

COVER NOTE

from Secretariat

to The Convention

Subject : Report from the Presidency of the Convention to the President of the European Council

Members of the Convention will find attached the report of the Presidency of the Convention to the President of the European Council.

REPORT
FROM THE CONVENTION PRESIDENCY
TO THE PRESIDENT OF THE EUROPEAN COUNCIL

1. In response to the mandate from the European Council meeting in Laeken on 14 and 15 December 2001, the Convention on the Future of Europe has completed its task, and submits to the President of the European Council the outcome of its work: a draft Treaty establishing a Constitution for Europe.
2. As envisaged in the Laeken Declaration, the President of the Convention gave progress reports to the European Council at its meetings in June 2002 (Seville), October 2002 (Brussels), December 2002 (Copenhagen), and April 2003 (Athens). He presented Parts I and II of the draft Treaty to the European Council in Thessaloniki on 20 June 2003: they have not been subsequently changed. Parts III and IV, interim texts of which were available at Thessaloniki, have since been finalised, and are now added.
3. This concludes seventeen months of work by the Convention whose members, together with their alternates, are listed in Annex I. They met in plenary session on 26 occasions (52 days), hearing over 1800 interventions. The Convention also established eleven Working Groups and three Discussion Circles, each with its own specific mandate, which met to address particular issues (listed at Annex II) and make recommendations to the Convention as a whole. Convention members also provided 386 written contributions to the Convention as a whole, and 773 to Working Groups and Discussion circles.
4. The Praesidium, whose members are listed in Annex I, met on 50 occasions, and submitted 52 papers to the Convention. Members of the Praesidium chaired the Working Groups and Discussion Circles listed at Annex II, and presented their reports to the Convention.

5. The Convention operated in a fully transparent manner: its meetings were open to the public, and all its official documents were available on its website, which received an average of 47,000 visitors per month, rising to 100,000 in June 2003. In addition it took a number of initiatives to ensure wider participation in its work. The Forum established in accordance with the Laeken declaration received 1264 contributions from NGOs, the business community, academia and others. Meetings were organised with a wide range of groups with an interest in the Convention. These included churches and religious organisations, Think tanks, representatives of local and regional organisations, and NGOs. In addition a special plenary session devoted to civil society took place in June 2002. A Youth Convention was organised in July 2002: its elected Chairman became an additional observer of the Convention's continuing work.

6. A key element in the Convention's success was the full role played by its members from candidate countries. In accordance with the Laeken declaration, they participated fully in the Convention's proceedings; the Convention decided to go further, and one of their representatives, elected by them, was invited to participate in all Praesidium discussions. Interpretation arrangements were also made to enable members from candidate countries to address the Convention in their own languages. The decision by the European Council on enlargement in December 2002, and the subsequent ratification process in the candidate countries, underlines the significance of these practical decisions taken early on in the Convention's life.

7. The task given to the Convention was founded on the four issues addressed in the "Nice declaration on the future of the Union", and then developed further in the mandate set out by the European Council in Laeken. During its initial meetings, the Convention addressed issues such as the delimitation of competences and the simplification of the Union's instruments and procedures. These discussions in plenary, together with the outcome of the first wave of working groups, enabled the Convention to define, in October 2002, the most appropriate future treaty structure which would respond in particular to the requirements of clarity and simplification. The outcome of the Convention reflects this: a merge and

reorganisation of the existing treaties in the form of a draft Constitution, and hence a single legal personality for the European Union. This approach secured support from a large number of Convention members, and enabled the Convention subsequently to reach broad consensus on the consolidated and complete text of a draft Treaty, in four Parts, which it presents to the European Council.

