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**Θέμα:** ACED comments M. Wallström

**Συνημμένα:** Comments WALLSTRO\_M\_11-05-200.pdf



Comments  
STRO\_M\_11-05-2

Dear member of the ACED,

Please find attached M. Wallstroem's comments for the June meeting.

Best regards and a good weekend,  
Eva Heidbreder

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Mr. Giuliano Amato  
Chair of the Action Committee  
for European Democracy

Dear Giuliano!

Many thanks for sending us the draft declaration and the background documents. As the moment for presenting the outcome of our reflection is approaching, I found the documents very helpful and I would like to congratulate you and your team for the work accomplished. However, I would like to share with you and our colleagues a number of suggestions and idea, acting in my personal capacity.

*A European Public Sphere and the right to information*

Forgive me for beginning with an issue which is, as you know, very close to my heart. I would like to say that I fully support the point made by Costas Simitis who argues in favour of a European Public Space. Information and communication are crucial in building up a civic competence. Unless they receive a proper, fair and substantial information about what happens and what is decided in Europe, the citizens will not be able to fully participate in the democratic political life of the Union. If we want to stimulate a real EU-wide debate and reconnect the European Union with its citizens, it is necessary to renew the way we communicate Europe to the citizens. The debate on European issues should not only be a matter for political elites. Each citizen should be able to accede to the information on European issues. Therefore, I am also happy to see that the idea of a citizen's right to information is reflected in the draft declaration. I also believe, as you said during our last meeting, that we have a collective responsibility in communicating the reasons justifying a new Treaty and why a new consensus is necessary.

*On the options for a new Treaty.*

I read with considerable interest the "*Feasibility study for a New Treaty and supplementary Protocols*" and I am convinced by the arguments in favour of option 1, which would consist of a New Treaty of 70 articles, accompanied by two protocols (and the Charter, I will come back to this aspect). This option is a credible one and able to attract political attention. It is an option that we can defend in public as being at the same time readable and different from the text of the Constitutional Treaty. We also have to recognise that, thank to the work of the European University Institute, this is major part of the work of this Committee. I believe that the feasibility study, amended in order to deal exclusively with the option which will be endorsed by the members of the Committee, should be presented together with the declaration. Some political actors have already presented their idea for a future Treaty (Andrew Duff, Gerard Onesta and Jo Leinen to name a few), while others will soon do so as Inigo Mendez de Vigo. We should do the same on 4 of June.

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On the option itself, I would ask for a limited - but nonetheless significant - number of changes.

As regards the Charter of Fundamental Rights, I would be happy with the inclusion in the new Treaty of a simple article giving it a legally binding force. However, I am not convinced by the solution envisaged in the text. It is suggested that the Charter itself should not be attached to the new Treaty. But, as we know, the text of the Charter is not the same as the Charter proclaimed in 2001. Therefore, it is imperative that the text is known and accessible. The best way to achieve this would be to publish the Charter together with the New Treaty and not to simply refer in an article to the text included in the Treaty establishing a Constitution for Europe.

I have to signal also my disagreement on the solution suggested for the article I-2 (the Union's values). Moving the content of this provision to the article on the accession to the Union is, in my view, both unnecessary and politically counterproductive. Article I-2 *per se* does not belong to the provision that have "constitutional character", it has not been contested during the ratification of the Constitutional Treaty, and it is not challenged by any Member States in the context of the informal consultations carried out by the Presidency. If we make values less visible in the new Treaty how will we counter the arguments of those who say that the Union is only based on the internal market and not on values? Also, how will we ensure the link between the values and the suspension of the rights resulting from the Union membership?

I also believe that the feasibility study should be unambiguous on the fact that the two Protocols are intimately linked, which implies that they ought to be ratified and enter into force at the same time as the new Treaty. Finally, if we want to signal the importance we attach to the delivery on policies, it would better to take the Protocol on the Development of the Union policies as the first one, while the Protocol the Functioning of the Union should become the second.

#### *On the draft declaration*

A new paragraph 1 could explain who we are and why we have engaged in this common project. Some of the language in the mandate of the Committee could be useful to this effect. The fact that we belong to different political families and that we come from different member States should also be emphasised. Against this background, it would be easier to understand that we are willing to contribute to the general political debate and to assist the German Presidency with a solid and credible proposal, but that it would then be for the Presidency and for the IGC to negotiate a deal.

I have the feeling that we should use a more balanced language in paragraph 1. 50 years of successful integration and the many achievements of the EU should be mentioned there, while recognising that confidence and trust can not be taken for granted and that we have to work more closely with the citizens to meet their legitimate expectations and concerns.

In paragraph 3, I suggest deleting the last sentence. It does not add anything to our reasoning and could be counterproductive.

Between paragraphs 4 and 5, a new paragraph could be inserted mentioning the period of reflection; indeed, we miss a language on what happened between June 2005 and the current attempt to re-launch the treaty review process. In paragraph 5 itself, the

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Committee should signal that we are also looking for a short IGC to be concluded by the end of the year.

In paragraph 7, we should be more direct on the additions that the Group suggest. A sentence such "*the European Council could consider broaden the mandate of the new IGC to include all or some of the following issues*" is too broad. We know that a large reshuffling of the text, while highly important, would not be a sufficient political response. Additions on a number of clear and limited political priorities are necessary. From my point of view, the three most prominent issues are: addressing the challenge of climate changes, inserting a citizens' right to information and enhancing the Union's social dimension.

On the contrary, I feel that we have not discussed properly other suggestions; for instance, what is meant by "the surveillance mechanism for the implementation of the EU policies"? What else could be done in the field of the internal security, since the relevant provision of the Constitutional treaty would already considerably strengthen the Union policy in this area?

I feel uneasy with the entire paragraph 8: The option of a future Constitution would always remain open, if a new political consensus would emerge in the closer or more distant future. But flagging this option at this stage, could give to those who fiercely oppose any European Constitution an argument to refuse also the new treaty.

I am looking forward to discussing these issues with you and seeing your reactions.

For the benefit of our collective work, I am copying this letter to all Members of the Committee

Yours sincerely,



Margot Wallström