

ACTION COMMITTEE FOR EUROPEAN DEMOCRACY (ACED)
MINUTES OF THE CONCLUSIONS
2ND MEETING, FIRENZE 15/16 SEPTEMBER

I PARTICIPANTS

Members of the ACED¹:

Giuliano Amato, Stefan Collignon, Jean-Luc Dehaene, Danuta Hübner (with Joanna Szychowska), Sandra Kalniete, Paavo Lipponen (with Tapio Pekkola), János Martonyi, Inigo Mendez de Vigo, Chris Patten, Otto Schily, Costas Simitis, Margot Wallström (with Floriana Sipala).

For the Robert Schuman Centre for Advanced Studies:

Paolo Ponzano (European Commission), Bruno de Witte (only 16 Dec.), Jaques Ziller, Eva Heidbreder.

II FURTHER PROCEDURE AND OBJECTIVES FOR NEXT MEETINGS

To promote the group's main objective – to be of support to the German and consecutive presidencies – the members of the ACED decided to take a three-step approach:

- 1) The chair of the group, G. Amato, is entrusted with publishing an **article addressed to the general public** in order to produce text on the general direction and principles of the group, which aims to suggest solutions for solving the crisis after the non-ratification of the Constitutional Treaty in France and the Netherlands. The article is to help give a fresh impetus to the debate in Europe by referring back to the questions of the Laeken declaration.

The article is to be published by the **end of January 2007**.

- 2) Soon after the German presidency will have published its *Berlin Declaration* on the 50th anniversary Treaty of Rome (25 March 2007), the ACED is intending to produce a **more detailed statement**, explaining how a new treaty could address the concerns of No-voters while preserving the essence of the Constitutional Treaty. The document would take the format of a political statement explaining why the EU needs a new Treaty. Although not proposing the details of an alternative treaty, it could nevertheless outline the structure of the new treaty, as drafted for the December meeting of the ACED meeting.

The next meeting has been scheduled for **23/24 February 2007**, in which the political statement will be finalised. The meeting shall take place in Berlin. The sherpas of the German presidency shall be invited to the meeting to discuss the group's ideas.

- 3) The more detailed proposal will be produced by May 2007 to serve as a guideline for a mandate to an IGC that will have to re-draft the Constitutional Treaty (maybe under Portuguese presidency). The **final technical document** is to be drafted on the basis of the document provided in preparation of the meeting on 15/16 December 2006 (draft proposal and table of correspondence).

The final detailed and more technical document is to be delivered **after the French presidential elections** (6 May 2007, second round)² and before the final European Council under German presidency (21/22 June 2007).

¹ Members of the group but not present in the meeting: Michel Barnier, Dominique Strauss-Kahn, António Vitorino, Wim Kok.

² French presidential elections take place on 22 April 2007, the second ballot on 22 May 2007. On 10 June the elections to the national assembly are held (second ballot 17 June 2007).

III AD 1: THE ARTICLE ON THE PRINCIPLES AND GOALS

There was wide agreement that it might be useful to restore the questions of the Laeken Declaration, G. Amato summarised the basic arguments for an article on the following principles:

- (a) to use the interrogative style of Laeken;
- (b) to call on the necessity for a more democratic, transparent, and efficient European Union;
- (c) to ask whether this does not demand a new, better text to ensure: an improved institutional setting, simplified instruments, and better policy delivery in a globalised world.

IV AD 2: THE DOCUMENT ON THE MAJOR SUGGESTIONS

It was pointed out that the German presidency is likely to conclude on a new IGC. But a successful IGC requires good preparation. Since the road map for the future procedure seems already decided, the group intends to concentrate on what could serve as a mandate for the IGC that has to decide on (most likely) an alternative treaty text. The ACED moreover underlines that it does not want to create the impression to be interfering with the work of the German presidency. On the contrary, it stresses that it would like to be as much as possible of help and assistance to the German and subsequent presidencies and, to this end, will promote and welcome a dialogue with the German sherpas.