8. The Convention agreed on a major enhancement of the democratic nature of the Union. The Constitution incorporates it, calling for a significant expansion of the role of the European Parliament, with a doubling of the scope of legislation taken by co-decision, which becomes the normal legislative process of the Union, and a substantial simplification of corresponding procedures. In addition, new mechanisms to ensure improved information flow to national Parliaments, and their closer involvement in the Union's work, in particular on legislation, have been devised. The Union's competences have been clarified, categorised and stabilised, and its range of legal instruments reduced, in the interests of better public understanding, more effective action, and a clear distinction between the roles of the Union and of the Member States.
9. To enable the Union's central Institutions to adapt to the new Enlargement dimension, means of strengthening all three, while retaining the balance between them, have been incorporated in the Constitution. The Convention is convinced that these reforms will substantially improve the Union's effectiveness.
10. The Constitution incorporates, as its Part II, the Charter of Fundamental Rights proclaimed at the Nice European Council. The Convention noted that the "Explanations" drawn up at the instigation of the Praesidium of the Charter Convention, and updated under the authority of this Convention's Praesidium, are one important tool for the interpretation of the Charter.
11. The Convention has prepared the texts of new Protocols on the Role of National Parliaments in the European Union and on the Application of the Principles of Subsidiarity and Proportionality, as well as on the Eurogroup and Euratom. It has not attempted to review existing Protocols to the current Treaties, nor therefore to prepare the texts of the Protocols

mentioned in Articles IV-1 and IV-2: it will fall to the Intergovernmental Conference to undertake the task. Similarly, it will be for the Intergovernmental Conference to conclude the lists, foreseen in Articles III-213 and III-214, of those Member States participating in closer co-operation and on mutual defence; and to ensure a response to the call, set out in the relevant Convention Declaration, for the timely establishment of a European External Action Service.

12. The attention of the European Council is drawn to two further specific issues which it may wish to follow up. Firstly, a large number of members of the Convention argued for a more ambitious approach to the issue of transparency, including specifically the automatic presumption of public right of access to all documents. The proposed Constitution imposes an obligation on the institutions to adopt rules on transparency. The level of ambition of these rules, and so the extent to which demands for access can be met, therefore needs to be addressed within the framework of subsequent legislation.
13. Secondly, although some members wished to re-examine, and perhaps update, the provisions of the Euratom treaty, the Convention did not believe it had either the mandate or the time and competence to do so. The future of Euratom therefore remains an issue which the European Council may wish at some stage to address.
14. Certain members of the Convention, though not seeking to block consensus, were unable to give their support to the draft Constitution. One group of 4 members considered that the Convention had not responded appropriately to the section of the Laeken mandate on increasing democratic legitimacy; their minority alternative report proposing a "Europe of democracies" is attached at Annex III.
15. Some other members of the Convention, whilst joining the broad consensus on the text of the draft Constitution, would have preferred an approach going rather further, particularly as regards the extension of Qualified Majority Voting and the procedures for future Amendment of the Constitution.

16. It is thanks to the high degree of commitment and engagement of all its members that the Convention has been able successfully to complete its work, and to present what the Thessaloniki European Council considered to be a "good basis" for the forthcoming Intergovernmental Conference. It hopes that the momentum which has been generated, and the balance of the synthesis on which it found consensus after long and careful examination, will be maintained by the Intergovernmental Conference.
17. Having fulfilled the mandate given to it by the Laeken European Council, the Convention has ended. In presenting the draft Treaty establishing a Constitution for Europe, and this report, its Presidency discharges its mission, and steps down.
18. The archives of the Convention will be deposited at the Secretariat of the Council.

Valéry Giscard d'Estaing
President of the Convention

Giuliano Amato
Vice-President

Jean-Luc Dehaene
Vice-President

John Kerr
Secretary-General

THE EUROPEAN CONVENTION

LIST OF MEMBERS

PRESIDENCY

Mr Valéry GISCARD d'ESTAING	Chairman
Mr Giuliano AMATO	Vice-Chairman
Mr Jean-Luc DEHAENE	Vice-Chairman

OTHER MEMBERS OF THE PRAESIDIUM

Mr Michel BARNIER	Representative of the European Commission
Mr John BRUTON	Representative of the National Parliaments
Mr Henning CHRISTOPHERSEN	Representative of the Danish Presidency
Mr Alfonso DASTIS	Representative of the Spanish Presidency (from March 2003)
Mr Klaus HÄNSCH	Representative of the European Parliament
Mr Giorgos KATIFORIS	Representative of the Greek Presidency (until February 2003)
Mr Iñigo MÉNDEZ DE VIGO	Representative of the European Parliament
Ms Ana PALACIO	Representative of the Spanish Presidency (until March 2003)
Mr Giorgos PAPANDREOU	Representative of the Greek Presidency (from February 2003)
Ms Gisela STUART	Representative of the National Parliaments
Mr Antonio VITORINO	Representative of the European Commission
Mr Alojz PETERLE	Invitee

