

COVER NOTE

from Secretariat

to The Convention

Subject : **Contribution from certain members of the Convention**

The Secretary General of the Convention has received the contribution annexed hereto from :
Klaus HÄNSCH, Olivier DUHAMEL, Luís MARINHO, Linda McAVAN and Anne VAN
LANCKER, members, and
Pervenche BERÈS, Maria BERGER, Carlos CARNERO GONZÁLEZ, Elena PACIOTTI and
Helle THORNING-SCHMIDT, alternate members of the Convention.

A successful Convention on the Future of Europe:
Our essentials

The Convention presents us as Socialists with a unique opportunity to move the European Union forward in the interest of our citizens and to enable it to respond effectively to its internal obligations by defending its social model and by making its contribution to the world order in order to respond to the challenges of a globalized world in the 21st century.

We will contribute to the process with all our energy in order to build:

- a democratic and social Europe where people can live in freedom, peace, security and prosperity, and with social progress;
- a Europe which fulfils its international responsibilities in ensuring peace and development and protecting human rights;
- a Europe which guarantees our future by promoting sustainable economic development, safeguarding and strengthening the social *acquis*, natural resources and protecting the environment.

We want this Union, which for half a century has been vital for peace, stability and prosperity, to pursue its historic vocation in the process of enlargement to the east and south. For the first time in the history of the Union, European parliamentarians, national parliamentarians and representatives of the governments as well as representatives of parliaments and governments of the applicant countries are working together, in order to create a constitutional Treaty, as the basis for the future development of the Union.

We want the Convention to present a coherent draft of a constitution which will promote European integration in pursuance of the successful strategy of recent decades. We want this constitution, based on democratic legitimacy, and which is transparent, efficient and gives clear answers to our citizens as to what, in a European Federation of States and peoples, Europe can and must do in the interest of the women and men it comprises.

Our priorities

- To promote the European model of society in a framework of sustainable development, full employment, innovation and social cohesion;
- To develop an area of freedom, security and justice;
- To make Europe's voice heard, and strengthen Europe's place, in the world;
- To make the Union more political, democratic, transparent, effective and close to its citizens.

Europe's fundamental values

The Charter of Fundamental Rights brings together our common values and constitutes the most detailed expression of human dignity, civic, economic, as well as social and political rights to which we remain strongly attached. The reforms for the Union of the future must be developed on the basis of these values which are our values.

- For this reason, we want the Charter of Fundamental Rights to be integrated into the future Treaty and to have its binding legal character guaranteed.

To promote the European social model in a framework of sustainable development, full employment, innovation and social cohesion

Development of the European social model

For us as Socialists, a market is not in itself either fair or efficient. We support a market economy but are against a market society. In order to work properly, the market needs equitable rules and high level norms which respect amongst other things social policy and social protection, workers' rights, environmental protection, consumers' rights and solidarity between the regions.

The results we wish to achieve:

- to entrench the European social model in the new Treaty, including the financing and social principles inherent in services of general interest and social protection which reflect the different traditions in our countries and which play vital roles both in the cohesion of our societies and in participative citizenship. The social dimension must be an integral part of the missions of the Union, and it is therefore important to define what are goods of public interest;
- to guarantee and to institutionalise equality between men and women in all spheres of activity;
- to strengthen the existing social provisions in the Treaty and to end the exclusion of Community competence regarding remuneration, and rights relating to organisation and strike;
- to strengthen the role of the social partners including their role as co-regulators;
- provide for a legal basis for dialogue with civil society.

Putting into place economic and social governance

The introduction of the euro represents an undeniable success in the history of European integration. However, the lack of balance in central monetary structures such as the ECB and the absence of effective co-ordination of economic and social policies, in particular in the 'euro zone' and in the European Union as a whole, remain. Existing co-ordination of economic and employment policies of the Member States, through the economic and employment guidelines, the procedure of multilateral surveillance and the introduction by the Lisbon Summit of a strategy of co-ordination of economic, social, employment and sustainable development policies are not sufficient to put an end to the crucial lack of equilibrium between monetary policy and economic and social co-ordination at European level. Economic and social governance will help us to exploit the economic potential of the Union with a view to achieving full employment and economic and social cohesion.

