

NOTE

Subject : **Summary report on the plenary session**
– Brussels, 9 and 10 July 2003¹

1. Opening the session on 9 July, the Chairman of the Convention presented the text revised by the Praesidium following the plenary session on 4 July (see CONV 847/03). That text contains the following amendments to Part III of the draft Constitution:
 - Article III-85a was redrafted to define more clearly the measures which may be adopted by the Member States of the eurozone in matters concerning them;
 - consultation of the European Parliament was added to the procedure for adoption by the Council of Ministers of European regulations or decisions in the fields of non-discrimination and transport, and for adoption of European decisions establishing the specific procedures for guaranteeing rapid access to appropriations in the Union budget for financing crisis management operations;
 - a requirement to inform the Parliament was added in two other cases: Council decisions implementing agreements concluded at Union level by the social partners and Council decisions implementing the solidarity clause;

¹ The verbatim record of the plenary session may be found on the website at the following address: <http://european-convention.eu.int>.

- Article III-163 was amended to make it clear that the immigration policy developed at Union level did not entail Member States losing their right to determine volumes of admission to their territory of third-country nationals seeking work, whether employed or self-employed;
- an improvement was made to the decision-making process in the area of foreign policy for cases where, for vital reasons of national policy, a member of the Council opposes a decision which can be adopted by qualified majority. In this event, the text makes it clear that the Minister for Foreign Affairs is to mediate by seeking an acceptable solution in consultation with the Member State concerned;
- addressing the concerns of various Convention members about what they perceived to be the exclusive nature or characteristic of structured cooperation in the area of defence, the Praesidium proposed keeping this flexible option, on the one hand, while providing, on the other hand, that the general provisions on enhanced cooperation would apply notwithstanding the specific provisions governing the structured cooperation in question. Likewise, Article III-318, which excluded application of the series of enhanced cooperation rules in the area of defence, was deleted;
- a new Article III-324a was added to enable an enhanced cooperation Council to decide unanimously to act by qualified majority in the context of enhanced cooperation, and to decide unanimously to act under the ordinary legislative procedure in a field where a special legislative procedure applies;
- an addition was made to Article III-278 to enable natural and legal persons affected by restrictive measures other than those of an economic or financial nature to appeal to the Court of Justice. An addition was also made to Article III-141(2), stating that the Union aims to enable researchers to cooperate freely across borders;

- lastly, an amendment was made to Article III-177 to state that Union action is also aimed at encouraging the participation of young people in democratic life in Europe.

2. During the debate which followed the presentation, the following points were raised:

- various Convention members called for an article to be inserted in the draft Constitution to establish the symbols of the Union;
- one Convention member considered that the Union lacked transparency. Various other Convention members rejected that assertion, recalling that the draft Constitution contained numerous provisions aimed at making the Union even more transparent;
- certain Convention members considered that some of the amendments to the text were not of a technical nature, citing as examples the amendments in the areas of enhanced cooperation, the role of the Court of Justice and services of general interest;
- various Convention members regretted that it had not been possible to reach consensus on extending qualified majority voting to decisions concerning the common foreign and security policy, at least for joint initiatives of the Minister for Foreign Affairs and the Commission;
- the same regret was voiced in connection with taxation and non-discrimination;
- a number of speakers wanted the creation and organisation of a European External Action Service to be established by a European law;
- some stressed the need for the text of the draft Constitution to be gender-neutral;

- some speakers requested that consistency be ensured between Part I and Part III of the draft Constitution, in particular with regard to the use of the terms " full employment" and " social market economy" ;
 - several Convention members would have liked a clearer legal framework for research and public health;
 - one Convention member also regretted that the text did not contain a provision concerning the promotion of cultural diversity;
 - some Convention members stressed the need for all the Institutions, including the European Council, to be subject to judicial review by the Court of Justice;
 - several Convention members expressed satisfaction at the incorporation of a new paragraph in Article III-208 aimed at bringing structured cooperation into line with the provisions relating to enhanced cooperation. Although some of them would have liked this alignment to be made more explicit, they welcomed the amendment to the article.
4. On 10 July, after an afternoon of debate in plenary and negotiations within the Convention's constituent bodies and the political groups, as well as between those bodies and groups, the Chairman of the Convention presented the text revised by the Praesidium in the light of the outcome of the above discussions. That text, set out in CONV 848/03, contains the following changes to the text of CONV 847/03:
- insertion of a new article on the symbols of the Union;