CONVENTION MEMBERS

REPRESENTATIVES OF THE EUROPEAN PARLIAMENT

Mr Jens-Peter BONDE (DK)
Mr Elmar BROK (D)
Mr Andrew Nicholas DUFF (UK)
Mr Olivier DUHAMEL (F)
Mr Klaus HÄNSCH (D)
Ms Sylvia-Yvonne KAUFMANN (D)

Mr Timothy KIRKHOPE (UK)
Mr Alain LAMASSOURE (F)
Ms Linda McAVAN (UK)
Ms Hanja MAIJ-WEGGEN (NL)
Mr Luís MARINHO (P)
Mr Íñigo MÉNDEZ DE VIGO Y MONTOJO (ES)
Ms Cristiana MUSCARDINI (IT)
Mr Antonio TAJANI (IT)
Ms Anne VAN LANCKER (B)
Mr Johannes VOGGENHUBER (ÖS)

REPRESENTATIVES OF THE COMMISSION

Mr Michel BARNIER

Mr António VITORINO

REPRESENTATIVES OF THE MEMBER STATES

COUNTRY

BELGIË/BELGIQUE

Government

Mr Louis MICHEL

National Parliament

Mr Karel DE GUCHT
Mr Elio DI RUPO

DANMARK

Government

Mr Henning
CHRISTOPHERSEN

National Parliament

Mr Peter SKAARUP

Mr Henrik DAM KRISTENSEN

DEUTSCHLAND

Government

Mr Joschka FISCHER
*replaced Mr Peter GLOTZ in
November 2002*

National Parliament

Mr Jürgen MEYER
Mr Erwin TEUFEL

ELLAS

Government

Mr Giorgos
PAPANDREOU
replaced
Mr Giorgos KATIFORIS in
February 2003

National Parliament

Mr Paraskevas AVGERINOS
Ms Marietta GIANNAKOU

ESPAÑA

Government

Mr Alfonso DASTIS
replaced Mr Carlos
BASTARRECHE as alternate
member in September 2002,
then Ms A. Palacio as member
in March 2003

