

NOTE

Subject : **Note on the plenary meeting**
 - Brussels, 15 and 16 April 2002 ¹

I. Opening of the plenary meeting

The Convention Chairman, Mr Valéry Giscard d'Estaing, opened the meeting, assisted by the Vice-Chairman, Mr Giuliano Amato.

He congratulated Mr PETERLE for having been chosen by the representatives of the national parliaments of the applicant countries as a guest to the Praesidium.

He reminded members of the Convention that, as announced in CONV 18/02, the Praesidium had decided that members of the Convention from applicant countries could express themselves in their own languages. He explained the interpretation arrangements.

He pointed out to members of the Convention that in order to make for more lively debate, at the end of each set of five interventions according to the speakers' list, members could react by asking the Chairman of the meeting for the floor by raising a blue card. Those arrangements would be tried out as an experiment for one or two meetings, and their operation assessed thereafter.

The Chairman reminded the meeting that the Commission had distributed a note to the Convention which contained elements of the latest Eurobarometer regarding the future of the European Union. That note made very clear citizens' expectations of Europe.

¹ A verbatim record of the plenary meeting is given on the website
www.european-convention.eu.int.

II. General debate: the missions of the European Union

Introduction

Mr Giscard d'Estaing opened the debate by reminding the meeting that several documents dealing with this subject had been communicated to the Convention, on the one hand by members of the Convention, and on the other hand by the Praesidium, which had forwarded two documents: the first attempted to organise the debate by raising specific questions on the missions of the European Union (CONV 16/02) and the second (CONV 17/02) contained a description of how the competence of the European Union is made up.

Members of the Convention made 86 interventions.

First question: Scope of the missions of the Union

The first question for the Convention was whether, taking into account the new dimension of the Union, the present international environment, its present remit, and the aspirations of its citizens, the Union should be given more tasks and if so, what should be added, or on the contrary, it should be given fewer tasks, and if so which tasks should be given back to Member States?

1. General questions

A broad trend had emerged within the Convention on the need to avoid calling into question the present remit of the Union, with only two members wishing certain competences to be given back to Member States.

Certain speakers raised the difficulties of delimiting competence in terms of subjects and the need to establish instead a delimitation according to the intensity of the action according to areas by means of establishing policy instruments.

In this respect, several members stressed the need to consider the question of the Union's missions together with the question of the division of competences and instruments. To that

end, a desire was expressed for the Treaty to indicate clearly who did what by indicating the degree of Union competence for each policy.

Several members wanted the three-pillar structure to be replaced by a single institutional structure.

2. The Union's missions which received the support of a large number of speakers

The majority of speakers mentioned the need to strengthen the Union's missions in two areas while conferring on it the necessary competences to carry out those missions:

- The common foreign policy, in order to enhance the presence and action of the Union on the international scene, particularly in crisis management. The Union should be capable of reacting effectively to the new challenges of international politics.
- The liberty, security and justice policy to enable the Union to act more effectively, in particular against terrorism, organised crime, illegal immigration, drugs and trafficking in human beings. In this context, certain members called for the introduction of a common border protection service.

Many members also wanted:

- an economic government as a corollary of Monetary Union,
- a reference to human rights by inserting the Fundamental Rights Charter into the Treaties. The question of the Union having a legal personality and its accession to the European Convention on Human Rights was raised,
- a link between external policy and development aid policy.

3. Other missions of the Union mentioned

Certain members wanted the Union also to take more action in the following areas:

- the environment,
- research and innovation,
- food security,
- security of supply.

4. Missions on which differences emerged

Several members called for European action in the following areas:

- economic and social cohesion and the development of a European social model, requiring a European social treaty taking into account the differences between Member States,
- combating poverty and social exclusion,
- combating unemployment,

and certain members wanted the Union to have its own tax arrangements. Other speakers considered that unnecessary.

As regards education, vocational training and teaching, some members called for the implementation of a European education system, whereas others wanted those issues to fall within the competence of Member States.

5. Member States' missions

As regards missions that should continue to be the responsibility of Member States, the majority of speakers who touched on the question referred to the following areas:

- the internal organisation of Member States,
- public services,
- culture,
- social security.

Some of those speakers pointed out that these were examples and not a complete list.

However, it was observed that the fact that the Union did not intervene directly in those areas should not prevent it from encouraging cooperation between Member States in those areas and/or supporting the coordination of the action of Member States.