We therefore wish

- articles 2 to 4 of the existing Treaties to be redrafted, in order to provide for an adaptation and re-ordering of the Union's objectives;
- the harmonisation of taxes relevant to the Internal Market and the definition of minimum social standards to be proceeded with, in order to allow social and economic objectives to be met;
- the European Parliament to be completely involved as co-legislator in the strengthening and improving of the development of balanced European legislation, as well as to the synchronisation of the main political instruments in this context;
- a call-back procedure for the European Parliament in secondary legislation to be established as a last resort;
- the participation of the European Parliament and the social partners in the macro-economic dialogue to be guaranteed;
- the broad guidelines for economic policy, transformed into broad guidelines for economic, employment and social convergence policy on the basis of a proposal from the Commission, to be approved by qualified majority in the Council in association with the European Parliament;
- the integration of the open method of co-ordination in the Treaties;
- external representation of the euro zone to be consolidated and included in the Treaty.

Sustainable development

The strengthening of the economic, social and environmental dimensions implies greater attention to the coherence of policies carried out in these areas. We favour growth based on the responsible and efficient use of natural resources, respecting the environment, and according to modes of production which do not harm public health. The missions and competences of the Union of the future must allow for policies

- to attain a high level of protection by the Union in relation to public health while recognising the responsibilities of the Member States in this area;
- to guarantee food safety, in particular through ensuring a food production process that takes into consideration this objective. For this reason, the full participation of the European Parliament through co-decision is necessary for measures which, directly or indirectly, have a bearing on the safety of consumers;
- to reorientate the European Agricultural Policy in a general way, in order to make it consistent with the imperatives of sustainable development and food safety. This would be achieved through the application of the co-decision procedure in agricultural matters;
- to reinforce nuclear safety, promotion of research and external relations policies in this field, the Euratom Treaty will have to be revised, brought up to date and integrated into the constitutional Treaty. At the same time, the democratic deficit must be reduced by introducing the co-decision procedure.

Deepening and diversifying complementary policies

Common policies form the basis of European integration, because they strengthen the balance between the economic and the social dimension of the Union. They must be developed on the basis of solidarity in order to achieve a society without exclusion. To attain these objectives

- the Union must develop the European dimension with regard to youth, as well as education, research and innovation and implement without delay the objectives of a Europe of knowledge as defined in Lisbon;
- the Union must reinvigorate its information, communication and training policy;
- the Union must guarantee freedom and pluralism of the press and broadcasting while protecting consumers' rights;
- the Union must be recognised as a legitimate actor in the area of culture, respecting its cultural diversity, and capable of giving real support and a clear added value;
- the Union must encourage co-operation between Member States and if necessary support their actions in relation to culture and sport.

The future financing of the Union

The Convention on the future of Europe should be an important opportunity to put the EU budget on a democratic and legitimate basis. It should be the main focus to give Parliament full budgetary rights on the spending as well as on the income side. This means co-decision in all budgetary issues.

- The improvement of the system of own resources should be inspired by the principles of financing autonomy, cost-effectiveness and transparency. We recommend a combination of the simplification of the present system and the constitutional provisions and the introduction of new resources, including a European tax, to replace the existing own resources.
- On the spending side, the EP wishes to reinforce its role as an arm of the budgetary authority and to rationalise the structure of the budget, in particular with the ending of the distinction between compulsory and non-compulsory expenditure.

The Union as an area of freedom, security and justice

We want the Union to be an area of freedom, security and justice. The fight against terrorism and organised crime, in all its forms, is one of our major concerns. We want a European programme to be set up in order to strengthen internal security while guaranteeing respect for individual rights and freedoms.

