

## Resolution on the European Parliament Opinion on the convening of the Intergovernmental Conference (13 March 1996)

**Caption:** On 13 March 1996, in anticipation of the Intergovernmental Conference (IGC) due to open in Turin on 29 March, the European Parliament adopts a resolution expressing its hope that the IGC might play a supportive role in the setting up of a true European Political Union.

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## **Resolution on Parliament's opinion on the convening of the Intergovernmental Conference; and evaluation of the work of the Reflection Group and definition of the political priorities of the European Parliament with a view to the Intergovernmental Conference (13 March 1996)**

The European Parliament,

- having regard to its resolutions of 17 May 1995 on the functioning of the Treaty on European Union with a view to the 1996 Intergovernmental Conference - Implementation and Development of the Union, and 14 December 1995 on the agenda for the 1996 Intergovernmental Conference with a view to the Madrid European Council, and the report of the Reflection Group,

- having regard to the public hearings that it held in October 1995 and February 1996,

- having regard to the letter from the Council (C4-0026/96), consulting it pursuant to Article N(1) of the Treaty on European Union, on the convening of the Intergovernmental Conference (IGC) to consider amendments to the Treaties on which the European Union is founded,

- having regard to the opinion of the Commission of 29 February 1996 entitled "Reinforcing political union and preparing for enlargement (COM(96)0090 - C4-0151/96),

- having regard to the report of its Committee on Institutional Affairs and the opinions of the Committees on Foreign Affairs, Security and Defence Policy; Agriculture and Rural Development; Budgets; Economic and Monetary Affairs and Industrial Policy; Research, Technological Development and Energy; External Economic Relations; Legal Affairs and Citizens' Rights; Social Affairs and Employment; Regional Policy; Transport and Tourism; Environment, Public Health and Consumer Protection; Culture, Youth, Education and the Media; Development and Cooperation; Civil Liberties and Internal Affairs; Budgetary Control; Fisheries; Rules of Procedure, the Verification of Credentials and Immunities; and Women's Rights (A4-0068/96),

A. whereas in the period since the Second World War the European Community and the European Union have been synonymous with peace, political stability and harmonious economic and social development in Europe, and whereas the Union must have the same significance also for the future, particularly for countries wishing to accede to it,

B. whereas enlargement constitutes an extraordinary opportunity for the political unification of Europe and whereas the IGC should reform the Union in order to prepare it for future enlargement and, at the same time, deepen the integration process,

C. whereas it is absolutely vital for the IGC to meet the demands of citizens for a Europe with a better balance in its common policies, a comprehensive definition of European citizenship, an effective internal security policy, a visible foreign policy serving the interests of peace, greater openness and transparency in the Union, more democratic and effective rules and procedures and transparent financial management that guards against fraud,

D. whereas the Union's own founding principles require a reform of the Treaties with a view to achieving a more suitable balance between the European institutions and policies, consolidating the importance of cohesion, solidarity and the common foreign and security policy, enhancing the democratic legitimacy of the European institutions and making them open and transparent,

E. whereas the "strengthening of social and economic cohesion" and the "introduction of a citizenship of the Union", as provided for in Article B of the Common Provisions of the EU Treaty, cannot be achieved without strengthening the cultural dimension of the Union; whereas culture is a driving force behind development and whereas all sustainable development must take into account the impact of policies as a whole on heritage and the environment,

F. whereas the strengthening of existing policies which is needed will not be possible except in the context of merging the three pillars in a single institutional and legal framework and with due respect for the principles of subsidiarity and solidarity,

G. whereas these are reason enough to produce in-depth reforms but whereas the forthcoming enlargement of the Union to include Malta and Cyprus and countries of Central and Eastern Europe will provide a strong additional argument for adapting the Union's institutions and functioning to meet the needs of an enlarged Union,

H. whereas there is also a formal requirement for an evaluation and reform of the Treaty on European Union as set out in Article N(2) of that Treaty, but restricting the review to the points indicated in the Treaty is insufficient to prepare the Union for future enlargement,

