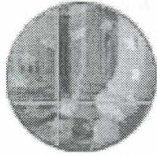




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European governance


Refocusing policies and institutions: European governance and the Constitution

Since 2000, the debate and official proposals on the reform of European governance as a Commission policy priority have always been presented as a way of boosting the legitimacy and effectiveness of the European Union without changing the Treaty.

Nonetheless, many of the subjects pinpointed by way of the public debate preceding the drafting of the Commission's White Paper on European Governance, and by the Commission itself in its White Paper, constituted leitmotifs both for the [Laeken Declaration](#)  [104 KB] [fr](#) (which launched the reform of the treaties) and within the various working groups reporting to the Convention on the Future of the European Union.

Largely as a result of the Commission's communications to it, the Convention took up a number of these subjects and included special provisions on them in the draft constitutional treaty presented to the European Council in July 2003, starting with the enshrining of the **Community method**, which had already been defined and given a prominent place in the White Paper on European Governance.

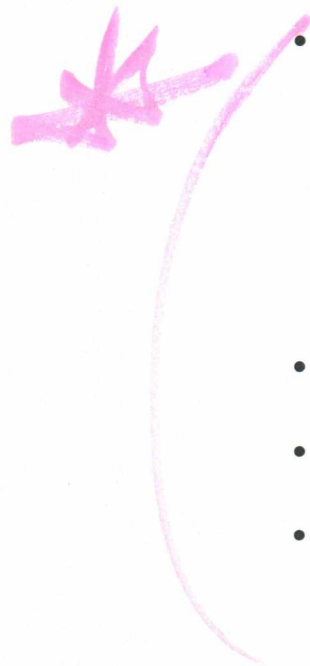
Some examples of such provisions are presents in the [draft Treaty establishing a Constitution for Europe](#)  [736 KB], a product of the Convention.

Thereafter, the [Treaty establishing a Constitution for Europe](#)  [857 KB], signed by the Heads of State and Government in Rome on 29 October 2004, when ratified by all the Member States, will give a normative strength to a part of the considerations made by the Commission in its White Paper on European Governance.

Here are some examples:

- Two of the treaty's provisions use, for the first time in EU primary law texts, the concept of governance (good governance) at EU level (Article I - 50.1) and at global level (Article III - 292(2)(h):
 - Article I - 50 (1): *In order to promote good governance and ensure the participation of civil society, the Union Institutions, bodies and organisms shall conduct their work as openly as possible.*
 - Article III - 292 (2): *The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order: f) to promote an international system based on stronger multilateral cooperation and good global governance.*
- Article I - 3 ("The Union's objectives") says in para 3: *The Union shall ... promote economic, social and territorial cohesion, and solidarity among Member States.*
- Article I-5 contains a clause guaranteeing respect for the constitutional structure of each Member State, *inclusive of regional and local self-government.*
- Article I - 23(1) ("The Council of Ministers") requires the Council to *jointly with the European Parliament, enact legislation, exercise the budgetary function and carry out policy-making and coordinating*

στο σχέδιο συντάγματος;



functions, as laid down in the Constitution. This is linked to Article I - 37 (2) ("Implementing acts"), which states: Where uniform conditions for implementing binding Union acts are needed, those acts may confer implementing powers on the Commission or, in specific cases duly justified and in the cases provided for in Article 40, on the Council.

- Article I - 46 enshrines the principle of representative democracy, while Article I - 47 introduces for the first time the principle of participatory democracy in EU primary law texts.
- Article III - 285 introduces, in line with the White Paper on European Governance, the concept of administrative cooperation among the Member States in respect of implementing Union law.
- The Protocol on the principle of subsidiarity makes provision for wide-ranging consultation before any legislative act is adopted, with the possibility of taking into account the regional and local dimension of the action envisaged. The Protocol states that, for each European framework law, there should be a "subsidiarity statement" in which the Commission appraises the regulatory and financial implications of the framework law for local and regional authorities.

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