

Position of the Italian Government on the IGC (Rome, 18 March 1996)

Caption: On 18 March 1996, with a view to the Turin European Council, which will formally open the Intergovernmental Conference (IGC) for the revision of the Treaty on European Union on 29 March, the Italian Government establishes its political objectives and priorities.

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Position of the Italian Government on the Intergovernmental Conference for the revision of the treaties (18 March 1996)

I. The Intergovernmental Conference: The choices for the Europe of the future

The Intergovernmental Conference, which will open in Turin on 29 March 1996, is essential for defining tomorrow's Europe. The revision of the Treaty, the transition to the Single Currency, the start of negotiations for enlargement and the contemporaneous re-examination of certain common policies (agriculture, cohesion), and the definition of the financial prospects for the period after 1999; these are all challenges which should enable the European Union to make further headway. But we should not forget the dangers that each of these tasks entails if we fail to tackle them systematically with a clear, long-term plan.

Now is the time to reaffirm our convictions and to indicate the Europe we want. In keeping with the pro-Europe commitment which has always distinguished the action of Italy's main political, economic and social forces, the Government intends to reiterate its commitment to strengthening the process of European integration in accordance with the following strategic priorities:

- fulfilling the federal vocation of the European Union by means of greater internal solidarity and cohesion and by firmly strengthening the capacity to project a common external image with a view to defending the values shared by all the Member States for the promotion of peace, stability and freedom;
- avoiding a regression to a Europe of Motherlands which would very soon be transformed into a scenario of Nations without Europe, making our countries' role less influential on the international scene;
- strengthening current structures and Institutions, to prevent the enlargement process from weakening the European venture and, finally, from undermining its essence;
- preventing the European Union from being surreptitiously transformed into a vast, soulless free-trade area with no real prospects for its future. One of the priorities in the next few years will be to prove that Europe is not just a market and, potentially, a currency, but a political, intellectual and human adventure which the peoples of the Member States will have to be fully involved in, not subjected to.

II. The Italian Presidency's Action in view of the opening of the Conference

In keeping with its vision of a continually evolving integration process aimed at creating a federal structure which fully respects the historical and cultural identities of all its members, the Italian Presidency will submit to the European Council in Turin a draft agenda for the Conference which identifies three broad themes for intergovernmental negotiation.

1. Relations between the citizens and the Union, with particular reference to the instruments to be devised and the actions to be carried out in order to fulfil the most urgent needs in terms of recognizing rights and freedoms, safeguarding individual and collective security, defending and promoting employment, and protecting the environment. The transparency of the decision-making processes and respect for the principles of subsidiarity and proximity are also areas in which action must be taken if a better relationship is to be established between the European Union and its citizens.
2. Adjustment of the institutional system to the requirements of a Union that has fifteen members and is likely to be further enlarged. Within this framework, priority must be given to assessing the operation and composition of the Institutions and bodies of the Union, simplifying the Treaty and the procedures laid down in it, and introducing flexibility formulas, enabling certain Member States to pursue more advanced forms of integration on the basis of predetermined general rules;
3. The European Union's external identity and its capacity to act consistently with solidarity and efficacy on the international scene constitutes the third broad theme that will have to be addressed during the Conference, so that the foreign policy, security and, eventually, defence dimension can be given a weight

comparable to that acquired in the economic and trade sector.

III. The Italian Position on Individual Points of the negotiation

Our delegation's attitude to the Conference must not lose sight of the general objectives set out in the Government's position. Therefore, constant vigilance will be necessary to ensure that the compromises that emerge on the various points to be discussed do not jeopardise the achievement of the political goals which the Government has set itself. This is all the more necessary in that the Conference is a logical and chronological precondition with respect to subsequent deadlines; the outcome of further tasks and, ultimately, the future ordering of the integration process will depend on its actual success.

1. Concerning the relationship between citizens and the Union, Italy will pursue the following priorities:

(a) Inclusion in the initial part of the Treaty of certain fundamental rights granted to all persons regardless of nationality. In particular, specific regulations should be envisaged in matters of non-discrimination, the fight against racism and xenophobia, and respect for the rights of minorities.

(b) Development of the Treaty's citizenship dimension, by including further civil and social rights and specifying that European citizenship supplements national citizenship and does not replace it.

(c) In-depth revision of the rules currently governing cooperation in the sectors of Justice and Home Affairs. The need to pursue more effective and satisfactory results in this sector requires us to seek:

- a more accurate identification of the sectors which might form the subject of common positions, common actions and agreements, so that these instruments can be further enhanced;
- the possible gradual transfer of certain topics to the Community sphere (immigration, asylum, legal status of foreigners legally residing in the Union);
- a reaffirmation of the legally binding nature of common positions and actions and the possible introduction of legal instruments comparable to Community Directives;
- making the Court of Justice competent to give judgment on acts adopted in accordance with the Treaty's provisions on Justice and Home Affairs and granting greater parliamentary control;
- the incorporation in the Treaty of the Schengen Convention in the framework of a mechanism of differentiated solidarity;
- the rationalisation of decision-making structures.