Second question: The criteria used for deciding which missions should be carried out at Union level

The second question for the Convention was to determine the criteria used to decide which missions should be carried out at Union level and the principles on which the Convention should base such decisions.

The aspirations of citizens should, according to the members of the Convention, inform the division of competence between the Union and Member States.

A large majority of speakers reminded the meeting of the following criteria:

- the criterion of subsidiarity: the Union should only take action in the areas where it alone could do so given the cross-border elements of the action, or in areas where the Union could act more effectively than Member States individually. Certain speakers stressed the need to reinforce the application of the principle of subsidiarity;
- the criterion of proportionality: any action by the Union should not go beyond what was necessary to achieve the objectives pursued.

Certain speakers also mentioned the solidarity principle.

Third question: Member States' competence

The third question for the Convention aimed in particular to ascertain whether the Treaties should explicitly decide that responsibilities not covered by the missions of the Union should remain with Member States or whether they should be spelt out in the Treaties and, if that is the case, on the basis of what criteria. It was also asked what the principles should be on which the Convention might base such a decision.

Most speakers stressed the need to clarify in the Treaties the principle whereby missions not allocated to the Union by the Treaties continue to be the responsibility of Member States, but without drawing up in the Treaty an enumerative list of Member States' competence. The majority of the members of the Convention considered that drawing up such a list would risk setting in stone Member States' competence and be detrimental to the requisite flexibility to adapt to new realities. Certain speakers pointed out that given that competence remained under Member States except where allocated to the Union, it was difficult to draw up an enumerative list of Member States' competence.

Fourth question: Evolution of competence

The final question for the Convention was whether the missions of the Union should be settled now, for all time, or whether the possibility of further evolution should be foreseen.

Flexibility of the system for the delimitation of competence

The large majority of speakers supported a flexible system for the delimitation of competence allowing for some adaptation of the Union's missions to the new challenges and for citizens' expectations to be met optimally. Several speakers indicated that in this respect, the flexibility and dynamism at the heart of the Union's past development, and which was one of its strong points, should be preserved. A system of lists, whether of the competence of the Union or of Member States, would run counter to that flexibility. In that respect, it was pointed out by way of example that it was the current flexibility that enabled the Community to deal with problems relating to asylum and to adopt the Directive on electronic commerce.

Certain speakers emphasised the importance of having clear and democratic decision-making principles rather than a rigid system for the delimitation of competence. The need to preserve Article 95 and Article 308 of the TEC was also mentioned in this context.

Checks to ensure compliance with the principle of delimitation of competence and the subsidiarity principle

According to the large majority of speakers, the flexible system of delimitation should be accompanied by the implementation of effective means of checking compliance with the principle of delimitation of competence and the subsidiarity principle, as they considered that controlling the effective application of those principles was the best guarantee of their compliance. For most speakers, those controls should imply the participation of national parliaments. In this context it was pointed out that national Parliaments could already check compliance with the principle of delimitation of competence and the subsidiarity principle in certain areas insofar as there were debates on those matters at national level.

There was a discussion on whether the controls should include a new mechanism and whether such a mechanism should be political or judicial. Most speakers were in favour of an a priori or a posteriori mechanism composed of representatives of national parliaments, some being in favour of including representatives of the European Parliament. Certain speakers supported a judicial mechanism, putting forward the idea of a court composed of members of national constitutional courts or of a mechanism of cooperation between the Court of Justice and national constitutional courts.

Some speakers supported the participation of the regions in such a control, in particular those with legislative powers, while indicating that the allocation of competence between federal States and their federated entities should continue to be organised by the Member States concerned.

Finally, the need to establish varying arrangements for the amendments of the Treaties was mentioned: more rigid arrangements for the basic provisions and more flexible arrangements for the others.

III. Youth Session of the Convention

The Convention approved the document presented to it containing proposals for the organisation of a "Convention for the Young People of Europe" on the model of the Convention itself (CONV 15/02).

In discussing the document, more in-depth consideration was given to a number of problems, in particular the selection procedure for young people participating in the Convention. Several speakers stressed the need to establish transparent and objective selection procedures and to have a balance in the representation of the various sectors of society and the various viewpoints on European integration.