- indication in Article III-5 on combating all forms of discrimination that European laws or framework laws may establish basic principles for Union incentive measures and define such measures, the aim of which is to support action by Member States without harmonising national law;
- inclusion in the articles concerning social policy, research, public health and industry of provisions referring to specific forms of coordination;
- with regard to commercial policy, the draft retains unanimity for agreements in the sphere of cultural and audiovisual services – hitherto concluded by common accord by the Member States and the Community – as such agreements could prejudice the Union's cultural and linguistic diversity, which is included among the Union's objectives, Article 3 of Part I. The Nice Treaty formula has been adopted for agreements in the field of transport;
- the Declaration on the creation of a European External Action Service has been slightly amended to state that agreement between the Commission and the Council on the creation of such a service must be reached with due regard for the rights of the European Parliament;
- the Protocol on the Euratom Treaty and Article IV-2 on the legal continuity of the new European Union established by the Constitution have been amended;
- with regard to the revision of the Constitution (Article IV-6), approval by the European Parliament has been added in the context of the procedure under which the European Council may decide not to convene the Convention should this not be justified by the extent of the proposed amendments.

5. The Convention members gave a favourable reception to these amendments to the draft Constitution. Many members expressed the opinion that the amended text reflected the outcome of the Convention. They urged the Member States not to call this text into question within the IGC to avoid upsetting the delicate balance achieved by the Convention. Many members also requested that the IGC should function openly and transparently as had the Convention. They wanted the IGC to be brief and involve the Chairman and Vice-Chairmen.
6. The Chairman and two Vice-Chairmen took the floor to conclude the plenary session. Vice-Chairman Amato stated that he was moved by the very valuable experience constituted by the Convention, thanks to all its members. The Convention mirrored Europe in building upon relations between people who share the same roots and the same cultural heritage, enabling them to understand one another and to share unique political and human experiences. He stressed that the Convention had brought tomorrow's Europe, an enlarged Europe, into being through the participation of the Convention members from the candidate States. It had also strengthened Europe's democratic dimension – transparency.

Vice-Chairman Dehaene expressed his conviction that the Convention was a decisive stage in building Europe; a stage which made it possible to turn the reunification of Europe into reality and whose success had enabled greater progress to be made than at any intergovernmental conference. He paid homage to all the Convention members for their work which had yielded such a success. He also thanked the members of the Praesidium and especially Vice-Chairman Amato. Vice-Chairman Dehaene made a point of paying special homage to the Chairman of the Convention. He emphasised that the Chairman's personality had made the Convention what it was and he was confident that the Chairman would be the most ardent defender of its achievements in future.

In his closing speech, the Chairman, Mr Giscard d'Estaing, stated that a very broad consensus had been reached on the whole of the draft Treaty establishing a Constitution for Europe. He pointed to the process by which the Convention, through a period of reflection and debate lasting sixteen months, had succeeded in drawing up the draft Constitution. The Chairman insisted that this venture – the first draft Constitution for Europe – had been possible and owed its great success, *inter alia*, to the judicious use of time. Firstly, this had allowed the new Member States to familiarise themselves with the functioning of the European institutions. Secondly, it had made it possible to evaluate where the Union stood in time and the bridges it had crossed since 1950. Lastly, this judicious use of time had enabled future generations to be provided with the instruments or pathways for taking integration yet further, should they wish to do so one day.

The Chairman confirmed that he would convey to the European Council the Convention's message that the balanced consensus achieved within the Convention should as far as possible remain intact. He added that the IGC should make public the full range of proposals and amendments submitted so that public opinion and Convention members could be informed of the course of its proceedings and could comment on the proposals and amendments in question.

The Chairman then paid tribute to all the members of the Convention, who had proved that the Convention method was a success and that it should be maintained as the method that guaranteed the greatest transparency, effectiveness and legitimacy.

In addition, the Chairman warmly thanked the two Vice-Chairmen of the Convention, Mr Giuliano Amato and Mr Jean-Luc Dehaene, whose contribution to the Convention's proceedings had been decisive. He also expressed his appreciation for the effective support given to the Convention's proceedings by the Secretariat under the direction of Sir John Kerr and Ms Annalisa Giannella.

At the close of the plenary session, the Chairman invited the Convention members to sign the forwarding document accompanying the draft Convention, the text of which reads as follows: " We, the members of the European Convention, having contributed to the elaboration of this draft Constitution, hereby submit it to the Presidency of the European Council, in the hope that it will form the basis of the future Treaty establishing a Constitution for Europe".

He also invited the Convention members to sign the board bearing the Convention logo which had been present in the plenary meeting room throughout the proceedings. This board would be presented to the European Parliament.

93 members of the Convention have already signed this document, some in the days following the plenary session by going or sending their signatures to the office of the Chairman.