The notion of an Area of freedom, security and justice, at present limited to measures provided for in Title IV of the European Community Treaty and VI of the European Union Treaty, must be better defined, in order to make it compatible with the definition of fundamental rights contained in the text of the Charter. Substantially, this involves making clear the need for interaction between the definition of fundamental rights and the implementation of the measures required at European level for the protection of those rights.

We must, as a matter of urgency, consolidate in the Community pillar, police and judicial co-operation in criminal matters. This would permit the creation of true interdependence between the policies of the Union in relation to freedom, security and justice and make the rules easier for citizens to understand. This would also allow legal coherence within the Treaties to be ensured, and at the same time allow for judicial control over activities which have implications for the rights of citizens. Co-decision with the European Parliament will guarantee democratic control in this area.

We support the implementation of a real asylum and immigration policy, through effective co-ordination of different integration policies and through the harmonisation of legislation with regard to the right to asylum and the status to be granted to immigrants within the Union.

The results we wish to achieve:

- The possibility of direct recourse for the citizen before the Community courts in case of violation of fundamental rights, as recognised in the Charter of Fundamental Rights;
- The creation of a European prosecutor as an independent body specifically empowered to prosecute fraud against the financial interests of the Union;
- Giving Europol an institutional status that is appropriate and coherent with that of Eurojust;
- Fusion within the Community framework of judicial and police co-operation in criminal matters with judicial co-operation in civil matters.

A Union which is strong in the world

A Union with increased global responsibilities has a duty to contribute to the maintenance of peace and democracy, in particular through the fight against terrorism, and to the respect of human rights and to development. It must also be able to face the global challenges of sustainable social and economic progress, environmental protection and the fight against poverty. As the principal trading partner of the developing countries, it must take care to ensure that world trade is made subject to solidarity and fundamental human rights.

To be able to achieve these tasks, the Union must improve its structures and instruments in order to build a coherent and effective foreign policy - consisting of the CFSP, trade policy, economic and monetary policy as well as development policy and the external dimension of the area of freedom, security and justice.

- Europe has to speak with one voice on the international stage. The existing duplication between Council and Commission should be eliminated;
- Democratic legitimacy must be strengthened, by providing for the ratification of all major international agreements of the Union by the European Parliament;
- The instruments of the CFSP must be made more efficient, in particular by extending QMV as far as possible;
- Particular attention should be given to the development of conflict prevention, the development of the EDSP in order to achieve the “Petersberg tasks” and, possibly, an extended security and defence policy equipped with an armed force that is operational and which can be rapidly mobilised; the European Parliament’s power of scrutiny must be strengthened in this field;
- QMV must cover all decisions of trade policy in order to achieve a comprehensive approach which covers all trade-related areas, in particular intellectual property, services, labour, environmental and social issues;

- The Union must be given legal personality in order in particular to strengthen its active presence on the international scene and to facilitate its representation as such in all international organisations.

A Union based on a Constitutional Treaty that citizens can easily understand and Institutions that are more democratic and effective

A constitutionalised Union, closer to its citizens

The decision-making system and the capacity of the Union no longer match its current and future objectives. It does not respond to the challenges of the enlargement of the Union and its responsibility in the world. Its framework was built on successive and superimposed strata, the result of which is unintelligible.

A clearer and more precise division of competencies between the European Union and its Member States will benefit the understanding of the citizen of who does what and how. The system of competencies must be capable of evolving and adapting to social changes. The principles of subsidiarity and proportionality are political in nature and must be strengthened primarily at the level of national parliaments, in advance of the adoption of a Community act, within the context of supervision of the action of their governments in Council. The application of principles of subsidiarity and proportionality must also be guaranteed *ex ante* through political supervision, *ex post* by the European Court of Justice.