The Chairman stressed that the chosen selection procedure guaranteed such a balance and that the debate between the young people should be as free as possible. As regards the organisation of the debate within the Youth Convention, he indicated that there would be a Praesidium and a rapporteur appointed by the "Youth Convention" and that the rapporteur would report to the Convention. The question of establishing contact with the young people after the Youth Convention was over should be examined at a later stage.

IV. Other business

Setting up working parties

As regards the requests by members of the Convention for working parties to be set up as soon as possible, the Chairman of the meeting pointed out that the Praesidium was currently considering the matter and in particular was giving thought to topics that might usefully be examined by such working parties.

The next session

Winding up, Chairman said that the session of the Convention on 23 and 24 May 2002 would be devoted to the execution of the European Union's missions in the light of both legitimacy and efficiency. The session would consider in depth the matter of Union competence and the instruments to implement it.

List of speakers following order of intervention.

Plenary meeting 15 and 16 April 2002

LIST OF SPEAKERS

Monday 15 April

1. Mr Andrew DUFF - United Kingdom (European Parliament)
2. Ms Ayfer YILMAZ - Turkey (Parliament)
3. Mr Pierre MOSCOVICI - France (Government)
4. Mr John BRUTON - Ireland (Parliament)
5. Mr Rytis MARTIKONIS - Lithuania (Government)

Blue cards: Duhamel, Fayot, Van der Linden, McAvan, MacCormick

6. Mr Alain LAMASSOURE - France (European Parliament)
7. Mr Hans van MIERLO - Netherlands (Government)
8. Mr Erwin TEUFEL - Germany (Parliament)
9. Mr Peter SKAARUP - Denmark (Parliament)
10. Mr Alfred SANT - Malta (Parliament)

Blue cards: Voggenhuber, Maij-Weggen Stuart, Belohorská, Muscardini

11. Mr Peter HAIN - United Kingdom (Government)
12. Mr Edmund WITTBRODT - Poland (Parliament)
13. Mr Alain BARRAU - France (Parliament)
14. Mr Jürgen MEYER - Germany (Parliament)
15. Mr Jozef OLESKY - Poland (Parliament)

Blue cards: Borrell Fontelles, Spini, Bonde

16. Ms Danuta HÜBNER - Poland (Government)
17. Mr Soren LEKBERG - Sweden (Parliament)
18. Mr Michel BARNIER - Commission
19. Ms Inese BIRZNIECE - Latvia (Parliament) * Alternate for Mr INKENS
20. Mr Ben FAYOT - Luxembourg (Parliament)
21. Mr Mesut YILMAZ - Turkey (Government)
22. Mr Vytenis ANDRIUKAITIS - Lithuania (Parliament)

23. Mr Gianfranco FINI - Italy (Government)
 24. Mr Olivier DUHAMEL - France (European Parliament)
 25. Ms Eleni MAVROU - Cyprus (Parliament)
- Blue cards: Barrau, Tajani, MacCormick, Giscard d'Estaing, Palacio.*
26. Mr Henrik Dam KRISTENSEN - Denmark (Parliament)
 27. Mr Michael FRENDÓ - Cyprus (Parliament)
 28. Mr Joao de VALLERA - Portugal (Government)
 29. Ms Renée WAGENER - Luxembourg (Parliament) *Alternate for Mr HELMINGER
 30. Mr Reinhard Eugen BÖSCH - Austria (Parliament)
 31. Mr Roberts ZILE - Latvia (Government)
- Blue cards: Muscardini, Rack, Palacio, Medalinskas, Katiforis.*
32. Mr Mimmo KILJUNEN - Finland (Parliament)
 33. Ms Nelly KUTSKOVA - Bulgaria (Government)* Alternate for Ms Meglena KUNEVA
 34. Mr Georges JACOBS - UNICE (European social partners, observer)
 35. Ms Marietta GIANNAKOU - Greece (Parliament)
 36. Mr René van der LINDEN - Netherlands (Parliament)
 37. Mr Jacques SANTER - Luxembourg (Government)
- Blue cards: Wuermeling, Katiforis, Palacio*
38. Mr Alvydas MEDALINSKAS - Lithuania (Parliament)
 39. Mr Göran LENNMARKER - Sweden (Parliament)
 40. Mr Michael ATTALIDES – Cyprus (Government)
 41. Mr Han van BAALEN - Netherlands (Parliament) * Alternate for Mr Frans TIMMERMANS
 42. Mr Pius HASOTTI - Romania (Parliament)
 43. Mr Peter SERRACINO-INGLOTT - Malta (Government)
 44. Mr Paraskevas AVGERINOS - Greece (Parliament)
 45. Ms Hanja MAIJ-WEGGEN - European Parliament
 46. Mr Peter GLOTZ - Germany (Government)
 47. Mr William ABITBOL - European Parliament * Alternate for Mr BONDE
- Blue cards: Muscardini, Carnero Gonzalez, Borrell Fontelles, Van der Linden, Leenmarker, Palacio.*
48. Mr David HEATHCOAT-AMORY - United Kingdom (Parliament)
 49. Mr Panayotis DEMETRIOU – Cyprus (Parliament)
 50. Mr Matjaz NAHTIGAL - Slovenia (Government)
- Blue cards: Birzniece, Duff, Van Lancker, Duhamel, Heathcoat-Amory.*

