

Thursday 18 November 1999

4. Treaty reform and next IGC

A5-0058/1999

European Parliament resolution on the preparation of the reform of the Treaties and the next Intergovernmental Conference (C5-0143/1999 – 1999/2135(COS))

The European Parliament,

- having regard to the conclusions of the Cologne European Council, which confirmed its intention 'of convening a Conference of the Representatives of the Governments of the Member States early in 2000 to resolve the institutional issues left open in Amsterdam that need to be settled before enlargement' (C5-0143/1999),
 - having regard to the decision taken at the Cologne European Council to draw up an EU Charter of Fundamental Rights,
 - having regard to the statements made by the President of the Commission, Mr Prodi, to Parliament on 21 July 1999 to the effect that it would be an historic error to launch in Helsinki a Conference whose scope was limited by a collective fear of taking up the genuine challenges posed by the future enlargement,
 - having regard to the statements made by Mr Barnier, Member of the Commission, to the Committee on Constitutional Affairs on 6 September 1999 regarding the reform of the Treaties and, in particular, the process of the constitutionalisation of the Union and the method of revision,
 - having regard to the report of the Commission's group of experts chaired by Mr Dehaene,
 - having regard to its resolutions of 19 November 1997 on the Amsterdam Treaty ⁽¹⁾, of 6 May 1999 on the method and timetable of the forthcoming institutional reform ⁽²⁾ and of 16 September 1999 on the establishment of the Charter of Fundamental Rights ⁽³⁾,
 - having regard to paragraph 15 of its abovementioned resolution of 19 November 1997, in which it approved the joint declaration by Belgium, France and Italy calling for institutional reform as a condition of any enlargement,
 - having regard to the report of the Committee on Constitutional Affairs and the opinions of Committee on Budgets, the Committee on Budgetary Control, the Committee on Economic and Monetary Affairs, the Committee on Legal Affairs and the Internal Market and the Committee on Industry, External Trade, Research and Energy (A5-0058/1999),
- A. whereas in May 2000 the Europe of the Community will be 50 years old, and whereas, since the inception of the Coal and Steel Community, it has gradually transformed itself into a political Union based on its dual legitimacy as a Union of States and a Union of peoples,
- B. whereas the establishment of a system of representative democracy at Union level is reflected in the exercise of legislative, budgetary and supervisory powers and the incorporation in the Treaties of the concept of European citizenship, and whereas this has led to a further development of the Union which will have to be taken into account in its forthcoming reform,
- C. whereas the Union faces new kinds of political, economic, and social challenges which are unprecedented in their scope, both internally and in its relations with the rest of the world, and whereas it is becoming more and more clear that the Treaty in its present form is not suitable to resolve these problems effectively or to involve citizens fully,
- D. noting the crisis involving the Commission, which brought to light certain institutional shortcomings at Union level, and the crisis in the former Yugoslavia and the war in Kosovo, which revealed the Union's weakness in the sphere of foreign, security and defence policy,
- E. whereas the reform of the Union should be taken as an opportunity to establish or renew contact with European citizens,

⁽¹⁾ OJ C 371, 8.12.1997, p. 99.

⁽²⁾ OJ C 279, 1.10.1999, p. 416.

⁽³⁾ Minutes of that sitting, Part II, Item 10(a).

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- F. whereas, faced with these problems, the Cologne European Council acknowledged that a revision of the Treaties was needed but decided to convene an IGC whose remit will initially cover only the institutional issues not settled in Amsterdam, but may also cover other issues and specifically those referred to in the Protocol on the institutions with the prospect of enlargement of the European Union and those arising from the implementation of the Treaty of Amsterdam,
- G. whereas immediately after the Amsterdam European Council Parliament outlined, and subsequently reiterated, its blueprint for a more ambitious reform of the Union — going well beyond the above protocol — more commensurate with the European problems to be resolved,
- H. whereas there can be no question of delaying the enlargement process, remembering in particular the hardships suffered by the Central and Eastern European countries through more than forty years of dictatorship, but whereas its scope by far exceeds earlier enlargements and will test the solidity of the European integration process,
- I. whereas the enlargement must provide an opportunity and the impetus for a thoroughgoing reform of the Union, and whereas the postponement of such a comprehensive reform until after the enlargement would serve only to make it more difficult and its outcome more uncertain;

The objectives of the next reform of the Union

1. States firmly that a European Union comprising such a large number of states must have the means to achieve its joint political, economic and social objectives;
2. Takes the view, therefore, that the next reform of the Union must strengthen the institutions and make them more efficient, transparent and democratic, thereby strengthening the legitimacy of the European Union in the eyes of the citizens and enabling it to cope with enlargement, play an active role in the world, better serve citizens and enhance fundamental rights and internal security;