I. whereas it is essential for the Union to define, on the basis of the *acquis communautaire* which must be retained in full, clear and precise aims and objectives which are shared by all the Member States and which cannot be challenged under any circumstances,

J. whereas, in addition to the IGC, the next few years will also see important decisions taken concerning monetary union, the renegotiation of the own resources system and the financial perspectives, and the accession negotiations, and whereas all these decisions will be decisive for the shape of the European Union in the year 2000,

K. whereas the report of the Reflection Group constitutes a good point of departure for the IGC negotiations; whereas, however, the report contains a number of positive options but also some shortcomings and negative options and no unanimous agreement on the major issues for the IGC; whereas it is essential, therefore, that Parliament makes its position and its priorities clear before the IGC starts,

L. whereas the European Parliament must be closely associated with the IGC negotiations and should be able to give its assent to the final outcome, before the national parliaments give their assent,

M. whereas European citizens need to be kept fully informed of the IGC process to ensure that the IGC decision-makers do not lose touch with public opinion and that ratification can take place with broad public support.

### **Opinion of Parliament on the convening of the IGC**

1. Expresses its support for the convening of the Intergovernmental Conference with a view to proceeding to the necessary improvements and revisions of the Treaties, and thus progressing towards a genuine political union;

### **The key priorities for the future of Europe**

2. Reaffirms and reiterates its aforementioned resolution of 17 May 1995 as the basis of its position on the IGC; considers that there are a number of key priorities which need to be successfully tackled at the IGC if the outcome is to be worth ratifying:

I. *an improved definition of European citizenship and enhanced respect for human rights* through extension of specific rights for European citizens within the Treaty, the strengthening of fundamental human rights and the principles of equal treatment and non-discrimination, and consolidation of those rights concerning citizens which are currently dispersed throughout the Treaty within a single Treaty chapter on European citizenship, and finally through the creation of a full guarantee of legal protection by the European Court of Justice for the bodies of the Union, Member States and citizens. Strengthening the cultural dimension and exchange opportunities in the Union will have a powerful impact on its democratic legitimacy;

II. *a more effective response to the concerns of the public over internal security, by*

- giving a Community dimension to the external aspects of policy on justice and home affairs (visa, asylum and immigration policy, rules on crossing external frontiers), as well as measures to combat drug trafficking and to promote judicial cooperation in civil matters;
- greater recourse to Community institutions and procedures in respect of police, naval and customs cooperation and cooperation between the courts on criminal matters;

III. *development of the social and ecological dimension and of employment policy within the internal market, and the strengthening of economic and social cohesion as a fundamental goal of the Union and an integral part of the Community patrimony by making appropriate amendments to the Treaty, by defining more clearly and coordinating Community policies in these fields, and by making them more democratic;*

IV. *reinforcing the European Union's external role, notably in safeguarding peace and security, by developing a fully operational common foreign and security policy particularly through greater use of qualified majority voting, the establishment of a Common Analysis and Planning Unit under Commission auspices and the gradual integration of the WEU in the EU Treaty;*

V. *a positive response to the public's desire for greater openness and transparency by means of a reduction in EU decision-making procedures, the introduction of the basic principle of openness within the Treaty, guaranteed access to EU documents, and opening up Council meetings on legislative matters, and guaranteeing publication of Council decisions and documents relating to legislation;*

VI. *decisive progress towards a more democratic and more efficient Europe, based on the concept of statutory equality of states, thereby guaranteeing that all Member States are on an equal footing in terms of participation in the institutions of the Union; progress must be achieved in particular by introducing majority voting and a simplified codecision procedure as the general EU procedure on legislative matters, and by reinforcing the role of the European Parliament;*

VII. *greater credibility for the European Union, to be achieved via effective action against the fraudulent use of Community financial resources at all levels, which presupposes:*

- a democratic procedure to establish all the Community regulations required to protect the financial interests of the European Communities;
- greater monitoring by the Court of Auditors;
- the constraining nature of Parliament's remarks attached to the decision on discharge.