We need to organise, simplify and bring together the four Treaties into a single text which would govern a single entity, the Union, so that citizens may have an overview of the Union and its procedures.

We should reorganise the Treaty, with the fundamental principles and key constitutional provisions in a first part, and the provisions relating to common policies in a second part. The first constitutional part could only be changed with the assent of the European Parliament and ratification by the Member States, for the second part a procedure of changing its articles by an integrated Community method should be created.

Institutions which are more efficient, transparent and democratic

Making a reality of objectives aimed at a Europe that is stronger politically, economically and socially implies more efficiency and legitimacy. The Union needs effective institutions resulting in a democratic decision-making system that works.

This means in particular:

For the Parliament

- the extension of the co-decision procedure in particular to all legislative and budgetary areas is essential for a democratic and fully legitimate Union;
- the EP must give its assent to changes to the Treaty;

- for all nominations of constitutional importance, nomination of the judges of the Court of Justice, the High Representative of the CFSP, nominations to the Central Bank, to the Court of Auditors and to Europol, the European Parliament must give its assent in order to enhance the democratic legitimacy of these bodies;
- the strengthening of co-operation between the European Parliament and the national parliaments which is ever closer in all aspects of the policies of the Union, for example, in the drafting of the Broad Economic Guidelines and in questions of home and legal affairs, in order to improve democratic control mechanisms. We are against a new chamber consisting of representatives of national parliaments because this would make the decision-making process more difficult without increasing the genuine control capacities of the national parliaments;
- to revise the instruments and the legislative procedures in order to speed up decision making, streamline the number of instruments, rename them with the aim of applying more legally appropriate and familiar terms and to clearly distinguish between legislation and execution; to allow earlier contacts between the co-legislators and to make the conciliation procedure more transparent and flexible, for example by having politicians and not officials as representatives of the Council;
- implementing measures adopted by the Commission to be subject to review by the Parliament and the Council, each of which should be able to call back for review any such measures that they oppose by a qualified majority.

For the Council

- reform of the Council, in particular the revision of the system of the presidencies to ensure more continuity;
- definition and division of the role of the Council in its functions as legislative and executive body;
- extension of the system of qualified majority to all legislative matters except matters of constitutional character;
- transparency and simplification in the decision-making process and clarity on who does what is a sine qua non of a democratic Union. For this reason, the legislative process must take place in public;
- simplification of the over-complex definition of a “qualified majority” envisaged in the Treaty of Nice by replacing it with a “double majority” of states and population;
- opposes attempts to create an executive board or an executive president within the Council.

For the Commission

We want to see a strong Commission that can fulfil its role as a European government, in particular through

- the election of the President of the Commission by the European Parliament in order to strengthen the democratic legitimacy, authority and effectiveness of the Commission and to revitalise the interest of the citizens of the Union in the European elections;
- the reform of the internal structure of the Commission;
- reasserting the Commission's exclusive right of initiative;
- the incorporation of the High Representative for Foreign Policy into the Commission as a Commissioner with a special status, chosen by the President of the Commission and the Council;
- bringing all parts of EU administration such as agencies, monitoring centres, and EUROPOL under the responsibility of the Commission.

Looking to the future

As Socialists, we fought long before the Nice European Council for the setting up of a Convention as an alternative to the traditional method of Treaty revision. The absence of coherence between the missions and competences of the Union linked to the lack of democracy and efficiency in the functioning of the institutions has contributed to the Union becoming distant from its citizens. While respecting its fundamental values in the development of its missions, the Union must remain a model for the world. In order to do so, it must promote its social model, create an area of freedom, security and justice, respecting individual and collective rights and freedoms and assert its place in the world. In order to achieve these objectives, the Union needs effective and democratic institutional instruments. The results of the work of the Convention must constitute the fundamental basis for the decisions of the 2004 Intergovernmental Conference. The Convention will be a success if it leads to a result that is capable of reinstating the confidence of citizens in the Union.