The method to be employed in the next reform of the Union

3. Regards it as essential that the following objectives should be achieved when the next reform of the Union is carried out:
 - a broad public debate and total transparency,
 - an ongoing dialogue with the applicant countries,
 - the establishment of a procedure for greater democratic control over the process of drafting and adopting changes to the Treaties,
 - coherent results;
4. Takes the view that the Community method, as outlined below, could be used to prepare and carry out the next reform of the Treaties;
5. Calls on the Commission to submit a comprehensive proposal for the reform of the Union and, prior to the official launch of the IGC, submit a specific draft of a reformed Treaty; calls on the IGC to accept this draft as a basis for the negotiations; considers it necessary to reach political consensus with the Council and Commission on the agenda and method for the reform of the Treaties;
6. Regards discussions with the parliaments of the Member States and open dialogue with the parliaments of applicant countries and organisations representing civil society as vital in connection with the preparations for the work of the IGC;
7. Will deliver its opinion, pursuant to Article 48 of the EU Treaty, on the convening of the IGC in the light of the decisions taken by the Helsinki European Council and the outcome of the joint consideration, referred to above, of the agenda and method laid down for the IGC;
8. Calls for the IGC to be called as soon as possible after the Helsinki European Council of December 1999;

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9. Regards it as a matter of course and as its indisputable right that it should be fully involved at every stage and level of the IGC, for which purpose it should be represented by two Members elected by it;
10. Believes that the final decision of the Member States should be submitted to it as in the assent procedure;

The substance of the reforms

11. Declares that the agenda for the next reform of the Union, and hence the negotiating brief to be adopted by the European Council, must include, with a view to the enlargement, the following points;

The constitutionalisation of the Union: bringing Europe closer to citizens

12. Welcomes the decision to draw up a Charter of Fundamental Rights;
13. Considers that the prospect of a wider Union calls for a constitutional process to be launched which must involve the simplification and rationalisation of the Treaties with a view to making them transparent and intelligible to citizens; considers that the drawing up of a Charter of Fundamental Rights is an integral part of this constitutional process;
14. Believes that such a constitutional process would entrench the rights of the Member States and citizens of the European Union and clarify the competences of the common institutions;
15. Takes the view that the constitutionalisation of the Union implies, in particular, the unification of the Treaties in a single text and the division of that text into two sections:
 - (a) a constitutional section comprising the preamble, the objectives of the Union, fundamental rights and the provisions concerning the institutions, decision-making procedures and the various competences,
 - (b) a second section defining the other areas of the current Treaty;
16. Takes the view that the IGC must alter the procedure for the future revision of the Treaties on the basis of the Union's dual legitimacy in order to democratise the revision process by introducing a power of codecision for the institution which represents the States and that which represents Union citizens;
17. Endorses the elaboration of rules governing political parties at European level, since this would help citizens to become politically active;

Sufficiently ambitious institutional reforms

18. Calls for the IGC to launch a reform of the institutions by changing their composition, tasks, cooperation and organisation with a view to strengthening their democratic nature and, hence, their effectiveness and responding to the increase in the number of members of the Union;
19. Restates its firm belief that qualified majority voting (QMV) and codecision should become the normal method for general legislative Community-level decision-making and that the unanimity rule should continue to apply only to constitutional and fundamental matters;
20. Considers that firm decisions must now be taken as regards the re-weighting of votes within the Council and the composition of the Commission;
21. Considers that, in the context of an enlarged Union, it is both necessary and possible to improve the workings of the Council in numerous ways without calling for a revision of the Treaty, and that these improvements should be included in the same calendar as the next IGC; stresses that Parliament will deliver its opinion on the results of the IGC in the light of, among other factors, the results thus obtained within the Council;
22. Believes that the impact of enlargement on the institutions is not just limited to the Commission, but concerns other institutions and bodies, including the Council and European Council, and calls for the forthcoming IGC to examine the issue of the composition, operation and competences of the Courts of Justice and First Instance, Court of Auditors, Committee of the Regions and Economic and Social Committee and the implications of these choices for the future working methods of these institutions;