VIII. *a simplified, codified and more comprehensible Treaty;*

3. Considers that, by 1999, an adequate system of own resources should be established in accordance with the principles of solidarity between the Member States, subsidiarity, the relative prosperity of the Member States and economic and social cohesion, so as to guarantee the autonomy of the Union and the effectiveness of its action; such a system should not involve any extra financial burden for the citizens;

### **A strategy, an institutional dynamic and instruments in the service of these key priorities**

4. *Improved definition of European citizenship and enhanced respect for human rights*

4.1 European citizenship should have precise legal substance; the rights and obligations affecting European citizenship should be consolidated in the first chapter of the Treaty under the heading "Declaration of basic rights and provisions governing the exercise of the rights of European citizens and residents" and such on the basis of the Declaration of fundamental rights and freedoms adopted by the European Parliament on 12

April 1989; this new chapter in the Treaty should make it clear that European citizenship gives the citizen new rights and obligations towards the Union, and does not replace national citizenship but complements it;

4.2 The European Union should accede to the European Convention on Human Rights and Fundamental Freedoms so that human rights laid down in the Convention not only have legal applicability at European Union level, but can also be capable of review by the European Court of Human Rights;

4.3 The Treaty should make it incumbent on the Member States to protect fundamental and human rights;

4.4 The Treaty should include a list of fundamental rights relating to the transposition and application of the law of the Union and of the Communities. This should take account of the cross-border aspect of protection of fundamental rights (e.g. protection of the freedom of association and protection of the family);

4.5 The European Union should include in this special chapter the principle of equal treatment and non-discrimination regardless, in particular, of race, gender, sexual orientation, age, religion or handicap;

4.6 In this same chapter specific reference should be made to the abolition of capital punishment and to the punishment of all acts of racial or anti-semitic violence, harassment and abuse;

4.7 Equal treatment of women and men should be recognized as a fundamental right in the revised Treaty; the substance of Article 119 of the Treaty should be maintained but should be extended to all aspects of equal opportunities in all areas, notably economic, social and family life, with explicit reference being made to affirmative action;

4.8 Economic and social rights with transnational scope should be defined clearly in this chapter, especially the individual and collective rights of employees;

4.9 The list of fundamental rights should contain a section on European political rights which should cover, in particular, the adoption of a uniform electoral system with a deadline for implementation, a single statute for Members of the European Parliament and the development of political parties at European Union level;

4.10 The traditional position of social groups in the Member States should be respected and not impaired by Community legislation, having due regard to the *acquis communautaire*;

4.11 The Union should promote the development of common policies in the sphere of youth;

4.12 To encourage a feeling of belonging to the Union and of solidarity between the Member States, in particular amongst young people, a Voluntary European Peace Corps should be set up, for example for humanitarian missions within and beyond the European Union;

4.13 The European Union should support the recognition of cultural and linguistic diversity and protection of traditional national minorities and their languages by the Member States and, in the context of human rights, democracy and the rule of law, provide express recognition, protection and support for its minority languages and cultures;

4.14 Account should be taken of the specific nature of the cultural dimension and the need to guarantee pluralism in the measures and policies implemented in all sectors of activity; the Union should take the joint measures necessary to promote cultural and linguistic understanding both within and outside the Union, exchanges and networks of institutions and experiences, the protection of cultural assets, the harmonization of legislation on copyright, and support for the translation, free circulation and dissemination of cultural works and information;

4.15 European citizens must under no circumstances be treated as foreigners within the European Union;

4.16 Third-country nationals legally resident in the Union should be given guarantees regarding respect for

human rights, equality of treatment and non-discrimination with regard to social, economic and cultural rights and the right to vote in local elections, in accordance with the Council of Europe's Convention;

4.17 Comprehensive legal protection should be guaranteed within the scope of the European Union (including Europol) by the national courts, the Court of First Instance and the European Court of Justice;

4.18 Sport must be included in the Treaty, in the context of education, training and employment policy, as well as cultural policy. The Union should encourage in particular transnational initiatives, while respecting national sporting identities;

