

THE EUROPEAN CONVENTION

THE SECRETARIAT

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COVER NOTE

from	Secretariat
to	The Convention
Subject :	Contribution by Mr Alfred Sant, member and Mr George Vella, alternate member of the Convention consisting of comments to the new draft constitutional Treaty

The Secretary-General of the Convention has received the contribution annexed hereto from Mr. Sant member and Mr Vella, alternate member of the Convention.

Article 42 of the preliminary draft Constitutional Treaty drawn up by the Praesidium, and presented to the Plenary Session of the Convention on the 28th. of October 2002, provides for "provisions defining a privileged relationship between the Union and its neighbouring states, in the event of a decision on the creation of such a relationship".

As stated in the following article, the Union is open to all European States which share its values and wish to pursue them jointly, which strictly respect fundamental rights, and which accept the Union's rules of operation.

The proposal to include the status of a "privileged relationship" in the future Constitutional Treaty of the Union reflects the opinions expressed unequivocally by the two largest political groupings in the Convention as well as in the European Parliament;

The European People's Party, the largest political grouping in the European Parliament, and the Convention, in the document it approved in its conference in Estoril (Portugal) on the 8th of October 2002, proposes that:

" The geographical expansion of the Union must not outweigh its ability to integrate. The EPP proposes the creation of a European Partnership, open both to Eastern Europe and Mediterranean countries- similar to the European Economic Area - but including a political component. This would enable Europe to strengthen its institutionalised relations with countries neighbouring the Union and consequently promote peace and stability throughout the continent".

It is worth noting that the original version of this Schauble / Martens document, which reflects the thinking behind this proposal, spoke of " offering institutionalised cooperation to states that do not want to be, or cannot be, eventually accepted as full members for the time being".

Almost concurrently, on the 3rd. of October, the Party of European Socialists in the Convention on the Future of Europe, in its document "Priorities for Europe", in its recommendations for a new European Constitution, setting out their vision of a Europe with a strong social dimension and enhanced democracy, states that :

"It would be wise to create a new status for countries that are neighbours of the EU but that do not seek EU membership. This would allow us to develop stronger political, economic, and cultural links with them".

The "privileged relationship" concept means the acceptance of the desirability and the necessity of flexibility on the part of the European Union in its relations with other countries, be they European or otherwise. Such flexibility already exists to a certain extent, but is practically

restricted to the EFTA and EEA formats. An example of a more flexible arrangement is the one developing between the EU and Switzerland.

When referring to "neighbouring states" the PES document implicitly includes also eminently European countries that for their own particular reasons "do not seek EU membership", meaning that they are eligible, but not willing. Article 43 of the Draft Constitutional Treaty itself says that "The Union is open to all European states...", implying that only European States can seek membership if they so desire.

The obvious corollary is that those European states that do not seek membership should be eligible to ask for this "privileged relationship".

In view of the above developments we feel more confident and encouraged to reiterate our long held opinion that the European Union cannot, and should not develop into a "one size fits all" Fortress Europe, inward looking, and satisfying only the interests of its members. It should be a Union of European States which is flexible in its relations, willing to accept and accomodate diversity in relations with other European Countries, who because of their own particular circumstances, or simply because they believe that it is not in the best interests of its citizens, do not want to go for full membership.

In such circumstances the European Union should extend to these countries the possibility of negotiated enhanced partnership and cooperation agreements, or other forms of associative agreements, that take into consideration the specific socio economic and geo political circumstances of the country concerned, and reach agreements that would be in the best interests of both parties concerned.

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18th November, 2002