V AD 3: THE FINAL DETAILED DOCUMENT – SUGGESTIONS FOR AN IGC MANDATE

The document produced in preparation for the ACED meeting held in Florence on 15/16 December 2006 (from now on 'draft proposal') served as the basis for the Group's discussion. The following points were raised and decisions taken.

- (a) Title for a future treaty:
 - the need for a title that functions in all official languages was underlined, yet scepticism about the proposed titles 'consolidation treaty' and 'adaptation act' were raised since the terms are too complicated;
 - as alternative 'treaty for an enlarged European Union' was suggested, but was criticised for possibly fuelling arguments that link scepticism towards enlargement with the constitutional process;
 - another alternative mentioned was 'framework' treaty;
 - no final decision for an alternative title was taken.
- (b) Restructuring and timeframe:
 - the idea of splitting the current Constitutional Treaty into two treaties was suggested in the draft proposal;
 - the majority of the group raised concerns that this would also split the ratification processes as the two treaties (Part I and the technical Adaptation Act) would get ratified at different points in time. It also could give the false impression to the electorates that they are asked to ratify a Treaty without knowing later amendments to Part I and without enforcing all changes of Part III ('adaptation act' in the draft proposal) immediately;
 - instead of having only one or two treaties, a third option proposed was to add Part III as a protocol to a new 'framework' treaty and thus include it as a technical matter in a single ratification process;
 - no final agreement was achieved, yet there was a tendency to support Part III being added as a protocol to a single document. This would imply one single ratification procedure. It also means that the ratification debate would cover the whole range of all Treaty provisions.

(c) Basis for a new treaty text:

- two different positions for an alternative treaty proposal were expressed. The majority of the group tended to agree with option B:

Option A: staying as close as possible with the form of the Constitutional Treaty, i.e. taking the basic structure of Part I and adding elements needed to make it viable as a single treaty text, given that the Constitutional Treaty answered in the best way possible the questions of Laeken:

- o pro: avoiding the danger of re-opening packages made in the Convention; a new IGC is not guaranteed success and a re-shuffling is likely to provoke demands for re-negotiation.

Option B: taking our draft proposal with wide-ranging re-shuffling and new titles (for, in essence, the same articles contained in the Constitutional Treaty) as a basis:

- o pro: offering something new; staying too close to the Constitutional Treaty would appear as trying to re-sell the same text.

(d) Concrete additions/corrections to the draft proposal:

- values: the absence of values was repeatedly criticised, in particular from the perspective of central and eastern European states the significance of an article of EU values was stressed (including a reference to minorities);
- policies: sustainable development, territorial cohesion, as well as immigration and asylum policy were missing from the draft and shall be added.

(e) Ratification of a future first 'framework' (basic/consolidation) treaty:

- referenda: the group started in its meeting in Rome (September 2006) from the assumption that, apart from Ireland, no state is legally obliged to hold a referendum and that the suggested revised and split treaties would lower the political pressure to hold referenda:
 - o the option for a pan-European referendum, as suggested in the preparatory document, was touched on and criticised for the impossibility to hold a consultative referendum without accepting a possible no-vote in a state, yet the discussion on the point was not fully exhausted;
 - o in case national referenda prove to be politically necessary, one has to keep in mind that the Treaty protocols would be submitted to voters' approval as part of the treaty.
- considerations regarding single member states:
 - o the Charter of Fundamental Rights shall be given legal force by a single article and be added as a protocol (in its revised version, i.e. Part II of the Constitutional Treaty), it was stressed that including the Charter will have great effect on British public opinion and will substantially increase the voices to calling for a referendum.

(f) Reference to a future Constitution should avoid to:

- provoke the critique of neglecting the electorates' vote against a constitution,
- underline that a solid and lasting solution is proposed by the alternative treaties.

*Eva G. Heidbreder
Stefan Collignon*