#### 5. *A more effective response to the concerns of the public over internal security*

5.1 Subjects related to the following should be dealt with by means of Community procedures and institutions:

- asylum policy (Article K.1(1));
- the rules governing the crossing of the external borders (Article K.1(2));
- the rules governing immigration policy and policy towards third-country nationals (Article K.1(3));
- action to combat drug-trafficking (Article K.1(9)), together with the inclusion of an explicit reference in that article to the traffic in human beings, especially minors and women;
- action to combat international fraud and organized crime (Article K.1(5));
- also, subjects related to judicial cooperation in civil matters (Article K.1(6)) where they are related to the exercise of the free movement of persons;

5.2 The other subjects included in Title VI of the EU Treaty should be dealt with through greater recourse to Community procedures and institutions and revised to incorporate the following:

- strengthening of the powers of the Commission (right of initiative) and the European Parliament (codecision), in order to improve the level of democratic control;
- recognition of the competence of the Court of Justice, particularly its jurisdiction over disputes concerning the interpretation of the text of conventions;
- reinforced protection of human rights;
- greater use of qualified majority voting;
- transparency (in particular, publication of Council proposals and acts in the Official Journal);
- ending of the frequent use of legal instruments not provided for in the Treaty on European Union (resolutions, recommendations and conventions), so as to allow democratic control to be exercised;

5.3 A '*passerelle*' should be maintained for giving a Community dimension to these matters: the conditions for application of Article K.9 of the Treaty should be made more flexible using qualified majority voting in Council, with the need for such decisions to be ratified by the Member States having to take account of their constitutional provisions;

5.4 The commitment of democracies to combating terrorism should be strengthened; the Member States must undertake through a specific Treaty obligation to withdraw the reservations they have lodged in this connection in accordance with Article 13 of the European Convention on the Suppression of Terrorism;



## *6. Development of the social and ecological dimension and of employment policy within the internal market, and of economic and social cohesion*

6.1 A single market, sustainable development, and economic and social cohesion require the capacity to adopt the common policies needed in the following areas: the social spheres, employment, certain aspects of taxation, and the environment. In these areas, qualified voting and the codecision procedure must become the general rule;

6.2 Transparency and democratic accountability should be strengthened in respect of the taking of decisions on the Union's economic policy, particularly those concerning the adoption of economic guidelines and the excessive deficit procedure;

## *7. A far-reaching social union*

7.1 The agreement on social policy will be incorporated in the Treaty and should be improved;

7.2 The essential principles of the Community charter of fundamental social rights should be incorporated in the body of the Treaty, especially those concerning equality between women and men and transnational rights of organization, collective bargaining and industrial action (including the right to strike);

7.3 The Treaty should include an obligation on the Commission to submit a set of measures, accompanied by a schedule, which are needed if there is to be a social union;

7.4 The Treaty should provide a clear obligation on the part of the Union to develop a policy to overcome social injustice, exclusion, discrimination, and poverty, and give the Commission the necessary powers to implement it;

## *8. A pro-active policy for employment*

8.1 Employment must be the focus of all European policies, particularly those conducted within the framework of economic policy. This is in no way intended to unbalance economic and monetary union but to take into account the three imperatives of competitiveness, growth and employment and to facilitate its achievement by paving the way for sustainable development;

8.2 The Treaty shall be supplemented by a new chapter establishing a 'Union for Employment'. This chapter shall specify the common objectives and the procedures followed in this area and shall mark the contracting parties' commitment to certain basic principles relating to employment policy;

8.3 Article 2 of the Treaty should specify the Community's social function of 'promoting a high level of employment and of social protection for women and men';

8.4 The objective of a high level of employment should be set out in Article 3a(3) of the Treaty among the 'guiding principles' of the action of the Member States and the Union with a view to economic and monetary union. It should also be referred to in the other relevant articles of the Treaty. The Treaty should instruct the European Council to adopt the main guidelines for economic and employment policy in order to establish the necessary balance between these two closely linked areas of action;

8.5 A Committee on Employment which will have a similar status to the Monetary Committee shall be set up in order to promote the coordination of the Member States' and the Community's employment policies and to contribute to the preparation of the work of the Council regarding economic and employment policy, in consultation with the social partners;

8.6 The IGC should incorporate in Article 1 of the Agreement on social policy the principle of 'harmonization while... improvement is being maintained' which is referred to in the first paragraph of