(d) Employment will have to be one of the Conference's key points. Youth unemployment and long-term unemployment could have seriously corrosive effects at a political and social level, excluding entire generations from the world of work. Italy therefore believes that the next Treaty should include a chapter on employment, establishing the Member States' commitment to a better coordination of their labour policies, on the basis of certain strategic guidelines already largely agreed at the European Councils in Essen and Cannes. This position is fully compatible with the reaffirmation of the complete validity of the Treaty's provisions on Economic and Monetary Union, which will not be reviewed during the forthcoming Conference.

(e) It will be possible to protect the environment more effectively if majority voting is extended in this sector and other related sectors (taxation).

(f) The inclusion of certain policies in the Treaty (energy, tourism, civil protection) and the strengthening of others already envisaged (social policy, consumer rights) would help the citizens to see the Union more positively. The inclusion of the Social Protocol in the Treaty will have to be a priority objective of the

forthcoming Conference.

(g) Transparency must be enhanced both by means of specific provisions regulating the publicity of EU acts and access to EU documents, and by simplifying the legislative procedures and making the text of the Treaty more understandable. Restructuring the Treaty will also provide an opportunity to confer legal personality on the Union, thus overcoming one of the main difficulties of the current three-pillar structure.

(h) Due importance should be given to the principles of subsidiarity, proximity and proportionality, which meet the dual need to respect national and local decision-making competences and avoid the dangers of over-regulation at European level, which is a potential source of unjustified burdens on businesses. For this reason, we could accept the annexing to the Treaty of a protocol containing some of the elements of the "code of conduct" agreed on at the Edinburgh European Council. However, an excessive and contrived emphasis on subsidiarity might weaken the Commission's capacity for making proposals, break up the Single Market and undermine the uniformity of Community law.

(i) The equal standing of all the official languages of the Member States will have to be strictly maintained throughout all the Union's changes.

2. The Union now operates on the basis of mechanisms and procedures mostly designed for the Community of Six which have since been adapted to the needs of an ever-larger structure. This system already reveals faults and inconsistencies, and there is no way that it can withstand further enlargements.

First and foremost, it is necessary to maintain interinstitutional balance and a single institutional framework for all of the Union's spheres of action. For the system to continue to be efficient and preserve its decision-making capability, it is also necessary to modify the operation and composition of the Institutions.

(a) The Italian Government believes that the Commission must retain its role as the pivotal Institution (in its dual role as "guardian" of the Treaties and as the expression of a relationship based on trust with the Member States and the European Parliament). The Commission's incentive power should be extended to the area of justice and home affairs.

The number of Commissioners is already too high and necessitates the splitting up of responsibilities, which does not make for consistency in the executive's action. Without ruling out solutions based on compromises that take into account the great sensitivity of the smaller Member States in this regard, the best solution within an enlarged Union, would be to fix a number of Commissioners lower than the number of Member States.

(b) Without prejudice to the growing political role of the European Council and the General Affairs Council in a Union with responsibility for delicate matters that were traditionally critical for national sovereignties, the main innovation to be introduced consists in generalizing majority voting within the EU (with the sole exception of certain "constitutional" provisions) and gradually introducing it into Titles V and VI and the Treaty.

The necessary extension of majority voting will be better accomplished by re-weighting the Member States' votes in such a way as to give greater consideration to the population factor.

Strengthened qualified majorities could be temporarily adopted for some matters which currently require unanimity. The Conference will also have to tackle the problem of the Council's operating procedures, which have declined dramatically over the past few years. Italy's request is that the General Secretariat and the Council be truly reinforced from the qualitative and quantitative point of view, and that the General Affairs Council and the COREPER be entrusted with the task of coordinating the activities of the Union (in this connection, reformulating Article 151 of the Treaty could be an option).

However, it is not essential to modify the current system whereby the Presidency of the Council rotates every six months, although innovative proposals that may entail an actual improvement in the current

situation will be considered.

(c) The Conference will have to rationalize and consolidate the role of the European Parliament, now that the democratic deficit that affected the Communities has been almost completely overcome on the formal level. It would be advisable for the Parliament to be more involved in the Common Foreign and Security Policy and Justice and Home Affairs, as a condition for greater progress in these areas.

Parity between the European Parliament and the Council will be pursued at the same time, setting a hierarchy of rules that relates the procedure for the adoption of acts to their status and reduces the current multiplicity of procedures to three only: assent (to be extended at least to the revision of the Treaties), co-decision and consultation. Co-decision could be streamlined by dispensing with certain steps which have proved redundant and eliminating the possibility of a third reading by the Council where a consensus is not reached in the Conciliation Committee.

