

## **Summary Convention meeting 15th and 16th May 2003**

Following I would like to sum up the Convention meetings on 15<sup>th</sup> and 16<sup>th</sup> Mai 2003. After discussing the institutions of the Union the entire Thursday and also Friday morning, the Convention also focused on questions of a Common Foreign and Security Policy and Defence and Security Policy. The results in short: many well known arguments have been exchanged, little new proposals have been put forward and compromise has been offered only occasionally.

### **1. Institutions**

The eight hour discussion on institutions focused primarily on three issues: size of the Commission, president or presidency of the European Council and the voting procedures in these two institutions. Looking at the atmosphere of the Convention meeting it was quite striking, that most of the Convention members are not ready to agree to minimal compromises, despite the fact that the Convention has little more than one month to complete its work. The only substantial compromise proposal, the only sign of moving towards a common position was coming from the BeNeLux countries. This proposal was partly supported by Germany and many "small" countries. Giuliano Amato commented this atmosphere in a press release: "If the Convention members want to be founding members of something, they have to start to agree on some issues."

#### **1.2. The European Commission:**

One of the main points of discussion focused around the question, whether every member state should be entitled to have one Commissioner. On the one hand there was the argument, that equality between states has to be respected in the Union (which means every member state should have one Commissioner) respectively. On the other hand many Convention members argued that we need an effective, streamlined commission and that the Commissioners are there to defend the general interest of the Union, not the particular interests of a member state. Not only members of the presidium made clear, that there will be anyway a transition period applying the Nice agreement (one Commissioner each member state until the Union has 27 members). This will be necessary since the new Constitution will be in place earliest in 2006, whereas the Commission will be elected/appointed in 2004.

An interesting attempt to strike a compromise was the BeNeLux proposal, which was presented by Jacques Santer. The BeNeLux countries could agree to give up their Commissioner each (after the transition period) in case that there will be a rotation system established which ensures equality of the member states. In turn the BeNeLux proposal demands that the European Parliament will have to elect the Commission president and that the EP will have to approve the Commission college selected by the Commission President. Many Convention members, such as Joschka Fischer, agreed to this proposal and it has been seen as a step towards a compromise (previously it has been especially the BeNeLux demanding one Commissioner each).

The question on how to elect the Commission president was also debated heatedly. Whereas there were still some Convention members who asked for a directly elected Commission president, majority of the Convention members agreed that the President of the Commission

has to be elected by the European Parliament. Voggenhuber and others made clear, that it is not enough to give the EP the chance to confirm a President elected by the European Council, but instead the Parliament should have the chance to select between different candidates and should also have the power to dismiss the Commission President and Commissioners.

## **1.2. The European Council / Other Council Formations**

A second issue the debate focused on for a long time was the presidency/president of the European Council and the other Council formations. Some heads of governments again presented their well known position, that only an elected fulltime president of the European Council "could ensure the continuity, which the Union needs right now". Other Convention members asked whether the legitimacy of the Union will be really enhanced, if a body representing the legitimate elected governments of the member states will be chaired/presided by a former important politician, which at the time chairing the European Council does not have any democratic legitimacy of a member states electorate. Convention members repeatedly demanded equality on the one side (rotation) and continuity and efficiency (elected president on the other).

One proposal has been seen as a first step to compromise, at least for some Convention members: There should be an elected president which is controlled by four to five rotating board members. The future European Council will not have more tasks than today's European Council. At the same time there would be rotating presidencies in the sectorial councils. Hardly any Convention members are willing to give in with their demands concerning the presidency, but if any proposal will be able to offer an acceptable compromise, than such a proposal of a team presidency which includes rotation and a more stable leadership, while not extending the role of the European Council.

Many Convention members emphasized that the most important step towards more effectivity and continuity of the European Council would be a multiannual legislative programme, which also the European Council had to stick to (to avoid having political priorities which change as often as a possible presidencies).

One discussion which was led by only one Convention member focused on the purpose of a legislative Council. Peter Hain rejected more than once the idea of a legislative Council, since the British ministers could not accept that a decision is taken by their European Minister in the name of other national ministers (short form of his explanation). To hear from Hain such a proposal, which tries to prevent a second chamber in the Union is not surprising. Especially since he faces extreme-conservative opposition concerning his work in the the Convention from the biggest Newspapers in Britain.

## **1.3. Voting Procedures**

The third hot issue of the day were the voting procedures in different institutions. Keeping in mind the wide and nearly unanimous critics of the Nice result it was more than surprising to hear many Convention members saying "don't touch the Nice compromise". They argued that the Nice results led to a compromise which should not be reopened. Nevertheless, majority of the Convention members agreed with the Commission Presidium that a tripple majority would be too confusing for the Union citizens. Whereas some stressed that double majority should mean a simple majority of states and a two third majority of the citizens, most of the speakers

favoured a double simple majority (a majority of states and a majority of Union citizens, represented through the heads of states voting).

Consensus is that qualified majority voting and codecision procedure should be the rule. But there are widely diverging positions on how many exceptions should be allowed to this rule. As possible exceptions to this rule were seen: change of voting procedures, accepting new members, changing the constitution, CSFP, ESDP. It was again Voggenhuber which had the clearest position: all legislation (including the budget) should be decided by the EP and the Council (without exception).

## **1.4. Other institutions**

The European Parliament was especially mentioned in the framework of the voting procedures. Many mentioned that the European Parliament has to be strengthened, especially through having together with the Council the full budgetary powers. A few Convention members also mentioned that the current articles need to be “flushed out”, means that many provisions of other articles on the Parliament should be moved to the article on the EP.

Many Convention members stressed that the European Central Bank should not be restricted to the sole task of price stability. Moreover the Constitution should define that the ECB has also the task to work for growth and full employment.