Session plénière 9 et 10 juillet 2003

LISTE DES ORATEURS

suivant l'ordre des interventions

Jeudi 9 juillet

Débat sur le texte révisé de la partie III

(Cartons bleu : Bonde, McCormick)

M. Lamberto DINI - Italie (Parlement)
M. Inigo MENDEZ DE VIGO - Parlement européen
Mme Danuta HÜBNER - Pologne (Gouvernement)
M. António VITORINO - Commission
Mme Linda McAVAN - Parlement européen
M. Pierre LEQUILLER - France (Parlement)
M. Andrew DUFF - Parlement européen
M. Jan KOHOUT - Rép. Tchèque (Gouvernement)
M. Luis MARINHO - Parlement européen
M. Elmar BROK - Parlement européen
M. Henning CHRISTOPHERSEN - Danemark (Gouvernement)
M. Frans TIMMERMANS - Pays Bas (Parlement)
Mme Teija TIILIKAINEN - Finlande (Gouvernement)
Mme Anne VAN LANCKER - Parlement européen
M. Zekeriya AKCAM - Turquie (Parlement)
M. Olivier DUHAMEL - Parlement européen
M. Kimmo KILJUNEN - Finlande (Parlement)
M. Joschka FISCHER - Allemagne (Gouvernement)
M. Jozef OLEKSY - Pologne (Parlement)
M. Gijs DE VRIES - Pays Bas (Gouvernement)
M. Sören LEKBERG - Suède (Parlement)
M. Marietta GIANNAKOU - Grèce (Parlement)
M. Jari VILÉN - Finlande (Parlement)
(Cartons bleu : Einem, Spini, Dastis, Voggenhuber, van der Linden, Haenel)
M. Aloiz PETERLE - Slovénie (Parlement)
M. Göran LENNMARKER - Suède (Parlement)
M. Michel BARNIER - Commission
Mme Maria Eduarda AZEVEDO - Portugal (Parlement)
Mme Sylvia-Yvonne KAUFMANN - Parlement européen
Mme Sandra KALNIETE - Lettonie (Gouvernement)
M. Jelko KACIN - Slovénie (Parlement)
M. Dick ROCHE - Irlande (Gouvernement)
M. Ben FAYOT - Luxembourg (Parlement)
Mme Cristiana MUSCARDINI - Parlement européen
M. Alberto COSTA - Portugal (Parlement)
M. Alain LAMASSOURE - Parlement européen
M. Jürgen MEYER - Allemagne (Parlement)
M. Edmund WITTBRODT - Pologne (Parlement)
Mme Hanja MAIJ-WEGGEN - Parlement européen
M. Proinsias DE ROSSA - Irlande (Parlement)
M. Jens-Peter BONDE - Parlement européen

(*Carton bleu : Christophersen*)

M. Vytenis ANDRIUKAITIS - Lituanie (Parlement)

M. Panayotis DEMETRIOU - Chypre (Parlement)

SUPLÉANTS

Baroness SCOTLAND - Royaume Uni (Gouvernement) * suppléant M. Hain
Mme Pascale ANDREANI - France (Gouvernement) * suppléante M. de Villepin
M. Valdo SPINI - Italie (Parlement) * suppléant M. Follini
M. Manuel LOBO ANTUNES - Portugal (Gouvernement) * suppléant M. Lopes
M. Peter ALTMAIER - Allemagne (Parlement) * suppléant M. Teufel
M. Henrik HOLOLEI - Estonie (Gouvernement) * suppléant M. Meri
Mme. Piia Noora KAUPPI - Parlement européen *suppléante M. Kirkhope
(*Cartons bleu : Speroni, Vassiliou, MacLennan of Rogart*)

OBSERVATEURS

M. Emilio GABAGLIO - Partenaires sociaux
M. João CRAVINHO - Partenaires sociaux
M. Manfred DAMMEYER - Comité des régions
(*Cartons bleu: Cisneros, Bruton, Borrell*)

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Vendredi 10 juillet

Séance de clôture de la Convention

M. Klaus HÄNSCH
M. Lamberto DINI
M. John BRUTON
M. Jens-Peter BONDE
M. Michel BARNIER
M. Henning CHRISTOPHERSEN
M. Elmar BROK
M. Jürgen MEYER
Mme Ana PALACIO
M. Andrew DUFF
M. Dimitrij RUPEL
M. Johannes VOGGENHUBER
M. Dick ROCHE
M. Caspar EINEM
M. Pierre LEQUILLER
Mme. Hanja MAIJ-WEGGEN
M. René van der LINDEN
M. Henrik HOLOLEI
M. Vytenis ANDRIUKAITIS
(*Cartons bleu: Haenel, Heathcoat-Amory, Speroni*).
M. Giuliano AMATO
M. Jean-Luc DEHAENE
M. Valéry Giscard d'ESTAING