with the democratic character of the revision process.

Not only the EP, but also all national and Community democratic processes have been violated by an efficiency-bound illusion of authoritarian and bureaucratic stamp, which can only become a reality at the expense of Europe as an entity and to the benefit of the Europe of the parties and of the countries.

If all this comes to pass, as the EP risks allowing, the draft treaty proposed in 1984 by Altiero Spinelli and the European Parliament will be completely ruined. I therefore propose that, at the very least, the timetable be rectified to allow a genuine opinion to be provided and adopted, after being issued at the September II part-session.

MINORITY OPINION

pursuant to Rule 48(3) of the Rules of Procedure
Bernard Wojciechowski

Language is an indispensable element of culture. Jean Monnet stated that if he could start with the European project all over again, he would start with culture. In accordance with the Principle of Multilingualism, all European Parliament documents should be translated into all of the official languages of the EU. Unfortunately, the compromise amendments on this text that were supposed to be put to the vote at the meeting of the Committee on Constitutional Affairs on 9 July 2007 were only available in one language. This brought that committee into disrepute and could be seen as an attempt to rush through an opinion of the European Parliament without an honest and transparent debate and procedure. The lack of transparency and pluralism in the committee has produced a document that is one-sided. It seems, therefore, that the vote needs to be postponed until a real debate on the Convening of the IGC takes place in accordance with, and respecting, the Rules of Procedure, which could thus represent Parliament's compromise and its consolidated opinion.

PROCEDURE

Title	Convening of the Intergovernmental Conference: Parliament's opinion (Article 48 of the EC Treaty)
References	11222/2007 - C6-0206/2007 - 2007/0808(CNS)
Date of consulting Parliament	27.6.2007
Committee responsible Date announced in plenary	AFCO
Rapporteur(s) Date appointed	Jo Leinen 7.6.2007
Discussed in committee	25.6.2007
Date adopted	9.7.2007
Result of final vote	+ : 18 - : 4 0 : 1
Members present for the final vote	Jim Allister, Bastiaan Belder, Jens-Peter Bonde, Richard Corbett, Andrew Duff, Maria da Assunção Esteves, Ingo Friedrich, Bronisław Geremek, Anneli Jäätteenmäki, Sylvia-Yvonne Kaufmann, Jo Leinen, Íñigo Méndez de Vigo, Rihards Pīks, Adrian Severin, József Szájer, Johannes Voggenhuber, Bernard Wojciechowski, Dushana Panayotova Zdravkova
Substitute(s) present for the final vote	Pervenche Berès, Elmar Brok, Carlos Carnero González, Panayiotis Demetriou, Gérard Onesta, György Schöpflin
Substitute(s) under Rule 178(2) present for the final vote	Marco Cappato, Marco Pannella, Udo Bullmann, Corien Wortmann-Kool
Date tabled	10.7.2007