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on the convening of the Intergovernmental Conference (IGC): the European Parliament's opinion (Article 48 of the TEU)
(00000/2007 – C5-0000/2007 – 2007/0808(CNS))

Committee on Constitutional Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the convening of the Intergovernmental Conference (IGC): the European Parliament's opinion (Article 48 of the TEU)
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The European Parliament,

- having been consulted by the Council, pursuant to Article 48(2) of the Treaty on European Union, on the convening of an intergovernmental conference (IGC) to modify the treaties on which the Union is founded (00000/2007 – C5-0000/2007),
- 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 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 (A6-0000/2007),

Whereas:

- A. two years of reflection on the future of Europe have confirmed the need to safeguard the content of the innovations of the Constitutional Treaty in terms of 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;
- B. this view is broadly shared by the national Parliaments of the Member States and the

¹ OJ C 247 E, 6.10.2005, p. 88.

² *Texts Adopted*, P6_TA(2007)0234.

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 aiming 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 its substance;
 - E. the mandate 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 prevent the dismantling of the European construction and of its Community method, which for more than 50 years have been a source of peace and prosperity;
1. Takes note of the mandate for the IGC which was agreed by the European Council;
 2. Regrets that this mandate implies the loss of some important elements that had been agreed during the 2004 IGC, such as the concept of a single constitutional treaty, the symbols of the Union, an understandable denomination of the legal acts of the Union and a clear statement of the primacy of the law of the Union;
 3. 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;
 4. 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;
 5. 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 ensuring that it does not weaken its legislative powers, in particular as regards the control of delegated acts;
 6. Welcomes the fact that the mandate safeguards the substance of the Constitutional Treaty,

notably the single legal personality of the Union and the suppression of the pillars structure, the quasi-generalisation 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;

7. Welcomes the fact that the mandate provides for the introduction of new elements in the treaties concerning the social and ecological dimensions of the Union, as demonstrated by the explicit mention of climate change and solidarity in the field of energy and the strengthening of the role of services of general economic interest;
8. Welcomes the precise mandate 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;
9. Expresses a favourable opinion on the convening of the IGC;
10. 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;
11. Welcomes the strengthening of the modalities of its participation in the IGC as agreed by the European Council;
12. Reserves its right to address to the IGC concrete proposals on specific items within the scope of the mandate;
13. Will respond to the invitation made by the European Council to deal with the issue of its own composition in due time;
14. 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;
15. Calls on the Member States to ensure full transparency of the work done by the IGC, notably by publishing all the documents submitted to it for discussion;
16. Reaffirms its intention to maintain an open dialogue with the national parliaments and with civil society until the conclusion of the process of revision of the treaties;
17. Calls on the IGC to ensure, for reasons of transparency, that the results of its work will also be published in form of a draft consolidated version of the Treaties;
18. Reserves its right to put forward, after the 2009 elections, new proposals on a further constitutional settlement for the Union, in accordance with the clause on treaty revision³;
19. 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

³ See Article IV-443 of the Constitutional Treaty.

the parliaments of the Member States and to the European Central Bank.