

**NOTE**

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Subject: **Note on the plenary session**<sup>1</sup>  
**– 4 July 2003**

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**1. Report by the Chairman of the Convention on the Thessaloniki European Council**

The Chairman reported on his presentation of the draft Constitution on behalf of the European Convention to the European Council in Thessaloniki on 20 June 2003. The Chairman pointed out that the reactions of the Heads of State and of Government had been particularly warm and positive. He found this reassuring and considered that there was wide support for the text on which the Convention had reached a consensus on 13 June, and stated that the absence of options in the final text was appreciated by the European Council. Several Council members said they could accept the text as it stood. Others mentioned a number of points which they would like to examine in the framework of the Intergovernmental Conference (IGC) to open in the autumn. They all considered that the text of the Convention formed the basis for the IGC.

The Chairman ended by saying that he had warned the Heads of State or Government against the danger of unravelling the draft adopted by the Convention. The Convention had achieved an overall balance but that balance was fragile and any attempt to change it was likely to compromise or threaten it.

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<sup>1</sup> The verbatim report of the plenary session will be found on the following website:  
<http://european-convention.eu.int>.

## 2. Debate on reactions to CONV 802/03 and the revised version in CONV 836/03

The Chairman opened the debate by stating that more than 1600 amendments had been submitted by members of the Convention. As usual they were incorporated in a summary note (CONV 821/03) to which an addendum had been added to take account of certain amendments not included in the initial version.

The Chairman said that, on the basis of the amendments received, the Praesidium had begun discussions which had resulted in the submission of a number of proposed amendments to Part III contained in CONV 836/03. The Praesidium would continue this work in the light of comments made by members at that meeting and in preparation for the last session on 9 and 10 July 2003.

Some 60 members took part in the debate (see list attached). These various contributions can be grouped into the following general or specific topics:

- **symbols of the Union:** a significant number of members called for the introduction of an article setting out a list of symbols of the Union (anthem, celebration day, currency, flag, etc.). These members considered that their proposal was the subject of consensus since nobody had ever spoken against it (and nobody did so at this meeting). These members asked the Praesidium to take account of their new request and the importance they attached to it;
- **qualified majority:** many members wanted more decisions to be taken by qualified majority (QM). These members felt that QM was the only way to make Member States enter into real negotiations and that, in a Europe of 25 members, keeping the unanimity rule would lead to the risk of deadlock in the decision-making process. One member however recommended resisting the temptation to propose increasing the list of decisions taken by qualified majority in order to preserve harmony within the Convention;

- **taxation:** this is one of the fields most often mentioned for a possible extension of qualified majority voting. A very large number of members said they were dissatisfied with the present texts which they considered would result in continued paralysis in this area. They referred to the limited ambition of the texts on taxation adopted by the Union in the past and said this was why the Convention favoured more ambitious proposals to increase qualified majority voting, at least where there was a close link with the establishment of the internal market (indirect taxation, ...);
- **social policy:** many members also urged extending majority voting to all social policy (Article III-99);
- **non-discrimination:** this was also one of the topics most often mentioned for a change to qualified majority voting. A significant number of members relentlessly put the case for abandoning unanimity in this area (Article III-5);
- **immigration policy:** certain members referred to the provisions of Article III-163 and asked for a return to unanimity or for the scope to be reduced. They were in favour of maintaining the competence of Member States to fix immigration quotas or the conditions for access by foreign nationals to the labour market;
- **European Public Prosecutor's Office:** members mentioned the provisions on the European Public Prosecutor's Office (Article III-170) in various ways: some wanted it to be covered by enhanced cooperation entered in the Constitution and others wanted this Article deleted;
- **open coordination method (OCM):** several members again asked for a provision recognising the open coordination method in the Constitution. The Chairman replied that the Praesidium would endeavour to respond favourably to their request by incorporating it in the particular Articles to which it related;

- **common foreign and security policy:** there were many contributions on this subject. A large majority wanted to extend the use of qualified majority voting. Several members suggested that a joint proposal by the Union's Foreign Affairs Minister and the Commission should involve a decision by qualified majority. Others wanted it at least to be impossible for a single Member State to prevent a decision which all the others wanted;
- **European diplomatic service:** several members raised the question of setting up a European diplomatic service. They were all in favour of it, but some feared that it would lead to a new administrative structure added to the Commission and the Council General Secretariat. They wanted guarantees on this;
- **defence:** several members mentioned that certain texts posed problems, in particular Articles III-208 and III-209. Some asked in particular for the use of guarantees and the principle of openness laid down by the provisions on enhanced cooperation;
- **Euratom:** some members brought up the provisions on the Euratom Treaty, most of them to ask for a substantial redrafting, or at least a rendez-vous clause for this purpose. One was also against envisaging the merger of its legal personality with that of the Union;
- **agriculture:** some members regretted that the provisions on the agricultural policy had not been modernised to take account of recent developments. One member asked for the breakdown between what was covered by the ordinary legislative procedure and the legislation adopted by the Council to be reviewed to extend the scope of the latter, particularly as regards adoption of the rules on aid arrangements;