National Parliament

Mr Josep BORRELL
FONTELLES
Mr Gabriel CISNEROS
LABORDA

FRANCE

Government

Mr Dominique de
VILLEPIN
replaced Mr Pierre
MOSCOVICI in
November 2002

National Parliament

Mr Pierre LEQUILLER
replaced Mr Alain BARRAU in
July 2002
Mr Hubert HAENEL

IRELAND

Government

Mr Dick ROCHE
replaced
Mr Ray MacSHARRY in
July 2002

National Parliament

Mr John BRUTON
Mr Proinsias DE ROSSA

ITALIA

Government

Mr Gianfranco FINI

National Parliament

Mr Marco FOLLINI
Mr Lamberto DINI

LUXEMBOURG

Government

Mr Jacques SANTER

National Parliament

Mr Paul HELMINGER
Mr Ben FAYOT

NEDERLAND

Government

Mr Gijs de VRIES
*replaced Mr Hans van MIERLO
in October 2002*

National Parliament

Mr René van der LINDEN
Mr Frans TIMMERMANS

ÖSTERREICH

Government

Mr Hannes FARNLEITNER

National Parliament

Mr Caspar EINEM
Mr Reinhard Eugen BÖSCH

PORTUGAL

Government

Mr Ernâni LOPES
*replaced Mr João de VALLERA
in May 2002*

National Parliament

Mr Alberto COSTA
Ms Eduarda AZEVEDO

SUOMI/FINLAND

Government

Ms Teija TIILIKAINEN

National Parliament

Mr Kimmo KILJUNEN
Mr Jari VILÉN
replaced Mr Matti VANHANEN in May 2003

SVERIGE

Government

Ms Lena HJELM-WALLÉN

National Parliament

Mr Sören LEKBERG
Mr Göran LENNMARKER

UNITED KINGDOM

Government

Mr Peter HAIN

National Parliament

Ms Gisela STUART
Mr David HEATHCOAT-AMORY

REPRESENTATIVES OF THE CANDIDATE COUNTRIES

COUNTRY

Κύπρος/CYPRUS

Government

Mr Michael ATTALIDES

National Parliament

Ms Eleni MAVROU

Mr Panayiotis DEMETRIOU

MALTA

Government

Mr Peter SERRACINO-
INGLOTT

National Parliament

Mr Michael FRENDO

Mr Alfred SANT

MAGYARORSZÁG/HUNGARY

Government

Mr Péter BALÁZS
*replaced Mr János MARTONYI
in June 2002*

National Parliament

Mr József SZÁJER

Mr Pál VASTAGH

POLSKA/POLAND

Government

Ms Danuta HÜBNER

National Parliament

Mr Jozef OLEKSY

Mr Edmund WITTBRODT

ROMÂNIA/ROMANIA

Government

Ms Hildegard Carola
PUWAK

National Parliament

Mr Alexandru ATHANASIU

replaced Mr Liviu MAIOR in February 2003

Mr Puiu HASOTTI

SLOVENSKO/SLOVAKIA

Government

Mr Ivan KORČOK
*replaced Mr Ján FIGEL in
November 2002*

National Parliament

Mr Ján FIGEL

replaced Mr Pavol HAMZIK in October 2002

Ms Irena BELOHORSKÁ

LATVIJA/LATVIA

Government

Ms Sandra KALNIETE
*replaced Mr Roberts ZILE in
January 2003*

National Parliament

Mr Rihards PIKS
Ms Liene LIEPINA
replaced Mr Edvins INKĒNS in January 2003

EESTI/ESTONIA

Government

Mr Lennart MERI

National Parliament

Mr Tunne KELAM
Mr Rein LANG
replaced Mr Peeter REITZBERG in April 2003

LIETUVA/LITHUANIA

Government

Mr Rytis MARTIKONIS

National Parliament

Mr Vytenis ANDRIUKAITIS
Mr Algirdas GRICIUS
*in December 2002 replaced Mr Alvydas
MEDALINSKAS,
who in turn replaced Ms Dalia KUTRAITE-
GIEDRAITIENE as alternate member*

България/BULGARIA

Government

Ms Meglena KUNEVA

National Parliament

Mr Daniel VALCHEV
Mr Nikolai MLADENOV

ČESKÁ REPUBLIKA/CZECH REPUBLIC

Government

Mr Jan KOHOUT
*replaced Mr Jan KAVAN in
September 2002*

National Parliament

Mr Jan ZAHRADIL
Mr Josef ZIELENIEC

SLOVENIJA/SLOVENIA

Government

Mr Dimitrij RUPEL
*replaced Mr Matjaz NAHTIGAL
in January 2003*

National Parliament

Mr Jelko KACIN
replaced Mr Slavko GABER in January 2003
Mr Alojz PETERLE

TÜRQÍYE/TURKEY

Government

Mr Abdullah GÜL
*in March 2003 replaced Mr
Yasar YAKIS, who had replaced
Mr Mesut YILMAZ in
December 2002*

National Parliament

Mr Zekeriya AKCAM
replaced Mr Ali TEKIN in December 2002
Mr Kemal DERVIŞ
replaced Ms Ayfer YILMAZ in December 2002

ALTERNATES

REPRESENTATIVES OF THE EUROPEAN PARLIAMENT

Mr William ABITBOL (F)
Ms ALMEIDA GARRETT (P)
Mr John CUSHNAHAN (IRL)
Ms Lone DYBKJAER (DK)
Ms Pervenche BERÈS (F)
Ms Maria BERGER (ÖS)
Mr Carlos CARNERO GONZÁLEZ (ES)
Mr Neil MacCORMICK (UK)
Ms Piiä-Noora KAUPPI (FI)
Ms Elena PACIOTTI (IT)
Mr Luís QUEIRÓ (P)
Mr Reinhard RACK (ÖS)
Mr Esko SEPPÄNEN (FI)
The Earl of STOCKTON (UK)
Ms Helle THORNING-SCHMIDT (DK)
Mr Joachim WUERMEILING (D)