Article 117 of the Treaty;

### 9. Fiscal policy and the internal market

9.1 The development of the internal market and the promotion of economic and social cohesion require the harmonization of certain forms of taxation;

### 10. Information

10.1 The Union shall encourage all forms of exchanges of information and facilitate citizens' access to information by removing obstacles. It shall protect pluralism in the media and the arts;

10.2 The Union shall encourage cooperation between radio and television companies, and the development of the multimedia sector, in particular through the production of programmes conceived at European level;

### 11. Public service obligations: A European Union which promotes the general interest

11.1 The Community's action is not only directed towards the establishment of a competition regime within the single market: it is also at the service of the general interest, and therefore has functions relating to the strengthening of economic and social cohesion and the protection of consumers and service users;

11.2 Article B of the EU Treaty and Articles 90(3) and 100a of the EC Treaty should be amended to include a reference to services of general interest;

11.3 The fundamental principles of public service, i.e. accessibility, universality, equality, continuity, quality, transparency and participation within the framework of the single market, and with respect to the principle of subsidiarity, should be written into the Treaty;

12. The strengthening of social and economic cohesion as a basic task of the Union and an integral part of the '*acquis communautaire*'

12.1 Social and economic cohesion constitutes solidarity between the Member States and regions and takes the form, as far as possible, of balanced, sustainable development, the narrowing of structural gaps between countries and regions and the promotion of genuine equal opportunities for people and the regions in the single market;

12.2 Progress in the European Union's political project and the prospect of enlargement to include less-developed countries call for a central role to be given to the principle of social and economic cohesion as a basis for all Union actions and policies;

12.3 The Treaty should also include provision for different, specific treatment for extremely remote regions on account of their particular geographical situation, the fragmentation of their island markets and their shortage of capital and natural resources;

### 13. Environment

13.1 In line with the Reflection Group's wishes and to include the environment as a genuine objective of the Union in the Treaty, the Union Treaty should have a separate clause on sustainability and the environment in its preamble, and protection of the environment should be included in Article 3;

13.2 Protection of the environment should be explicitly taken into account in the implementation of the common policies of the Union, in particular by modifying Articles 130u(1), 130a and 130b;

13.3 All Community policies and measures must be compatible with the objective of providing the greatest possible protection of the environment. Environment policy must therefore be an integrated feature of all



policy areas of the Union which affect the environment, for example industrial policy, agricultural and fisheries policy, transport policy, policy on trans-European networks, energy and research policy, regional and structural policy or commercial and economic policy. The relevant articles should be amended or supplemented accordingly;

13.4 Member States must be able, if so desired, to lay down more stringent environmental standards than those of the European Union in accordance with Article 100a(4);

13.5 The importance of environmental impact reports as a means of strengthening the environmental aspect in the Treaties must be enhanced by amending Article 130r(2);

13.6 Given the enormous interest shown by European citizens, the question of animal welfare should be given greater prominence and included as a new Title XVI B/Article 130t in the EC Treaty;

#### 14. Youth

14.1 The Union should promote cooperation between Member States to encourage the development of transversal policies in the field of youth;

#### 15. Energy

15.1 In order to achieve sustainable development, it is essential to establish the competence of the European Union in the field of energy by creating a new chapter on energy in the Treaty, where the energy policy aspects of the ECSC and Euratom Treaties and other energy policy considerations should be integrated within a common energy policy framework, helping to ensure overall cooperation with regard to security of supply and environmental protection within the internal market framework;

#### 16. Tourism

16.1 The Community and international aspects of tourism as an essential objective of the European Union should be incorporated in the Treaty as an individual and separate field of common policy within the context of the internal market;

#### 17. Fisheries

17.1 A separate fisheries title should be included in the Treaty;

17.2 The assent procedure should be applied to all international fisheries agreements;

#### 18. Strengthening the external role of the European Union by developing an effective common foreign and security policy

18.1. The strengthening of the Union's ability to act externally, which is urgently needed, can only be achieved if the Union and the Member States act in a spirit of solidarity (i.e. together), consistently and efficiently, more so than in the past, in the case of external developments or threats (or challenges) at the external frontiers;

