

NOTE

Subject : **Summary report on the plenary session ¹
– 5 June 2003, Brussels**

I. Introduction

The Chairman opened the session, which consisted of a debate on Part I of the draft Constitution (Titles I to III and V to IX), on the Protocols on the role of national Parliaments and the application of the principles of subsidiarity and proportionality, and on Part IV (General and final provisions) ².

II. Debate

1. Part I

Comments on Title I – "Definition and objectives of the Union" mainly related to Articles I-2 and I-3.

Several speakers insisted that equality should be referred to in the first line of Article I-2 on values, along with liberty.

Speakers focused on the third paragraph of Article I-3 on objectives. A number demanded that the concept of competitiveness should be maintained in this paragraph. Many

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

² CONV 724/1/03 REV 1 and CONV 728/03.

Convention members also asked that the wording on the protection and improvement of the environment should be incorporated into the sentence on sustainable development. Many deplored the failure to mention the fight against discrimination in this Article. Other suggestions related to consumer protection or services of general interest. Finally, some members expressed doubts about the introduction of the concept of "territorial cohesion" and the corresponding extension of structural policy.

The great majority of members who expressed views on Title III – "Union competences" were in agreement with the list and definition of the principles governing the delimitation and exercise of competences, as set out in Article I-9. Some asked for the principle of the primacy of Union law to be reworded.

On competences, most Convention members agreed to the list of areas under each type of competence, as proposed by the Praesidium. Some requested the deletion of one or other area from various categories, such as energy from the list of shared competences or competition from the list of exclusive competences, or the addition of some area or other, such as tourism in the list of areas of supporting, coordinating or complementary action.

Some Convention members asked that the text on the coordination of economic and employment policies should revert to the wording used in Article 99 of the current TEC, namely that Member States should coordinate their economic and employment policies within the Union, which should adopt broad guidelines for those policies.

One member was against the description in the Constitution of the various types of Union competence.

Comments concerning Title V – "Exercise of Union competence" related mainly to the common foreign and security policy (CFSP) and to the common security and defence policy. On the decision-making procedure in the CFSP, some members repeated their desire that a qualified majority should be the general rule, while others opposed this, in the belief that the changes proposed by the Praesidium would contribute to reinforcing the Union's action in the foreign policy field.

Regarding defence questions in particular, some Convention members repeated that they were reluctant to see the inclusion in the Constitution of "closer cooperation" as regards mutual defence, as well as "structured cooperation". A number of members wanted the possibility of structured cooperation to exist, but within the framework of the provisions on enhanced cooperation.

Title VI – "The democratic life of the Union" gave rise to relatively few comments. Some Convention members proposed that the text of Article I-46 on participatory democracy should be strengthened, as regards dialogue with civil society or by the introduction into the text of an initiative by citizens. Some members also proposed that the text of Article I-49, on the transparency of the proceedings of the Union's Institutions, should be clarified concerning conditions for access to documents. Some asked that Article I-51 on the status of churches and non-confessional organisations should be deleted.

On Title IX – "Union membership", one Convention member spoke in favour of the establishment of a link between the right of voluntary withdrawal from the Union and the non-ratification by a Member State of an amendment to the Constitution. However, another member spoke against the establishment of such a link, holding that it would amount to the creation of an expulsion clause.

2. Protocols on the role of national Parliaments and on the application of the principles of subsidiarity and proportionality

Both protocols were welcomed by members of the Convention. In the Protocol on the role of national Parliaments, some members proposed that the paragraph concerning the Conference of European Affairs Committees should be amended, renaming the body "the Inter-Parliamentary Conference" and setting out a description of its functions in more detail. Some members regretted that the protocols did not provide for the direct involvement of regional parliaments with legislative powers in the mechanisms and measures which they establish.

3. Part IV

Convention members were in favour of the Praesidium's proposal that the Intergovernmental Conference to approve any future amendments to the Constitution should as a general rule be prepared by a Convention.

Some members asked that future amendments to the Constitutional Treaty should be able to enter into force after ratification by a number of Member States less than the total (e.g. by four fifths of Member States, representing four fifths of the total population). They felt that the need for ratification by all Member States would amount to closing the door on any future amendment. Many Convention members were in favour of maintaining the current system (ratification by all Member States) as proposed by the Praesidium.

Some Convention members asked that certain parts of the Constitutional Treaty, and technical adjustments to it, could be revised by the Council by a super-qualified majority, without approval by national Parliaments. One member asked for ratification of amendments to the Constitution by national Parliaments to take place jointly.

