

## Constantinos Simitis

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**Θέμα:** ACED comments D. Huebner  
**Συνημμένα:** ACED brussels\_commentsHUEBNER\_14.05.07 .pdf



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Dear member of the ACED,

Please find attached the comments by Commissioner Huebner,

Best regards,  
Eva Heidbreder

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## General comments

- Political messages of the Declaration might sound too defensive or too negative and retrospective, while technical ones could be too difficult to understand to general public.
- At the very beginning of the Declaration it might be worthwhile to remind about the role/mission of ACED, purpose of its work, what we want to achieve through the proposal/declaration (point 9 could be used).

*For example, following the mission statement: "ACED mission is to contribute to the debate on Europe's political future, 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 ACED members as 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 the compromise".*

- Reference to the Laeken Declaration is important but is there really "an agreement of the public opinion on the Laeken questions"? We might need to be rather careful as far as wider public awareness of this document is concerned (point 4).

Reference to Laeken could be considered at the beginning of the Declaration when the context of the constitutional debate is set. The text could mention that the call for efficiency, democracy, transparency etc is still as valid as it used to be six years ago and the challenges ahead of us, identified in Laeken, not only remain but are even bigger.

- It could be desirable to better explain what concerns we address in ACED proposal. What could be changed or improved by means of a new text? Why do we need it in the first place (not only because the current CT has been rejected by FR and NL – this was the reason to restart the discussion): in order to meet citizen's aspirations? to equip the EU to meet the challenges of globalisation? what kind of challenges?

In the current text of the Declaration, the most prominent reasons for which we need a new treaty seem to be *bringing the institutions closer to the citizens* and *giving citizens a possibility of a final word over the direction of policies* (under point 2 and 3). These are important but rather non-exhaustive grounds for a new text. Moreover, have indeed the improvements suggested by the CT been such as to clearly bring Union closer to the citizens? And, irrespectively of the fact that we should aim at this, will we manage to achieve "the Union closer to its citizens" by means of a new treaty?

- On timing: the IGC should not only be convened before the end of 2007 – it should be finalised by that time (point 5) in order to have a new text before the EP elections and to explain its content to people. It seems important to stress that in June we must achieve endorsement/commitment with regard to the structure and content of the treaty (assumption made by the DE Presidency)
- With regard to the new elements which could be incorporated in the treaty (point 7), the suggested catalogue might seem too long, not all proposals could be clearly understood and not all have been discussed by the group. What do we mean by the

"surveillance mechanism"? And what would "improving defence" imply – the EU army? On the other hand, an important item could be added, as already reflected in the Berlin Declaration, namely supplementing the new text by a principle of the multilevel governance and sharing of tasks between various levels of governance in the Union.

Instead of saying "to broaden the mandate" we might suggest to "include the following elements in the mandate".

- In point 8 we mention that the option of a future Constitution of the EU should be open. Such a statement might be difficult to accept for all those who oppose the idea of the Constitution and could raise unnecessary discontent (as we want to remove a constitutional flavour from the treaty, we might need to abstain from any references to the Constitution in the future as well - which by itself is not excluded).
- We could also reflect on the possibility of presenting two messages as an outcome of ACED work:
  - the first, the Declaration made to the public, explaining the preferred solution for the new treaty structure and its content, and
  - the second, a letter addressed to Chancellor Merkel, presenting the draft new treaty as prepared by the European University Institute

#### Detailed comments

- pt 1 in the second last sentence should remove *not surprisingly*; worthwhile to reformulate the sentence – too negative

We should be careful with regard to the last sentence *EU has to change* – the treaty alone will not make it happen

- pt 3. *less a rejection of Europe* – not at all a rejection

Why do we mention an *institutional gridlock*?

*Times are not ripe for the European Constitution* – does not seem necessary to include such a sentence

Rather avoid general statement such as *citizens did not feel that the proposed CT would remedy ...*- only citizens of the two countries said NO - 18 have accepted

- pt 6. the solution presented by ACED must be simple and understandable therefore reference to the possibility of "protocols" or "Part III" seems to technical– these are things known to people who deal with the problem but not to general public.