18.2 Parliament agrees with the majority of members of the Reflection Group who feel that the fact that the European Union has no legal personality is a source of confusion to the outside world and tends to hamper and minimize the external role of the Union. The Union should be given international legal personality;

18.3 The Union shall guarantee its territorial integrity and the security of its external frontiers;

18.4 The provisions on the various aspects of external policy, i.e. the common commercial policy, development policy (including the EDF - European Development Fund), humanitarian aid, the CFSP,

including human rights policy and the future defence policy, should be gathered into one chapter of the Treaty;

18.5 The procedures relating to external economic policy should be simplified, in particular by:

- introducing codecision, especially for Article 113 (common commercial policy);
- extending assent to all international agreements and to measures to be taken in the area of economic sanctions (Article 228a);

18.6 The EDF should be included in European development cooperation policy and should also have a Community character;

18.7 The Council and Commission should be assisted by a central unit for making policy studies and submitting proposals, whose task would be to identify common interests of the Union and its Member States, and which should, *inter alia*, facilitate the use of active preventive diplomacy. It would be run by the Commission in close cooperation with the Secretary-General of the Council. It would consist of staff from the Commission and the Council;

18.8 In every aspect of external policy, including the CFSP, decisions should be taken by a qualified majority. Any Member State which is not in agreement with a common position or joint action of a military nature in the areas covered by the CFSP should have a dispensation facility, but should not be able to veto the common position or joint action;

18.9 The Member of the Commission with responsibility for foreign policy should represent the Union in the CFSP in close cooperation with the Council Presidency. The Member could be appointed in accordance with the procedure applying to the President of the Commission. Parliament rejects, therefore, the idea of some in the Reflection Group that there should be a "High Representative" for the CFSP;

18.10 In order to provide a preliminary solution to the issue of the Union's representation in third countries, the necessary steps should be taken to have a diplomatic representation of the Union established in third countries where fewer than four Member States have diplomatic representation;

18.11 The CFSP should be financed on a Community basis. Member States which make use of the dispensation clause may not withdraw from Community financing;

18.12 Parliamentary monitoring of the CFSP should be the responsibility of the European Parliament, where appropriate in cooperation with the national parliaments (for example, in respect of humanitarian aid and peacekeeping). Financing should be provided through the EC budget. The European Parliament must be consulted in respect of common positions and joint actions;

## 19. Security and defence policy

19.1 With due regard for the sensitivity of certain traditionally neutral and non-aligned Member States, the WEU will be gradually merged into the EU. To this end, all the tasks of the WEU including the objectives of the Petersberg tasks but excluding Article V of the WEU Treaty shall be taken over and shall be binding on all EU Member States;

19.2 In the event of military action (with the exception of Article V of the WEU Treaty), no Member State may be obliged to take part nor - notwithstanding the requisite political and financial solidarity - may it prevent a majority of Member States from carrying out such action;

19.3 An integrated WEU should act as the European pillar of NATO but the traditionally neutral and non-aligned Member States need not join in its establishment, even if they participate, with a special status, in the decision-making process;

19.4 The financing of WEU operations should be on a Community basis once integration in the EU is complete;

19.5 Article 223 of the EC Treaty which obstructs the monitoring of arms sales to third countries and prevents the establishment of a genuine common policy on armaments for the Member States must be deleted;

## *20. A positive response to popular demands for more openness and transparency*

20.1 The Reflection Group report has shown considerable shortcomings as regards the issues of openness and transparency;

20.2 The principle of openness of the European institutions should be written into the EU Treaty;

20.3 A general rule of access to EU documents should be established in the EU Treaty;

All documents and amendments to documents which concern legislation or EU decisions must be published, and made accessible to the European Parliament, the national parliaments and ordinary citizens as early as possible and in any event immediately after adoption by the institution concerned;

The documents of the Union must be readable. Treaties must be summarised, restructured, simplified and edited, and the continuing process of codifying Community law should be made an integral part of the Treaty as a joint task of the Commission, Parliament and the Council. Declarations in the form of protocols on the adoption of legal instruments are no longer acceptable;

