

## COMMENTS – TABLE (AS 2 JUNE 2007)

TEXT AS PROPOSE (DRAFT 23 MAY 2007)

(In *italics* phrases that have been commented on)

1. The mission of the Action Committee for European Democracy (ACLED) is to contribute to the debate on Europe's political prospects, fostering a new consensus on how Europe can master its future. The structure and the content of the draft proposal for a new Treaty presented by ACLED members as engaged citizens, independent experts, based on their political experience, engagement in the constitutional debate and knowledge of member states, reflects the assumption that the current treaty framework, as amended by innovations of the Constitutional Treaty, constitutes *a solid and comprehensive base for finding a good solution* on which member states can build their common future.

### SUGGESTED CHANGES

< formulation "a solid and comprehensive..." in last sentence inadequate, statement questionable (PATTEN)

2. The European Union needs to move forward again to continue its great success in delivering peace, stability and prosperity, for which it stands since fifty years. Faced with an increasingly globalised political and economic environment, we need more effective tools to participate in shaping the world of the 21st century. Furthermore, the EU of 27 member states has to become more responsive and participatory for its 494.6 million citizens to meet their expectations and increase the trust in a democratic Union. To ensure that Europe will continue its successful *unification* and serve the interests of its citizens, the European Union has to improve its policies and institutions.

<< replace "unification" (last sentence) by "integration" (WALLSTRÖM, VITORINO)

3. The Constitutional Treaty, elaborated by the European Convention after listening to Europe's civil society and adopted unanimously by an Intergovernmental Conference (IGC), was intended to improve Europe's governance. This remains still a mission to be accomplished. Despite the drawbacks that have led to a period of reflection, it must not be neglected that the ratification process never really stopped

< delete "only" in last sentence (KOK)  
<< delete last sentence, gives wrong impression that citizens express themselves only in referenda (DEHAENE, VITORINO)  
< formulation "European idea..." in last but one sentence

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but that European citizens and governments continued to express their support for a broader reform project and the *European idea*. *Of the 50 million citizens consulted by referendum in four countries, 26.6 million have voted in favour, only 22.6 million against.*

inadequate, statement questionable (PATTEN)  
< to avoid impression of 'top-bottom' approach, rephrase 3<sup>rd</sup> sentence: best to stick to facts – successful ratification in 18 MS + rejection by voters in NL / FR (WALLSTRÖM)  
< delete last sentence: referenda were held on nat. basis and this assessment no legal reality (WALLSTRÖM)

4. We believe that the negative votes were not a rejection of the European Union as such, but an expression of dissatisfaction with the general state of affairs in Europe. The phase of reflection has been useful in making it clear which solutions for a more democratic, transparent, and effective Union are at stake and how costly the consequences of missing this chance for reform would be. In turn, it also has provided a period for review and re-definition of positions and thereby increased the comprehension between divergent views in order to prepare the ground for a common answer to the shared challenges we are faced with in the EU.

< interpretation of 'no' votes only partially right, for France it applies only to voters of the left (STRAUSS-KAHN)

5. The need for reform is still pre-eminent. The problems spelled out in the Declaration of Laeken in 2001 and its mandate to provide answers to the reform agenda are still to be settled. We are convinced that there is a large agreement on the Laeken questions among citizens and their representatives alike (DANUTA HAS DOUBTS ON THIS). *This implies that although the form of the constitutional Treaty is not considered appropriate by many, the substance of the reform project proposed by the Convention in response to the Laeken Declaration is still valid: defining the competences of the EU, simplifying its instruments, improving transparency, efficiency and democracy.*

< important to mention Laeken but do not overemphasise impact on general public: delete or rephrase substantially 3<sup>rd</sup> sentence (WALLSTRÖM)  
< refer in this paragraph to innovation of legal personality of EU as this powerful leverage on abolishment of pillar structure (VITORINO)

6. Therefore, the European Council in June should convene a new Intergovernmental Conference *to be completed before the end of 2007*, with the clear and stringent mandate *to stipulate a simplified Treaty* preserving the innovations on which all Govern-

< question on whether IGC should be 'completed' or 'held' before end of 2007 (PATTEN)  
< fine to complete IGC by end '07 but this should not

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ments have already agreed and with a view of ratifying it in all Member States before the European Parliament elections in 2009. Each Government will choose the adequate way to represent citizens' will.

allow big MS to railroad balanced treaty → therefore catalogue par. 8 questionable (might open chance to push for hidden agendas) (LIPPONEN)  
 < instead of "stipulate a simplified ..." → "stipulate a NEW Treaty..." (WALLSTRÖM)  
 < introduce idea of coordinating ratification in MS, possible sentence to be added:  
 "The Action Committee for European democracy encourages the Member States to coordinate the national ratification procedures, in order to allow the ratification process to be completed in time and to stimulate a real European-wide debate" (WALLSTRÖM)  
 < reverse order of first sentence: "The European Council in June should adopt a clear and precise mandate to stipulate a simplified Treaty in order to convene an IGC to be completed before the end of 2007" (VITORINO)

7. The new Treaty has to be as short and accessible as possible. It should be an addition to the existing Treaties rather than replacing them. Thus, instead of founding the Union newly, the new Treaty should be accompanied by amending protocols on both the institutional modifications consequential to its clauses and the most required policy innovations to be ratified as one comprehensive package for renewal. (Member states that want to depart from the present Treaty they signed in 2004 should respect the 'golden rule' to only suggest changes that have the same backing amongst the states as the original provision) (SENTENCE IN BRAQUETS SUGGESTED BY INIGO BUT OPPOSED BY CHRIS).