REPRESENTATIVES OF THE COMMISSION

Mr David O'SULLIVAN

Mr Paolo PONZANO

REPRESENTATIVES OF THE MEMBER STATES

COUNTRY

BELGIË/BELGIQUE

Government

Mr Pierre CHEVALIER

National Parliament

Mr Danny PIETERS
Ms Marie NAGY

DANMARK

Government

Mr Poul SCHLÜTER

National Parliament

Mr Per DALGAARD
Mr Niels HELVEG PETERSEN

DEUTSCHLAND

Government

Mr Hans Martin BURY
*replaced Mr Gunter PLEUGER
in November 2002*

National Parliament

Mr Peter ALTMAIER
Mr Wolfgang GERHARDS
replaced Mr Wolfgang SENFF in March 2003

ELLAS

Government

Mr Giorgos KATIFORIS
*replaced Mr Panayiotis
IOAKIMIDIS in February 2003*

National Parliament

Mr Nikolaos CONSTANTOPOULOS
Mr Evripidis STILINIADIS

ESPAÑA

Government

Ms Ana PALACIO
*replaced Mr Alfonso Dastis in
March 2003*

National Parliament

Mr Diego LÓPEZ GARRIDO
Mr Alejandro MUÑOZ LONSO

FRANCE

Government

Ms Pascale ANDREANI
*replaced Mr Pierre VIMONT in
August 2002*

National Parliament

Mr Jacques FLOCH
replaced Ms Anne-Marie IDRAC in July 2002
Mr Robert BADINTER

IRELAND

Government

Mr Bobby McDONAGH

National Parliament

Mr Pat CAREY, *replaced Mr Martin
CULLEN in July 2002*
Mr John GORMLEY

ITALIA

Government

Mr Francesco E. SPERONI

National Parliament

Mr Valdo SPINI
Mr Filadelfio Guido BASILE

LUXEMBOURG

Government

Mr Nicolas SCHMIT

National Parliament

Mr Gaston GIBERYEN
Ms Renée WAGENER

NEDERLAND

Government

Mr Thom de BRUIJN

National Parliament

Mr Wim van EEKELEN
Mr Jan Jacob van DIJK
*replaced Mr Hans van BAALEN in
October 2002*

ÖSTERREICH

Government

Mr Gerhard TUSEK

National Parliament

Ms Evelin LICHTENBERGER
Mr Eduard MAINONI
*replaced Mr Gerhard KURZMANN in
March 2003*

PORTUGAL

Government
Mr Manuel LOBO
ANTUNES

National Parliament
Mr Guilherme d'OLIVEIRA MARTINS
replaced Mr Osvaldo de CASTRO in June 2002
Mr António NAZARÉ PEREIRA

SUOMI/FINLAND

Government
Mr Antti PELTOMÄKI

National Parliament
Mr Hannu TAKKULA
replaced Ms Riitta KORHONEN in May 2003
Mr Esko HELLE