Concerning the European Court of Justice many Convention members stressed that this body has to be completely independent. Some Convention members also stressed the importance of the ECJ to be the safeguard of the Union citizens rights in the Union. They asked for the article on the ECJ to allow for Union citizens to put a case concerning fundamental rights to the court.

Some Convention members further emphasized that the Court of Auditors does not need to be composed by one member each state, but should instead be made up of nine professional auditors, independent of their origin.

Several Convention members also demanded the phrase: “The European Parliament decides on its seat(s).” Linda Mc Evan emphasized: “The British Parliament would not like to go to Birmingham once the month to meet and the French Parliament would not go to Marseille either.”

The Congress of the people was again rejected by all Convention members that bothered mentioning it, which obviously did not impress VGE very much. Nevertheless some Convention members said that no one objects informal meetings of the national parliaments and the European Parliament, as long as they are not institutionalised. Others objected to this idea, since there is already the COSAC and since “democracy cannot be reached in yearly weekend meetings”.

One Convention member also highly questioned the purpose and the efficiency of the Economic and Social Council (ECOSOC). She said that it might be useful to evaluate its work and to think about the possibility to spend the money the ECOSOC cost on civil society organisations directly. She also stressed that the ECOSOC is a body especially presenting national, not European opinions.

## **2. The Union’s external action**

Fridays discussion on the Unions external action was less productive than it could have been. The main discussion focused on the role and position of the Union’s Foreign Minister and the question whether there should be unanimity or qualified majority voting. On most of these

question there could be a broad consensus reached, although the British government and a small number of other Convention members so far refuse to accept certain compromises, such as more QMV voting.

## **2.1. Foreign Minister**

A wide majority of Convention members appreciated the creation of a Union Foreign Minister (FM), joining the positions of the Mr. CSFP and the Foreign Affairs Commissioner. Some also mentioned the name of their favourite candidate: Joschka Fischer (de Villepin mentioned his name). Nevertheless there was a controversy about the role of this FM and the institutions he is embedded in. Majority of the Convention members followed the presidium's proposal to give this FM the role of Vice-President of the European Commission on the one hand and make him get a mandate from the Council to be in charge of Foreign and Security Policy on the other hand.

Peter Hain stressed that the FM should not be bound by decisions of the Commission College concerning the former first pillar, but the majority of the Convention members rejected this idea. Several Convention members emphasized that this FM should be an integral part of the Commission and also that the FM should be fully accountable to the European Parliament.

## **2.2. Unanimity or qualified majority voting**

Another major aspect of the discussion was the question on how much qualified majority voting (QMV) and how much unanimity should be foreseen in the areas of CSFP and ESDP. Several Convention members from governments, such as Peter Hain stressed that CSFP and ESDP "are at the heart of national sovereignty" and that it would be impossible to "impose the will of the majority on national states". A clear majority refused to follow this intergovernmental logic of unanimity. Most Convention members made clear that QMV must be the rule and unanimity voting the exception. A compromise that will be acceptable for all parties will be difficult to reach on this issue.

Many Convention members also stressed that the European Parliament needs to be involved in foreign policy, but also in defence policy. Whereas some Convention members stressed that ESDP issues are matters of the executive and that the parliament should therefore only have controlling functions, others asked for the co-decision procedure of the EP on most of the CSFP and ESDP questions. Majority of the Convention members nevertheless saw the European Council (some also want a ESDP Council) as the decision making and implementing body in ESDP. On CSFP issues there was a slim majority in favour of QMV and codecision.

## **2.3. Other issues on CSFP and ESDP**

The question on enhanced cooperation was another issue which remained unresolved. Some member states spoke in favour of an enhanced cooperation in order to give the needed impetus for the development of a true European defence policy (these states were not surprisingly the states that already met to find common positions for this enhanced cooperation: Germany, France, Belgium, Luxembourg). Others rejected this idea as there was the need to "arrive to a truly united defence policy and not to provoke further divisions." A

third group did not reject the idea of an enhanced cooperation, as long as it takes place within the Union and within the institutional structure, thus applying the community method.

Many Convention members - especially from new member states - stressed the importance of the transatlantic alliance. Any form of common defence policy should not result into double structures or the waste of resources, keeping in mind that most EU member states are part of NATO. Noone disagreed to these positions, nevertheless some Convention members emphasized that the Union has to come up with an independent (from NATO and US) defence policy.

Many Convention members of the EP also demanded that all negotiations and treaties concerning foreign trade should be matter of assent or codecision procedure with the EP and that the EP should be informed about negotiation results in this issue. The background for this demand is especially complaints of the parliamentarians about the secrecy in which the Commission negotiates the GATS agreement.

Another thing some Convention members demanded was that the Union should have a more common approach to development policy and that all funds for development policy should be part of the Union`s budget, which is not the case today.

One Convention member stressed that the Unions foreign and defence policy should not only be based on military instruments, but also on the establishment of peacekeeping forces. Following the Irak-war she also demanded the Constitution to include a phrase which bans "wars of aggression".

### **3. Timetable**

As usual there was a discussion on the timetable. After VGE suggested to meet for three instead of two days for the next Convention meetings, some Convention members complained about having full calendars and not enough time for meeting further (the German member Teufel). Nevertheless VGE decided that the meetings on 4. -6. and 11. - 13. June will be three day meetings. One thing that is getting more and more obvious is that the second/thrid part (on Union politics) will not be discussed in debth until the European Council in Thessaloniki. One suggestion which VGE did and which the Greek presidency will consider further is to present the completed parts one, two (Fundamental Rights Charter) and four (General and Final provisions) in Thessaloniki, while finalizing the third part the weeks following that meeting. It is unclear what this means for the further timetable concerning the IGC and the ratification procedure.