20.4 Meetings of the Council should be open to the public when it takes decisions on legislation. The proceedings of the debates and the votes should also be made public; Special remarks by, and reservations of, Member States to Union legislation should also be made public;

## *21. Decisive progress towards a more democratic and more efficient Europe*

### 21.1 Extension of qualified majority voting

Qualified majority voting should become the general procedure within the Union, and this should be one of the central objectives of the IGC. The IGC should concentrate on identifying a very limited number of well-defined exceptions where unanimity should still be required. For certain particularly sensitive sectors, i.e. changes to the Treaty, "constitutional decisions" (enlargement, own resources and Article 235) unanimity should always be required;

### 21.2 The re-weighting of votes

- Before any decisions are taken on alternatives to the present system, these need to be explored in much greater depth than they were in the Reflection Group, since they pose highly sensitive political questions of the balance between large and small Member States; the Intergovernmental Conference should at least lay down the basic rules to be applied to the weighting of votes for future accessions;

- Without prejudice to those fields where normal qualified majority voting is already used, the idea of a new super-qualified majority with a higher threshold than a normal qualified majority should be explored in the IGC, to facilitate the passage from unanimity on certain sensitive issues;

### 21.3 Composition and appointment of the Commission

- At the present stage of the Union's development, it is essential to maintain the principle of at least one Commissioner per Member State. The option put forward by the Reflection Group of reducing the size of

the Commission to below the number of Member States should not be followed;

- Not enough attention has been given by the Reflection Group to the system of appointing the Commission. This has to be reformed so that the President of the Commission is directly elected by the European Parliament on the basis of names provided by the European Council;

#### 21.4 Independence and role of the Commission

The independence of the Commission must be safeguarded, its right of initiative maintained and its effectiveness strengthened with a view to enlargement;

#### 21.5 The Committee of the Regions

The Committee of the Regions should have the right to adopt its own rules of procedure, and should be independent of the Economic and Social Committee in administrative and budgetary terms;

#### 21.6 Improved legislative procedures

- EU legislative procedures need to be reformed at the IGC for the sake of both democracy and accountability and of simplifying and changing the legislative process;

- There should one general procedure for legislation, namely codecision;

- Codecision should be extended to all legislation. Legislation should be dealt with by a qualified majority in the Council. Annexes shall be explicitly considered as coming under codecision. The codecision procedure should be simplified, in particular by dropping the phase of intention to reject and by ending the procedure either when there is agreement between the Council and Parliament (even at first reading stage) or when there is no agreement between the Council and Parliament in a conciliation committee;

- Parliament should be required to give its assent to all Article 235 cases, own resources decisions and in all cases of reform of the Treaty and to international agreements;

- The IGC should simplify the existing maze of committee procedures by transferring overall responsibility for implementing measures to the Commission (which can enlist the help of an advisory committee in devising such measures but not type 2 and 3 committees, which should be abolished). The Council and Parliament should be notified of the measures proposed and should each have the option of rejecting the Commission proposal and calling for new implementing measures or the initiation of a full legislative procedure;

- Legal sources should be clarified by a hierarchy of acts;

#### 21.7 Improved budgetary procedures

- As a result of differences of opinion within the Reflection Group, their final report did not give enough emphasis to the need for a reform of the existing budgetary procedures;

- The distinction between compulsory and non-compulsory expenditure should be removed, the budget should be unified and budgetary procedures should be simplified. Parliament should have as much responsibility for compulsory expenditure as it currently has for non-compulsory expenditure;

- The Conference is invited to undertake a genuine reform of the own resources system, which should be concluded, at the latest, when the financial perspective in the Interinstitutional Agreement, as modified, lapses in 1999; in view of the time needed for this reform, the Conference should begin to formulate proposals now, so that the reformed system, which takes account of the Union's development, can be introduced on the expiry of these aspects of the IIA in 1999;

## 21.8 European Union appointments

- The issue of the European Parliament's role in the various appointments poses an important question in the context of the democratic control of EU institutions, but was not fully treated in the Reflection Group;
- The European Parliament should be given a reinforced role, with assent as regards appointments to the Court of Auditors and the Court of Justice;