SVERIGE

Government
Mr Sven-Olof PETERSSON
*replaced Ms Lena
HALLENGREN
in December 2002*

National Parliament
Mr Kenneth KVIST
Mr Ingvar SVENSSON

UNITED KINGDOM

Government
Baroness SCOTLAND OF
ASTHAL

National Parliament
Lord TOMLINSON
Lord MACLENNAN OF ROGART

REPRESENTATIVES OF THE CANDIDATE COUNTRIES

COUNTRY

Κύπρος/CYPRUS

Government
Mr Theophilos V.
THEOPHILOU

National Parliament
Mr Marios MATSAKIS
Ms Androula VASSILIOU

MALTA

Government
Mr John INGUANEZ

National Parliament
Ms Dolores CRISTINA
Mr George VELLA

MAGYARORSZÁG/HUNGARY

Government

Mr Péter GOTTFRIED

National Parliament

Mr András KELEMEN

Mr István SZENT-IVÁNYI

POLSKA/POLAND

Government

Mr Janusz TRZCIŃSKI

National Parliament

Ms Marta FOGLER

Ms Genowefa GRABOWSKA

ROMÂNIA/ROMANIA

Government

Mr Constantin ENE

*replaced Mr Ion JINGA in
December 2002*

National Parliament

Mr Péter ECKSTEIN-KOVACS

Mr Adrian SEVERIN

SLOVENSKO/SLOVAKIA

Government

Mr Juraj MIGAŠ

National Parliament

Ms Zuzana MARTINAKOVA

*replaced Mr Frantisek SEBEJ in
November 2002*

Mr Boris ZALA

*replaced Ms Olga KELTOSOVA in
November 2002*

LATVIJA/LATVIA

Government

Mr Roberts ZILE

*replaced Mr Guntars KRASTS
in January 2003*

National Parliament

Mr Guntars KRASTS

*replaced Mr Maris SPRINDZUKS in
January 2003*

Mr Arturs Krisjanis KARINS

*replaced Ms Inese BIRZNIECE in
January 2003*

EESTI/ESTONIA

Government

Mr Henrik HOLOLEI

National Parliament

Ms Liina TÕNISSON

replaced Ms Liia HÄNNI in April 2003

Mr Urmas REINSALU

replaced Mr Ülo TÄRNO in April 2003

LIETUVA/LITHUANIA

Government

Mr Oskaras JUSYS

National Parliament

Mr Gintautas ŠIVICKAS

in February 2003 replaced Mr Gediminas DALINKEVICIUS, who had replaced Mr Rolandas PAVILIONIS in December 2002

Mr Eugenijus MALDEIKIS

replaced Mr Alvydas MEDALINSKAS in February 2003

България/BULGARIA

Government

Ms Neli KUTSKOVA

National Parliament

Mr Alexander ARABADJIEV

Mr Nesrin UZUN

ČESKÁ REPUBLIKA/CZECH REPUBLIC

Government

Ms Lenka Anna ROVNA

replaced Mr Jan KOHOUT in September 2002

National Parliament

Mr Petr NEČAS

Mr František KROUPA

SLOVENIJA/SLOVENIA

Government

Mr Janez LENARČIČ

National Parliament

Mr Franc HORVAT

replaced Ms Danica SIMŠIČ in January 2003

Mr Mihael BREJC

TÜRQIYE/TURKEY

Government

Mr Oğuz DEMIRALP
*replaced Mr Nihat AKYOL in
August 2002*

National Parliament

Mr Ibrahim ÖZAL
replaced Mr Kürsat ESER in December 2002
Mr Necdet BUDAK
*replaced Mr A. Emre KOCAOĞLOU in
December 2002*

OBSERVERS

Mr Roger BRIESCH
Mr Josef CHABERT
Mr João CRAVINHO
Mr Manfred DAMMEYER
Mr Patrick DEWAELE
Mr Nikiforos DIAMANDOUROS
(replaced Mr Jacob SÖDERMAN in March 2003)
Ms Claude DU GRANRUT
Mr Göke Daniel FRERICHS
Mr Emilio GABAGLIO
Mr Georges JACOBS
Mr Claudio MARTINI
Ms Anne-Maria SIGMUND
Mr Ramón Luis VALCÁRCEL SISO
*(replaced Mr Eduardo ZAPLANA in February 2003;
Ms Eva-Riitta SIITONEN had acted as alternate since
October 2002)*

Economic and Social Committee
Committee of the Regions
European Social Partners
Committee of the Regions
Committee of the Regions
European Ombudsman

Committee of the Regions
Economic and Social Committee
European Social Partners
European Social Partners
Committee of the Regions
Economic and Social Committee
Committee of the Regions

SECRETARIAT

Sir John KERR
Ms Annalisa GIANNELLA

Secretary-General
Deputy Secretary-General

Ms Marta ARPIO SANTACRUZ
Mr Hervé BRIBOSIA
Ms Elisabeth GATEAU
Ms Maria José MARTÍNEZ IGLESIAS
Mr Guy MILTON
Ms Kristin de PEYRON
Mr Alain PIOTROWSKI
Ms Alessandra SCHIAVO
Ms Maryem van den HEUVEL

Ms Agnieszka BARTOL
Ms Nicole BUCHET
Mr Clemens LADENBURGER
Mr Nikolaus MEYER LANDRUT
Mr Ricardo PASSOS
Mr Alain PILETTE
Mr Etienne de PONCINS
Ms Walpurga SPECKBACHER

