

European Parliament Resolution on the constitutionalisation of the Treaties (25 October 2000)

Caption: In a resolution of 25 October 2000, the European Parliament Proposes that the constitutional process be initiated at the Nice European Council in December 2000 with the adoption of a declaration annexed to the next Treaty, laying down a mandate, procedures and a timetable for the commencement of the drafting of a Constitution for Europe.

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European Parliament resolution on the constitutionalisation of the Treaties (2000/2160(INI)) (25 October 2000)

A5-0289/2000

The European Parliament,

- having regard to its resolution of 14 February 1984 on the draft Treaty establishing the European Union ⁽¹⁾,
- having regard to its resolution of 12 April 1989 on the Declaration of Fundamental Rights and Freedoms ⁽²⁾,
- having regard to its resolution of 11 July 1990 on the European Parliament's guidelines for a draft Constitution of the European Union ⁽³⁾,
- having regard to the Declaration of the Conference of the Parliaments of the European Community of 30 November 1990,
- having regard to its resolution of 12 December 1990 on the constitutional basis of European Union ⁽⁴⁾,
- having regard to its resolution of 20 January 1993 on the structure and strategy for the European Union with regard to its enlargement and the creation of a Europe-wide order ⁽⁵⁾,
- having regard to its resolution of 10 February 1994 on the Constitution of the European Union ⁽⁶⁾,
- having regard to Declaration No 57, annexed to the Treaty of Amsterdam, by Belgium, France and Italy on the Protocol on the institutions with the prospect of enlargement of the European Union,
- having regard to its resolutions of 18 November 1999 on the preparation of the reform of the Treaties and the next Intergovernmental Conference ⁽⁷⁾, 3 February 2000 on the convening of the Inter-governmental Conference ⁽⁸⁾ and 13 April 2000 on its proposals for the IGC ⁽⁹⁾,
- having regard to its resolution of 16 March 2000 on the Charter of Fundamental Rights ⁽¹⁰⁾,
- having regard to the conclusions of the European Council meeting of 19/20 June 2000 in Feira on the proceedings of the Intergovernmental Conference,
- having regard to the meeting with representatives of the parliaments of the Member States and the applicant countries held on 11/12 July 2000 by the Committee on Constitutional Affairs,
- having regard to the work on the reorganisation of the Treaties carried out by the European University Institute in Florence at the request of the Commission,
- having regard to Rule 163 of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs (A5-0289/2000),

A. whereas the French Presidency has made the conclusion of the IGC on reform of the Treaties one of its top priorities, acknowledging that the success of that reform is essential in order to be able to prepare for enlargement under the best possible conditions and to ensure that the Union can operate smoothly in the future,

B. whereas in the time left to it the IGC must achieve real progress in improving the way in which the institutions operate, rather than closing with an agreement based on the lowest common denominator,

C. whereas the proceedings currently under way form part and parcel of a global look at the long-term future of the Union and of Europe, which means that careful consideration must now be given to issues which have not yet been tackled and that a broad public debate with the citizens in all Member States is called for,

D. whereas the forthcoming enlargement of the Union towards the east and south coincides with the legitimate wish of the public and peoples of the EU for the institutional structure, the principles and the aims of the Union to be made more consistent and easier to understand, and whereas now appears an appropriate time to set about this new task,

E. whereas the 1996 IGC 'simplified' the Treaties to a certain degree and increased the European Parliament's powers of legislative codecision but did not enhance the decision-making capacities of the Council and was unable to complete the work which it had undertaken with a view to rendering the institutions more effective,

F. whereas the adoption of the European Union Charter of Fundamental Rights will increase the legitimacy and relevance of the institutions in the eyes of the general public, subject, however, to its incorporation in the Treaties,

G. whereas all legal systems are founded on fundamental laws which define the nature and powers of their institutions,

H. whereas membership of the Union entails unconditional acceptance of the ideals and democratic values on which it is based, as set out in Articles 6 and 7 of the TEU and in the Charter of Fundamental Rights,

I. whereas the founding Treaties already lay down the form of the government of the Union by defining the composition of its institutions and stipulating how and to what extent they shall exercise their powers,

J. whereas the Court of Justice has ruled that the Treaties establishing the Communities constitute a 'constitutional charter',

K. whereas the Treaties stipulate that the Union shall respect the national identities of the Member States and that citizenship of the Union shall complement and not replace national citizenship,

L. regrets that the reorganisation of the Treaties is not to be tackled during the present Intergovernmental Conference, and agrees with the Commission that a procedure and a specific timetable for carrying out this work should be decided at the Nice European Council,

M. whereas a European Constitution could only be adopted following a broad public debate conducted as part of a democratic process within the European Union and whereas the procedure followed there-fore must not on any account be based solely on intergovernmental negotiations,

1. Reiterates its desire to incorporate fundamental values of the Union, citizens' rights and an efficient organisation of its institutions in a constitutional instrument and welcomes the wide-ranging debate on the re-founding of the Union which opened recently at the highest political level;

2. Reiterates the view that the IGC should amend the procedure for the revision of the Treaties with a view to the 'constitutionalisation' of the Treaties and the democratisation of the revision process by means of the introduction of a power of joint participation in decision-making for the institution which represents the States and that which represents Union citizens; in no way, however, intends to reduce the role of national parliaments in ratification;