< delete sentence in brackets (KOK)  
 < agreement with last sentence, but difficult to find consensus (DEHAENE)  
 < 'golden rule' = procedural element, should be decided on by presidency and not referred to (VITORINO)  
 < paragraph not clear enough if feasibility study NOT published → best option to refer to feasibility study in this paragraph (DEHAENE)  
 < paragraph as such acceptable (since not all readers will go through feasibility study), yet rephrase 1<sup>st</sup> sentence: "The new Treaty has to be as concise, accessible and readable as possible" (WALLSTRÖM)  
 < 2<sup>nd</sup> sentence "repealing" instead of "replacing"  
 < take out last sentence, already in par. 6 that "the new Treaty shall preserve ..." (WALLSTRÖM)

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8. Since the Constitutional Treaty was negotiated, the world has kept changing. Thus, we see some challenges that were not considered at the time but which have come to the fore since. Being faced again with the task to finalise a Treaty could be a chance to go beyond the most urgent institutional reforms and to include further policy issues that were not yet envisaged as crucial six years ago. The following last represents points of departure for what we hold the most relevant challenges that will come up for the EU in the next decades. The suggestions are of merely additive nature, they cannot and must not replace any of the reforms pledged for. It will be up to the Heads of State and Governments to evaluate their importance to be added to the catalogue of immediate concerns:

< limit to energy solidarity and climate change → delete sentence after "... six years ago." and add only one sentence on two issues (DEHAENE)  
 < whole paragraph too ambitious and unrealistic since it opens Pandora's box (BARNIER)  
 < last sentence phrase "to be added to the catalogue of immediate concerns" is no added value (WALLSTRÖM)  
 < doubts whether new legal basis for these policies needed (except maybe energy & climate) + possibility to include issues does not look more probable now than earlier (esp. on soc. pol.) (VITORINO)

- Climate change
- Citizens' rights for information
- Social dimension
- Energy policy
- Stimulating debate on pan-European policy issues

< limit to energy solidarity & climate change (DEHAENE)  
 < change order of issues: (1) climate, (2) energy, (3) social, (4) information → move stipulating pan-Europ debate to single paragraph (WALLSTRÖM)  
 < catalogue par. 8 questionable (might open chance to push for hidden agendas) (LIPPONEN)  
 < what is precise meaning of "stipulating pan-European debate" (LIPPONEN)

9. The Laeken Declaration explicitly stated the long-term option of a future Constitution for the European Union. After the reflection period it is clear that more time is needed for this option. In this context it may be useful for the European Council to reconsider the Constitution option at a future date. In order to strengthen democratic legitimacy, the European Council in June may give a mandate to the next European Parliament to examine the options after the 2009 elections. (SUGGESTED BY STEFAN)

< delete last sentence of paragraph (KOK)  
 < delete full paragraph (avoid any reference to constitution) (DEHAENE)  
 <<< delete (PATTEN, BARNIER, WALLSTRÖM)  
 > INSTEAD: encourage opening of process on a second "Single European Act" on political issues (as mentioned in par. 8) to be opened in 2009 (BARNIER) – thus to have:

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	<p>(1) simplified treaty on efficiency of institutions by '08, (2) large debate on policies in '09/'10 (BARNIER)</p> <p>&lt; opposition to giving LEP mandate, LEP does not have sufficient legitimacy (treaty = intergovernmental agreement, represented by citizens wills in MS) (LIPPONEN)</p> <p>&gt; response to those who are in favour of a constitution, mentioning a 'future' constitution makes 'present' treaty 'smaller' → strengthens arguments against referenda (COLLIGNON)</p>
<p>10. The Action Committee for European Democracy intends to be helpful in supporting the governments of the Member States in the difficult process of the incoming months. The Committee is well aware that our citizens want a more effective Union. But institutional reforms are not an alternative to more effective results. On the contrary, they are the foundation on which better policies depend and have to be built.</p>	
<p><b>GENERAL COMMENTS BEYOND:</b></p> <p>PART II → single article, + dropping articles on symbols and values, cutting preamble</p>	<p>&lt; not convinced, understandable to accommodate sceptics but too much a reduction of the actual ambition (STRAUSS-KAHN)</p> <p>&lt; still clarification on charter needed: why not give it same status as new Treaty? (STRAUSS-KAHN)</p>
SIMPLIFICATION	<p>&lt; proposed 2 protocol solution means losing the simplified structure to have one single treaty and thus a key achievement/purpose of the CT (STRAUSS-KAHN)</p>
SAME VALUE TEU / TEC amended	<p>&lt; better to introduce hierarchy (STRAUSS-KAHN)</p>