Plenary meeting 16 April 2002

LIST OF SPEAKERS

Tuesday 16 April

1. Mr Adrian SEVERIN - Romania (Parliament) * Alternate for Mr MAIOR
2. Mr Ray McSHARRY - Ireland (Government)
3. Mr Lamberto DINI - Italy (Parliament)
4. Mr Neil MacCORMICK - European Parliament * Alternate for Mr VOGGENHUBER
5. Mr Proinsias DE ROSSA - Ireland (Parliament)

Blue cards: Wuermeling, Katiforis

6. Mr Valdo SPINI - Italy (Parliament) * Alternate for Mr FOLLINI
7. Mr Hannes FARNLEITNER - Austria (Government)
8. Mr Matti VANHANEN - Finland (Parliament)
9. Ms. Evelin LICHTENBERGER - Austria (Parliament)
10. Mr Huber HAENEL - France (Parliament)
11. Mr Pavol HAMZIK - Slovakia (Parliament)

Blue cards: Heathcoat-Amory, Fayot, Rack, Bonde

12. Ms Cristiana MUSCARDINI - European Parliament
13. Mr Peter GOTTFRIED – Hungary (Government) * Alternate for Mr MARTONYI
14. Ms Eduarda AZEVEDO - Portugal (Parliament)
15. Mr Klaus HAENSCH - European Parliament
16. Mr Henning CHRISTOPHERSEN - Denmark (Government)
17. Ms Anne VAN LANCKER - European Parliament
18. Mr Caspar EINEM - Austria (Parliament)
19. Mr Louis MICHEL - Belgium (Government)
20. Ms Elena PACIOTTI - European Parliament * Alternate for McAVAN
21. Mr Antonio VITORINO - Commission
22. Ms Sylvia-Yvonne KAUFMANN - European Parliament

Blue cards: Palacio, Duff, Thorning-Schmidt

23. Mr Ali TEKIN - Turkey (Parliament)
24. Ms Hildegard PUWAK - Romania (Government)
25. Mr Elio DI RUPO - Belgium (Parliament)
26. Ms Ana PALACIO - Spain (Government)

27. Mr Jan KAVAN – Czech Republic (Government)
28. Mr Josep BORRELL FONTELLES – Spain (Parliament)
29. Mr Alberto COSTA - Portugal (Parliament)
30. Mr Johannes VOGGENHUBER - European Parliament
31. Ms Teija TIILIKAINEN - Finland (Government)
32. Mr Tunne KELAM - Estonia (Parliament)
33. Mr Joachim WUERMELING- Germany (European Parliament) * Alternate for Mr E. BROK

Item 2 of the agenda

Mr Jens-Peter BONDE - European Parliament

Ms Lena HALLENGREN - Sweden (Government) * Alternate for HJELM-WALLÉN

Mr Timothy KIRKHOPE - European Parliament

Mr Valdo SPINI - Italy (Parliament) * Alternate for Mr FOLLINI

Ms Helle THORNING-SCHMIDT - European Parliament * Alternate for Mr MARINHO

Mr Alvydas MEDALINSKAS - Lithuania (Parliament)

Blue cards: Martikonis, Palacio, Maij-Weggen, Tomlinson, Carnero Gonzalez, Farnleitner, McCormick, Bonde.

Item 3 of the agenda

Mr Andrew Nicholas DUFF - European Parliament

Ms Irena BELOHORSKÁ - Slovakia (Parliament)

Mr Jens-Peter BONDE - European Parliament

Mr Alvydas MEDALINSKAS - Lithuania (Parliament)

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