I. Need for simplification and reorganisation of the Treaties

3. Notes that, despite the simplification brought by the Amsterdam Treaty, the Union's structure is out of

step with the desire for democracy, transparency and simplification expressed by the citizens of the European Union and the applicant countries; stresses that a more rational and readily-understandable approach to the aims of the European Union and how they are to be achieved can only come through a revision of the texts;

4. Considers that the product of the successive IGCs, namely an accumulation of long and complicated Treaties, has become difficult to use both for experts and for the general public, and that the current Treaties should therefore be replaced by a single 'framework Treaty' which is clear and concise and which provides for the merging of the European Union and the three Communities into a single entity; that Treaty would be restricted to fundamental constitutional provisions, covering the objectives of the Union, the protection of fundamental rights, citizenship, the allocation of powers, and institutional matters; all other provisions, including those governing common policies, would be set out in protocols annexed to the 'framework Treaty';

5. Considers that the work carried out at the Commission's behest by the European University Institute in Florence goes a good way towards meeting this need for clarity and shows that the recasting of the Treaties is perfectly feasible from the technical point of view; this constitutes a first step in a 'constitutionalisation' process starting with a revision of the Treaties without departing from the law as it stands, regardless of the positions taken on the necessary institutional reforms;

II. Reasons for a 'constitutionalisation' of the Treaties

6. Considers that the existence of a European Constitution would have the twin advantages of providing the citizens of Europe with a reference text and simplifying the rules governing the European institutions, which is essential;

7. Stresses that the future Constitution must clearly and strongly state:

- the common values of the EU,
- the fundamental rights of European citizens,
- the principle of the separation of powers and the rule of law,
- the composition, role and functioning of the institutions of the Union,
- the allocation of powers and responsibilities,
- the subsidiarity principle,
- the role of European political parties,
- the objectives of European integration;

8. Wishes to see the autonomous right of European citizens to manage their own affairs at local level become an integral part of the new treaty and considers that it should be thus guaranteed and promoted;

9. Hopes that the debate to be opened in December 2000 in Nice, when the IGC concludes, will initiate a process whereby a hierarchy of texts will be established, which should lead to the drafting of a Constitution for Europe, with differentiated procedures being used for the adaptation of the texts and with no risk of the process being blocked;

III. Method

First stage: reorganisation of the Treaties to be initiated in Nice

10. Considers that an initial Treaty can be drafted in keeping with the existing legal and institutional situation; proposes with a view to this that the Nice European Council give a mandate to the Council to adopt such a reorganised Treaty on a proposal from the Commission, following consultation of the Court of Justice and after receiving the assent of the European Parliament and the approval of the national parliaments;

11. Points out that the Charter of Fundamental Rights provides the underpinnings for a common constitutional platform (the Charter could be incorporated into the Treaty in the form of a first chapter of the Constitution);

Second stage: drafting of the Constitution by a ‘Convention’

12. Proposes that the constitutional process be initiated at the Nice European Council in December 2000 with the adoption of a declaration annexed to the next Treaty, laying down a mandate, procedures and a timetable for the commencement of the drafting of a Constitution for Europe;

13. Considers it essential that Parliament and the Commission be the driving force behind this constitutional process by starting the necessary preparatory work, and for contributions from the national parliaments and the public, both in the Member States and the applicant countries, to be taken into account to a very large extent;

14. Proposes that, in view of the collegial, transparent and valuable work carried out by the Convention, which has drawn up the draft Charter of Fundamental Rights, the same formula be used in order to draft the future Constitution of the Union;

15. Proposes however that the formula be suitably adapted, taking into consideration all the preparatory work in order to perfect the discussion and decision-making procedures within the Convention;

16. Considers that the Convention should have a maximum of one year in which to draw up the preliminary draft Constitution;

17. Considers that the timetable for the preparatory work should be so organised that the Constitution can be concluded before the European elections in 2004;

18. Instructs its Committee on Constitutional Affairs, during the preparatory work, to conduct a dialogue with the Convention and periodically to hear representatives of the corresponding committees of the national parliaments;

19. Restates, for the benefit of the applicant countries, its firm belief that under no circumstances will the above work be allowed to block or delay the accession process; considers, in this connection, that representatives from those countries should take part in the proceedings of the Convention and calls therefore for them to be made parties thereto;

20. Hopes that, in order both to ensure the quality of the democratic debate and to create a bond between the peoples and their Constitution, the citizens of the Union will be consulted in due course by means of a referendum;

21. Calls for this referendum to be held on the same day in all Member States;

22. Calls on the parliaments of the Member States and the applicant countries to submit to it their views and any proposals they wish to make on the above procedures from the moment the process is initiated up to the adoption, with the assent of the European Parliament, of the final version of the Constitution;

* *

23. Instructs its President to forward this resolution to the Intergovernmental Conference for the Reform of the Treaties, the Council, the Commission, the governments and the parliaments of the Member States and the applicant countries.

- (1) OJ C 77, 19.3.1984, p. 53.
- (2) OJ C 120, 16.5.1989, p. 51.
- (3) OJ C 231, 17.9.1990, p. 91.
- (4) OJ C 19, 28.1.1991, p. 65.
- (5) OJ C 42, 15.2.1993, p. 124.
- (6) OJ C 61, 28.2.1994, p. 155.
- (7) OJ C 189, 7.7.2000, p. 104.
- (8) 'Texts Adopted', Item 11.
- (9) 'Texts Adopted', Item 7.
- (10) 'Texts Adopted', Item 4.