- **forestry:** some members asked for forestry to be mentioned in the provisions on the common agricultural policy;
- **Court of Justice:** a number of members wanted the possibility for the Court to be competent for the CFSP, particularly as regards measures against individuals or the award of contracts in the field of CFSP or defence, especially as regards the armaments agency;
- **trade negotiations and cultural exception:** a number of members urged that the provisions of Article III-212 on trade negotiations should incorporate the current provisions of the Treaty (which provide that competence is shared between the Union and the Member States in the case of trade agreements on the audiovisual sector, culture, education or health services). For some this was the main point of their contribution;
- **health:** the article on health (III-174) was mentioned by several speakers who wanted the campaign against the major cross-border health scourges to be included not in paragraph 5 on health promotion issues, but in paragraph 4 on shared competence on health matters;
- **financial and budgetary provisions:** some members wanted qualified majority voting to apply to the creation of new own resources, others wanted unanimity for the adoption of financial perspectives. As regards the annual budgetary procedure, some wanted a balance between the two branches of the budget authority (Council of Ministers and Parliament) to be reestablished to reinforce the prerogatives of the Council of Ministers;

- **services of general economic interest:** many members mentioned the new wording suggested by the Praesidium which proposed that this Article (Article III-5, ex Article 16 TEC) should become a legal basis. Most of the contributions congratulated the Praesidium on this proposal which was a move in the direction they had long been asking for. Some considered that it did not go far enough, however, particularly since the scope of this provision remained limited to economic services or that these services continued to be subject to the competition rules. Other members criticised this proposal because they considered that it returned to an existing balance and could change the allocation of competences between the Union and the Member States;
- **enhanced cooperation:** some members referred to the enhanced cooperation mechanisms and asked for the countries participating in enhanced cooperation to be able to decide to vote by a qualified majority in cases where the legal basis applied provided for a unanimous vote;
- **EMU and economic governance:** a large number of members spoke on this point and considered that the provisions proposed by the Praesidium were unclear or inadequate, in view of the support expressed in the Convention for a strengthening of economic governance in the euro area. These members asked for the countries in the euro zone, which would be in a minority in the Union as from 2004, to be able to vote among themselves, but in the presence of all, in the case of matters which concerned them;
- **animal welfare:** some members wanted the provisions on animal welfare strengthened and included in the text of Part III (and not in an attached protocol as at present);
- **tourism:** some members asked for the introduction or reintroduction of a legal basis in favour of tourism;

- **procedure for revising the Constitution:** a large group of members considered that the provision on revising the Constitution should include less binding revision procedures for particular parts of the Constitution. Several members also wanted the approval of the European Parliament to be required if the Council decided to revise the Constitutional text without first convening a Convention;
- **next inter-Governmental Conference (IGC):** several members mentioned the IGC and asked for the Convention to be represented on it in some way. Various suggestions were made, including giving a special role to the Chairman and the two Vice-Chairmen or convening the Convention itself at longer or shorter intervals.

### 3. Conclusion and future work

Vice-Chairman Amato concluded the discussion by drawing the attention of members to the difficulties which would be caused by extending the scope of qualified majority voting, taking account of the sensitivities of all parties, but stressed the progressive nature of the Constitution, thanks to the "crossovers". The Chairman then stated that the next and final plenary session would begin at 15.00 on Wednesday 9 July. It could be preceded by meetings of members or of political groups. The closing session would be held on Thursday 10 July.