## 22. *Greater credibility for the European Union, to be achieved via effective action against the fraudulent use of Community funds at all levels*

22.1 The IGC should strive to enhance the Union's credibility with the public, by equipping it with means of protecting its financial interests with all due rigour, including the enacting of sanctions at Community level in accordance with a democratic procedure (codecision, qualified majority);

22.2 Article 209a of the Treaty should therefore be revised so as to:

- establish an obligation on Member States to impose effective and proportionate penalties having a deterrent value in cases of fraud against the Community's financial interests;
- create the necessary and sufficient legal basis for establishing Community rules and for the harmonization of Member State legislation, *inter alia* with a view to adopting uniform criminal penalties;

22.3 The provisions concerning the power of the Court of Auditors should be revised so as to:

- create an obligation on the part of national administrations and audit offices to cooperate with the Court of Auditors, particularly with regard to the statement of assurance;
- extend its powers of control to include the EDF, which should be budgetized, and all bodies administering funds on the Community's behalf and expenditure involved in the CFSP and policy on justice and home affairs;
- endow it with judicial powers, including powers of initiative, subject to appeal to the Court of Justice, with a view to punishing Member States and Community bodies implicated in breaches of Community law affecting the Community's financial interests;

22.4 Article 206 of the Treaty should be modified to make it explicit that the Commission is obliged to follow up the remarks accompanying the discharge;

## 23. *A simplified and more comprehensible Treaty*

23.1 Simplification of the Treaty calls for:

- the rewording of certain constitutional provisions so as to make them clearer and more motivating for the public;
- the removal from the Treaty of provisions that have lapsed or become obsolete;
- the merger of the three Community treaties and the other provisions of the Treaty on European Union into a single unified treaty;
- the reorganization of the contents of the unified Treaty, grouping all the constitutional provisions in one part and the provisions concerning specific policies in another;

23.2 Simplification of the Treaty should not have the effect of undermining the *acquis communautaire*;

23.3 A review of the whole field of Community law should be initiated, with the aim of making it more manageable and easier to understand;

### **Transparency in the process of revising the treaty**

#### *Involvement of the public*

24. Considers that it is essential that European citizens and their elected representatives at both national and Union level are directly informed of the progress and substance of the IGC; requests the Council to outline how it plans to ensure this objective in the course of the forthcoming IGC;

25. Believes that its public hearings in October 1995 and February 1996 constituted useful first steps in involving European citizens (and not just EU institutions) in the debate on the IGC; the summary records of these two hearings are annexed to the report of its committee to act as an initial checklist of citizens' concerns about the issues which need to be faced by the European Union; commits itself to continuing the dialogue with the public begun with these hearings;

26. Considers that the rights of European citizens to found associations across national borders should be explicitly recognized in the Treaty. An appropriate European legal framework should be established to implement this objective and should enable such associations to be informed of, and involved in, EU initiatives and actions;

27. Urges all Member States to stimulate public debate on IGC issues within their countries (on the lines of the initiatives already undertaken in certain Member States);

#### *Involvement of the European Parliament*

28. Considers that the IGC cannot open properly until the Council has decided on the arrangements for the participation of Parliament, pursuant to the conclusions of the Madrid European Council and Parliament's aforementioned resolution of 14 December 1995 concerning the participation of observers, the functioning of the interinstitutional conference and the role of the European Parliament in the ratification of the new Treaty;

### **Limits to flexibility**

29. Welcomes the support in the Reflection Group for the criteria previously outlined by Parliament concerning the limits to flexibility that should be permitted as regards any special arrangements negotiated at the IGC (including the need for them not to lead to an *à la carte* Europe, nor to undermine the key principles of maintenance of the '*acquis communautaire*' and the single institutional framework, solidarity, and economic and social cohesion, and equality of all states and citizens of the Union before the Treaty);

30. Instructs its President to forward this resolution and the report of its committee to the Council, the Commission, the other EU institutions and bodies, and to the governments and parliaments of the Member States.