The problem of size also applies potentially to the European Parliament: the Intergovernmental Conference should leave it to the European Parliament to set a maximum number of 650-700 members, which must not be exceeded after any future enlargement, and to set a deadline for adopting a uniform electoral procedure.

Better association of national parliaments with Union activities implies first of all the actual application of the Declarations already annexed to the Treaty and a more effective organization of consultation and information relations among the various national assemblies and their committees specializing in European matters. It will also be necessary to arrange the procedures of the Union in such a way as to allow for a more sustained dialogue between the Governments of the Member States and their respective Parliaments;

(d) The Court of Justice represents a fundamental element of the Union's institutional system, especially in the light of future enlargements. Its competences must not only be maintained in full, but must also be extended to those aspects of cooperation in justice and home affairs which directly involve the freedoms and rights of citizens.

(e) It is also necessary to safeguard and develop the role of the Court of Auditors (especially in terms of stepping up the fight against fraud) and the Committee of Regions.

(f) However, adjusting the Institutions may not be enough to maintain the necessary dynamic of the integration process within a larger Union. The next Treaty should sanction explicitly the principle of flexibility (or differentiated integration), which should go together with some essential conditions such as maintaining the single institutional framework, fully maintaining the *acquis communautaire*, reasserting the formal and substantial parity of the Member States that will integrate in a subsequent stage a policy or a sphere of action of the Union.

3. The European Union's external relations policy has shown limitations in terms of consistency, planning, visibility and efficacy, which must be overcome in order to strengthen the role of Europe as a factor for peace and stability.

The Intergovernmental Conference should give priority to the following topics:

- rationalizing competences in the area of external economic relations, achieving better coordination of the Union's action within the World Trade Organization and in development cooperation policy;
- envisaging setting up a body with analysis, planning and implementation tasks in the area of the common foreign and security policy, to ensure a better preparation of and a more thorough follow-up to decisions of the Council.
- giving greater visibility and consistency to the common foreign and security policy through a leading figure (Secretary-General) who would ensure continuity in the action of the Union by working with the Presidency-in-office, supervising the implementation of the mandates entrusted to it by the Council, in full

compliance with the external competences that the Treaty attributes to the Commission and with cohesion among all the aspects of the Union's external image;

- adjusting the unanimity rule by reaching prior consensus at higher decision-making levels (European Council) on the principles and content of the Union's foreign policy. Such prior consensus would make it possible to resort to more flexible decision-making procedures, such as constructive abstention and strengthened qualified majority, in compliance with a political and financial solidarity that is appropriately regulated;
- achieving the Security and European Defence dimension by enforcing the Treaty provisions concerning a Common Foreign and Security Policy, which might in time lead to a Common Defence. This would be done with full regard for the transatlantic links;
- laying the groundwork for integrating the WEU into the European Union, beginning at once the process of introducing the Petersberg tasks into the Treaty and the WEU structures into the Union. This objective will have to be stated in the Treaty itself;
- prepare the ground for greater cooperation among Member States in the field of armaments, in particular by creating a European multilateral structure.

A body for analysis and planning, on which there is now almost general consensus, will be set up and, more importantly, a new function with executive tasks will have to be identified within a framework of ever greater coordination of all aspects of the Union's external action. The Italian Government therefore looks to an institutional structure within which the European Council provides the political impulse and sets objectives, the Council of Ministers is the decision-making forum, and the newly established Secretary-General for foreign policy is the person in charge of planning and subsequently implementing the decisions under the political control of the Council and in the framework of coordination arranged with the Presidency-in-office and the Commission. The aim is to establish a coordinated structure for analysis, planning and implementation (a kind of European Committee for Foreign Policy) in which the Presidency, the Commission and the Secretary-General collaborate at all stages in the process concerning the Union's foreign policy dimension, guaranteeing the necessary consistency, efficacy and visibility.

IV. The future course of the negotiations

Owing to our Government's current responsibilities as holder of the Presidency of the Council of Ministers, we have to be impartial and take into account, when considering the various options, the positions of other Member States, which sometimes strongly contrast with our approach.

The Treaty revision process will last a year and should therefore end under the Presidency of the Netherlands: if the ratification procedures have a positive outcome, the new Treaty could come into force on 1 January 1998. Article N requires that unanimity be sought at the forthcoming Conference, and every effort will have to be made to ensure that the 1996-97 revision process is successful. In any case, such efforts are limited by Article B of the Treaty and by the need to maintain an evolutionary dynamic within a Union that is destined to experience further enlargement. Italy's commitment must therefore be to avoid minimalist solutions, achieving with the countries closest to us a critical mass that can make the Union move forward and preserve its unique character.