LISTE DES ORATEURS

Session plénière vendredi 4 juillet 2003

1. Mme Anne VAN LANCKER —Parlement européen
2. M. Hübert HAENEL —France (Parlement)
3. M. Joschka FISCHER —Allemagne (Gouvernement)
4. M. Göran LENNMARKER —Suède (Parlement)
5. M. Aloiz PETERLE —Slovénie (Parlement)
6. M. Andrew DUFF —Parlement européen
7. M. Tunne KELAM —Estonie (Parlement)
8. M. Elmar BROK —Parlement européen
9. M. Gijs de VRIES —Pays Bas (Gouvernement)
10. M. Josep BORRELL —Espagne (Parlement)  
(*Cartons bleus: Matsakis, Maij-Weggen, Fischer, Spini, Fayot, Berger, Duhamel, Floch, Tusek, Scotland*)
11. Mme Teija TIILIKAINEN —Finlande (Gouvernement)
12. M. Olivier DUHAMEL —Parlement européen
13. M. Alfred SANT —Malte (Parlement)
14. M. Marietta GIANNAKOU —Grèce (Parlement)
15. M. René van der LINDEN —Pays Bas (Parlement)
16. M. Jari VILEN —Finlande (Parlement)
17. M. Alain LAMASSOURE —Parlement européen
18. M. Jürgen MEYER —Allemagne (Parlement)
19. M. Vytenis ANDRIUKAITIS —Lituanie (Parlement)
20. M. Alberto COSTA —Portugal (Parlement)
21. M. Jens-Peter BONDE —Parlement européen  
(*Cartons bleus: Lennmarker, Brok, De Vries, McDonagh, Einem, Speroni, Floch*)
22. M. Pierre LEQUILLER —France (Parlement)
23. M. Proinsias DE ROSSA —Irlande (Parlement)
24. M. Caspar EINEM —Autriche (Parlement)
25. M. Erwin TEUFEL —Allemagne (Parlement)
26. M. Paraskevas AVGERINOS —Grèce (Parlement)
27. M. Sören LEKBERG —Suède (Parlement)
28. Mme Hanja MAIJ-WEGGEN —Parlement européen  
(*Cartons bleus: Kiljunen, Dini*)

## SUPLÉANTS

29. Baroness SCOTLAND —Royaume Uni (Gouvernement) \* suppléant M. Hain
30. M. Adrian SEVERIN —Roumanie (Parlement) \* suppléant M. Hasotti
31. Mme Pervenche BERES —Parlement européen \* suppléante Mme McAvan
32. M. Juraj MIGAS —Rép. Slovaque (Gouvernement) \* suppléant M. Korcok
33. M. Sven-Olof PETERSSON —Suède (Gouvernement) \* suppléant Mme Hjelm-Wallén
34. M. António NAZARÉ PEREIRA —Portugal (Parlement) \* suppléant Mme Azevedo
35. M. Oguz DEMIRAL — Turquie (Gouvernement) \* suppléant M. Gul
- (Cartons bleus: Barnier)*
36. M. Bobby McDONAGH —Irlande (Gouvernement) \* suppléant M. Roche
- (Cartons bleus: Duff, Duhamel, Martins, Van Lancker, Bruton, Abitbol)*
37. M. Paolo PONZANO —Commission \* suppléant M. Vitorino
38. M. Gerhard TUSEK —Autriche (Gouvernement) \* suppléant M. Farnleitner
39. Mme Lenka ROVNA —Rép. Tchèque (Gouvernement) \* suppléante M. Kohout
40. M. Pierre CHEVALIER —Belgique (Gouvernement) \* suppléant M. Michel
41. M. Carlos CARNERO —Parlement européen \* suppléant M. Marinho
42. M. Henrik HOLOLEI —Estonie (Gouvernement) \* suppléant M. Meri
43. M. Robert MACLENNAN —Royaume Uni (Parlement) \* suppléant M. Heathcoat-Amory
44. M. Manuel LOBO ANTUNES —Portugal (Gouvernement) \* suppléant M. Lopes
45. Mme Pascale ANDREANI —France (Gouvernement) \* suppléante M. De Villepin
46. M. Joachim WUERMELING —Parlement européen \* suppléant M. Méndez de Vigo
47. M. Valdo SPINI —Italie (Parlement) \* suppléant M. Follini
48. Mme Marie NAGY —Belgique (Parlement) \* suppléante M. Di Rupo
49. Lord STOCKTON —Parlement européen \* suppléant M. Kirkhope
50. M. Jan VAN DIJK —Pays Bas (Parlement) \* suppléant M. Timmermans

## OBSERVATEURS

- M. Josef CHABERT —Comité des régions
- M. Manfred DAMMAYER —Comité des régions
- Mme Claude DU GRANRUT —Comité des régions
- M; Emilio GABAGLIO —Partenaires sociaux
- (Cartons bleus: Einem, Tusek, Voggenhuber, Van Lancker)*