LA CONVENTION EUROPEENNE
Session plénière jeudi 5 et vendredi 6 juin 2003

LISTE DES ORATEURS

Jeudi 5 juin (15h00)

1. Débat sur:

- **la partie I (titres I à III et V à IX)**
 - **les protocoles sur le rôle des parlements nationaux et sur l'application des principes de subsidiarité et de proportionnalité**
 - **la partie IV (dispositions générales et finales)**
docs. CONV 724/1/03 REV 1 et CONV 728/03.
-

1. M. Olivier DUHAMEL - Parlement européen
2. M. Dick ROCHE - Irlande (Gouvernement)
3. M. Michael FRENDÓ - Malte (Parlement)
4. Mme Maria Eduarda AZEVEDO - Portugal (Parlement)
5. M. Timothy KIRKHOPE - Parlement européen
6. M. Ernâni LOPES - Portugal (Gouvernement)
7. M. Kimmo KILJUNEN - Finlande (Parlement)
8. M. Frans TIMMERMANS - Pays Bas (Parlement)
9. M. Michel BARNIER - Commission
10. M. Rytis MARTIKONIS - Lituanie (Gouvernement)

carton bleu : Mme Ana PALACIO, M. Olivier DUHAMEL, M. Ben FAYOT

11. M. Jozef OLEKSY - Pologne (Parlement)
12. M. Elmar BROK - Parlement européen
13. M. Hannes FARNLEITNER - Autriche (Gouvernement)
14. M. Vytenis ANDRIUKAITIS - Lituanie (Parlement)
15. Mme Hanja MAIJ-WEGGEN - Parlement européen
16. M. Hubert HAENEL - France (Parlement)
17. Mme Linda McAVAN - Parlement européen
18. Mme Lena HJELM-WALLÉN - Suède (Gouvernement)
19. M. Erwin TEUFEL - Allemagne (Parlement)
20. M. Puiu HASOTTI - Roumanie (Parlement)
21. M. René Van der LINDEN - Pays Bas (Parlement)
22. Mme Sylvia-Yvonne KAUFMANN - Parlement européen

23. Mme Teija TIILIKAINEN - Finlande (Gouvernement)

24. M. Andrew DUFF - Parlement européen

25. M. Reinhard BÖSCH - Autriche (Parlement)

26. M. Lamberto DINI - Italie (Parlement)

27. M. Alain LAMASSOURE - Parlement européen

28. M. Proinsias DE ROSSA - Irlande (Parlement)

29. M. Jari VILÉN - Finlande (Parlement)

30. M. Pierre LEQUILLER - France (Parlement)

31. M. Edmund WITTBRODT - Pologne (Parlement)

carton bleu : Mme Gisela STUART, M. Olivier DUHAMEL, Mme Anne van LANCKER

32. M. Jozsef SZÁJER - Hongrie (Parlement)

33. M. Alberto COSTA - Portugal (Parlement)

34. Mme Cristiana MUSCARDINI - Parlement européen

35. M. Péter BALÁZS - Hongrie (Gouvernement)

36. M. Sören LEKBERG - Suède (Parlement)

37. M. Josef BORRELL - Espagne (Parlement)

38. M. Dominique de VILLEPIN - France (Gouvernement)

39. M. Jürgen MEYER - Allemagne (Parlement)

40. Mme Danuta HÜBNER - Pologne (Gouvernement)

41. M. Dimitrij RUPEL - Slovénie (Gouvernement)

42. M. Göran LENNMARKER - Suède (Parlement)

43. M. Jan ZAHRADIL - Rép. Tchèque (Parlement)

carton bleu : M. Francesco SPERONI, M. Dick ROCHE, M. Andrew DUFF

44. M. Algirdas GRICIUS - Lituanie (Parlement)

carton bleu : Mme Anne van LANCKER

SUPPLEANTS

45. M. William ABITBOL - Parlement européen

* suppléant M. Bonde

46. M. Hans-Martin BURY - Allemagne (Gouvernement)

* Suppléant M. Fischer

47. M. Joachim WUERMEILING - Parlement européen

* suppléant M. Mendez de Vigo

48. Baroness SCOTLAND OF ASTHAL - Royaume Uni (Gouvernement)

* suppléante M. Hain

49. M. Henrik HOLOLEI - Estonie (Gouvernement)

* suppléant M. Meri

50. Mme Helle THORNING-SCHMIDT - Parlement européen

* suppléante M. Marinho

51. M. Guntars KRASTS - Lettonie (Parlement)	* suppléant M. Pīks
52. Mme Piia-Noora KAUPPI - Parlement européen	* suppléante M. Tajani
53. M. Péter ECKSTEIN-KOVACS - Roumanie (Parlement)	* suppléant M. Athanasiu
54. Mme Elena PACIOTTI - Parlement européen	* suppléante Mme van Lancker
55. M. Jan Jacob VAN DIJK	* suppléant M. Timmermans
56. M. Pierre CHEVALIER - Belgique (Gouvernement)	* suppléant M. Michel
57. M. Paolo PONZANO - Commission	* suppléant M. Vitorino
58. Mme Neli KUTSKOVA - Bulgarie (Gouvernement)	* suppléante Mme Kuneva
<i>carton bleu : M. David HEATHCOAT-AMORY, Baroness SCOTLAND OF ASTHAL</i>	

OBSERVATEURS

M. Joao CRAVINHO - Partenaires sociaux

M. Roger BRIESCH - Comité économique et social

M. Emilio GABAGLIO - Partenaires sociaux

M. Josef CHABERT - Comité des régions

M. Manfred DAMMAYER - Comité des régions

M. Giacomo FILIBECK - Président de la Convention des jeunes