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23. Recalls that the ceiling of 700 planned for the size of the European Parliament implies that there will also have to be a review of the number of seats per Member State, and will make a proposal accordingly;
24. Calls for Council meetings at which legislative decisions are taken to be open to the public;
25. Calls for clarification of the existing Treaty provisions as regards the possibility of collective resignation of the Commission, and asks to be given the same right as the Council to apply to the Court of Justice for the compulsory retirement of an individual Commissioner pursuant to Articles 213 and 216 of the EC Treaty; calls for the 'Prodi procedure' whereby the President of the Commission may dismiss an individual Commissioner to be written into the Treaty; calls for the Treaty to make the necessary provision to enable the Commission President to ask Parliament for a vote of confidence;
26. Expresses its opposition to any attempts to challenge at the IGC the Commission's monopoly of the right of initiative under the first pillar;
27. Considers that the democratic quality of the EU needs to be further improved; calls in this context for its own role to be strengthened, particularly in budgetary matters and as regards appointments to the institutions and bodies of the European Union;
28. Demands that Parliament should be made responsible for its own working arrangements;
29. Calls for a reinforcement of the protection of the Community's financial interests and in particular the obligation of the Member States to combat fraud;

A new clause on closer cooperation

30. Considers it desirable, with a view to enlargement, to continue the debate on flexibility. The rules adopted should aim at reducing the possibility of blocking actions by any of the Member States and at safeguarding the EU's single institutional framework;
31. Urges reconsideration of the closer cooperation clauses of the Treaty of Amsterdam to enable their effective deployment in fields where a certain number of Member States have the will and the capacity to deepen their integration without jeopardy to the interests of other Member States or to the integrity of the *acquis communautaire*;

Strengthening the external role of the EU

Legal personality

32. Considers that the Union's international status, visibility and negotiating power will continue to be limited until a single legal personality is established; for this purpose, in international relations the Union should enjoy legal capacity to the extent necessary for the exercise of its functions and the fulfilment of its tasks;

Security and defence

33. Acknowledges the need, following the declaration issued by the Member States at the Cologne European Council, to strengthen the instruments of the CFSP and calls for the establishment, on the basis of a clear binding timetable and with procedures safeguarding the national interests of each Member State, of a common European policy on security and defence which guarantees the external borders of the Member States as borders of the European Union;
34. Calls for the integration of the WEU in accordance with a clear timetable, thereby enabling the Union to take action on the basis of a credible military capability; considers that due account must be taken of the institutional problems posed by that integration and its consequences and that neutral Member States and those not belonging to an alliance should be able to participate fully and on equal terms in EU operations;

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External economic relations

35. Calls for a strengthening of the provisions concerning external economic relations, including the Community's participation in multilateral international organisations, and for these provisions to be brought together in one section of the Treaties; stresses the need for the Community's competence (and the Commission's authority to negotiate external agreements) to be extended to all services and intellectual property rights, with regard in particular to WTO and other multilateral negotiations;

36. Requests the strengthening of the European Parliament's role as regards international agreements and the common commercial policy, in particular with regard to authorisation and monitoring of negotiations of external agreements;

37. Calls for the assent procedure to become the general rule for the conclusion of all significant international agreements as originally suggested by the 1983 Stuttgart Declaration, including decisions taken on the provisional application or the suspension of agreements as a result of human rights violations or failure to respect democratic rules;

Area of freedom, security and democracy

38. Notes that the Amsterdam Treaty represents a substantial step forward, which has still to be implemented, but takes the view that the importance of this matter for Union citizens justifies the inclusion of the strengthening of the procedures relating to this area on the agenda for the IGC, especially with a view to improving citizens' access to the European Court of Justice;

Strengthening economic and social and employment policy

39. Calls for the agenda of the IGC to include the examination of suitable proposals for strengthening the role of the political institutions of the Union in defining the Union's economic, social and employment policy guidelines, with a view to improving the synergy and balance between these policies in the EU, in order to provide a frame of reference for independent monetary policy decisions to be taken by the European Central Bank; reserves the right to draw up concrete proposals when it gives its opinion on the convening of the IGC;

40. Asks to be consulted on the annual economic guidelines, on decisions relating to budget deficits and on all other important decisions to be taken within the framework of EMU, other than in cases where the ECB decides as an independent body;

41. Stresses the importance of the nature and meaning of the 'social market economy' and calls on the forthcoming IGC to replace the phrase 'open market economy' by the phrase 'social market economy' in the relevant articles of the Treaty establishing the European Community (for example Article 4, Article 98, Article 105, etc.);

42. Considers that the completion of the internal market, monetary union and enlargement will affect social security systems in the European Union;

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43. Notes that the Amsterdam Treaty has strengthened the legal framework for the protection of the Union's financial interests by creating a specific legal basis; calls, however, for this provision to be supplemented by a provision giving a European public prosecutor's office powers of investigation, in accordance with the arrangements proposed in the 'Corpus Juris';

44. Asks the IGC to examine the need for Treaty provisions on issues such as tourism, energy policy, the creation of a single Air Traffic Control, fisheries and sport;

45. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States, the national parliaments, the Committee of the Regions and the Economic and Social Committee.