WORKING GROUPS

<u>Subject</u>	<u>Chairman</u>	<u>Report</u>
1. Subsidiarity	M. Mendez de Vigo	CONV 286/02 of 23 September 2002
2. Charter	M. Vitorino	CONV 354/02 of 22 October 2002
3. Legal Personality	Vice-President Amato	CONV 305/02 of 1 October 2002
4. The Role of National Parliaments	Mme Stuart	CONV 353/02 of 22 October 2002
5. Complementary competences	M. Christophersen	CONV 375/1/02 of 4 November 2002
6. Economic Governance	M. Hänsch	CONV 357/02 of 21 October 2002
7. External Action	Vice-President Dehaene	CONV 459/02 of 16 December 2002
8. Defence	M. Barnier	CONV 461/02 of 16 December 2002
9. Simplification	Vice-President Amato	CONV 424/02 of 29 November 2002
10. Freedom, Security and Justice	M. Bruton	CONV 426/02 of 2 December 2002
11. Social Europe	M. Katiforis	CONV 516/1/03 of 4 February 2003

DISCUSSION CIRCLES

1. Court of Justice	M. Vitorino	CONV 636/03 of 25 March 2003
2. Budgetary Procedure	M. Christophersen	CONV 679/03 of 14 April 2003
3. Own Resources	M. Mendez de Vigo	CONV 730/03 of 8 May 2003

Alternative Report

THE EUROPE OF DEMOCRACIES

Laeken's Lost Missions

As members of the Convention, we cannot endorse the draft European Constitution. It does not meet the requirements of the Laeken Declaration of December 2001.

Laeken says "**the Union must be brought closer to its citizens**".

The transfer of more decision making from member states to the Union, concerning criminal justice matters and new areas of domestic policy, will make the Union more remote.

Laeken adds that "**the division of competences be made more transparent**".

But the new category of 'shared competences' gives no assurance about how power is to be shared, particularly as member states will be forbidden to legislate in these areas if the Union decides to act. The EU court in Luxembourg will decide on any doubt.

Laeken describes the Union as "**behaving too bureaucratically**".

The draft Constitution fails to address the 97,000 accumulated pages of the *acquis communautaire*, and proposes a new legal instrument, the 'Non Legislative Act', whereby the non-elected Commission can pass binding laws.

Laeken calls for the "**European institutions to be less unwieldy and rigid**".

But the Constitution gives more power to all the existing EU institutions and creates a Europe of Presidents, with more jobs for politicians and less influence for the people.

Laeken highlights the importance of national parliaments, and the Nice Treaty "**stressed the need to examine their role in European integration**".

National Parliaments lose influence relative to the Commission, the European Parliament and the European Council. Their proposed new role in 'ensuring' compliance with the subsidiarity principle is in reality no more than a request which the Commission can ignore. Not one competence will be returned to member states.

Laeken calls for "**more transparency and efficiency**" in the Union.

The Constitution concentrates more executive and budgetary power in the very EU institutions which have been the subject of repeated and continuing scandals over mismanagement, waste and fraud.

Laeken suggests the possibility of a constitution: "**The question ultimately arises as to whether this simplification and reorganisation might not lead in the long run to the adoption of a constitutional text of the Union**".

The suggestion that the existing intergovernmental Treaties be transformed into a new European Constitution was rapidly seized upon, but without any study of either the alternatives on offer or the long-term consequences of such an act.

Lastly, Laeken's overriding aim was a **Democratic Europe**.

The draft Constitution creates a new centralised European state, more powerful, more remote, with more politicians, more bureaucracy, and a wider gap between the rulers and the ruled.

The EURATOM treaty was brought into the Constitution in the last moment without any working group having the time to revise it.

The draft EU constitution was never drafted through normal democratic methods

- The applicant countries were treated as observers in the Praesidium and had no real say
- Only 3 political families were represented in the powerful Praesidium which drafted the tunnel vision text.
- The members were refused the right to have their amendments translated, distributed, discussed and voted upon
- The Convention had no Members for that half of the population, which rejected the Maastricht treaty in France or the Nice treaty in Ireland.
- Not one single Eurosceptic or Eurorealist person was allowed to observe or participate in the work in the Praesidium, nor any of its assisting secretariats.

Giscard did not allow democracy and normal voting in the Convention. The draft constitution runs counter to all democratic principles. We want a new draft from a much more representative convention, democratic in content and democratic in procedures.

We hereby submit the following 15 points to the consideration for our Prime ministers and the other following citizens.

1. EUROPE OF DEMOCRACIES. The European Union (EU) shall not have a constitution. Instead, Europe should be organised on an interparliamentary basis by means of a Treaty on European Cooperation. This will create a Europe of Democracies (ED) in place of the existing EU. If the EU should have a new name it should be Europe of Democracies.

2. A SLIMLINE TREATY. The present 97,000 pages of the *acquis communautaire* covering the EU and EEA must be radically simplified. Instead, focus shall be placed on cross-frontier issues where national parliaments cannot effectively act by themselves. Decisions on subsidiarity shall be resolved by the national parliaments.

3. OPEN TO ALL DEMOCRACIES. Membership of the ED shall be open to any democratic European state which is a signatory of, and respects fully, the European Convention on Human Rights.

4. SIMPLIFIED DECISION-MAKING. The present 30 different ways of making decisions in the EU shall be reduced to two: laws and recommendations. Where qualified majority voting applies, the proposal in question shall require 75 % of the votes to be cast in favour, unless otherwise stated.

5. A VETO ON VITAL ISSUES. Laws shall be valid only if they have been passed by national parliaments. A national parliament shall have a veto on an issue it deems important.

6. THE COMMON CORE ISSUES. Laws shall deal with the rules for the Common Market and certain common minimum standards to protect employees, consumers, health, safety and the environment. In other areas the ED shall have the power to issue recommendations for Member States, which are always free to adopt higher standards.

7. FLEXIBLE COOPERATION. The ED may unanimously approve flexible cooperation for those nations that want to take part in closer cooperation. The ED shall also recognise and support other pan-European organisations, such as the Council of Europe.

8. OPENNESS AND TRANSPARENCY. The decision-making process and relevant documents shall be open and accessible, unless a reasonable cause for exception is confirmed by qualified majority.

9. STRAIGHTFORWARD COUNCIL VOTING. A simplified voting system shall operate in the Council, which may comprise each Member State possessing one vote in the ED Council. A decision by qualified majority shall require the support of countries with more than half the total ED population.

10. NATIONAL PARLIAMENTS ELECT THE COMMISSION. Every national parliament should elect its own member of the Commission. The Commissioner shall attend the European Scrutiny Committees of the national parliament concerned. National parliaments shall have the power to dismiss their Commissioner. The President of the Commission shall be elected by the national parliaments. National parliaments shall decide on the annual legislative programme and the Commission shall correspondingly act as a secretariat for the Council and the national parliaments.
11. NO LEGISLATION BY THE COURT. Legal activism by the European Court in Luxembourg shall be curbed, and the Court shall respect the European Convention on Human Rights.
12. PARTNERSHIP AGREEMENTS. The Member States and the ED may enter into partnership agreements of mutual interest with states or groups of states. The ED shall respect the parliamentary democracy of its partners and may assist poorer ones with a financial aid, while fostering free trade agreements.
13. BETTER SCRUTINY. The European Ombudsman, the Court of Auditors and the Budget Control Committees of the European and national parliaments shall have access to all documents and all financial accounts.
14. EQUALITY OF LANGUAGES. When legislating, all official ED languages shall be treated equally.
15. UNITED NATIONS. The ED shall not have its own army. Peacekeeping and peacemaking should be mandated by the United Nations and the Organisation for Security and Cooperation in Europe. Member States shall decide themselves whether they opt for a common defence through NATO, independent defence, or follow a neutrality policy.

Contribution by Convention members:

Abitbol, William - (Alternate Member) European Parliament

Bonde, Jens-Peter - (Member) European Parliament

Dalgaard, Per - (Alternate Member) Denmark - Parliament

Gormley, John - (Alternate Member) Ireland - Parliament

Heathcoat-Amory, David - (Member) - UK - Parliament

Seppanen, Esko - (Alternate Member) European Parliament

Skaarup, Peter - (Member) Denmark - Parliament

Zahradil, Jan - (Member) Czech Republic - Parliament