

CONV 102/02

CONTRIB 45

NOTA DE ENVIO

de:	Secretariado
para:	Convenção
Assunto:	Contributo de Michael Attalides, membro da Convenção

O Secretário-Geral da Convenção recebeu de Michael Attalides, membro da Convenção, o contributo que figura em anexo.

**CONTRIBUTION FROM MR MICHAEL ATTALIDES,
MEMBER OF THE CONVENTION**

GOALS

1. The enlargement of the Union is an historic opportunity, which will reunify the continent, extend the area of peace, stability and prosperity, and fulfil another step in the historic task set by the founders and successive European Council Decisions. Enlargement will also present new challenges to the Union to maintain its coherence in view of increased cultural, social and economic diversity and maintain and augment the effectiveness of its decision making.

2. The elevation of the European Union to a protagonist on the world scene is both a natural consequence of its demographic and economic weight and of the new challenges of the times. Globalisation presents new opportunities, but its management for the benefit of European citizens makes new demands. It is also inevitable and desirable that the world's biggest donor of aid should continue, enhance and make more effective its development policies.
On the international scene old challenges such as dangerous regional problems unfortunately continue unresolved and new ones such as terrorism, international organised crime and illegal migration threaten the security of European citizens. The European Union must develop effective policies and instruments for more effective action.

3. The results of the referendum in Ireland and other indications show that the European Union, though it has brought enormous benefits to its citizens has not made itself and its policies well known to them. The future Europe must be more comprehensible to its citizens, must communicate its decision making procedures and policies more effectively, and in general must satisfy the felt needs of European citizens. Closeness to society, democratic legitimacy and transparency must be enhanced.

4. The introduction of the Euro and continuing global economic uncertainties underline the need for greater coordination of economic policies.

5. The European Union is and will for the foreseeable future continue to be a Union of Nation States as well as a union of peoples, with cultures and traditions of which they are proud and which they wish to maintain and enhance. One of the elements of European identity is this very wealth of cultural diversity. At the same time cohesion in Europe can be enhanced both through wider familiarity with other languages and cultures, and through the development of common principles and values. Development in this direction can contribute both to internal cohesion of policies and effectiveness of external action of the Union.

GENERAL POSITION OF THE CYPRUS GOVERNMENT

Public opinion in Cyprus has been unanimously supportive of the country's candidate status, supports the aim of joining the European Union and has followed with great interest and commitment the course of the negotiations. The effort and focus required on behalf the Government, Parliament and Civil Service has been considerable. The Government has followed the debate on the Future of Europe with great interest since its effective beginning with the address of the German Foreign Minister Joschka Fischer at the Humbolt University in May, 2000 and has itself reflected and discussed with other Governments on the important issues involved, and has in this way developed its own views on the various elements in the debate. It has also encouraged the House of Representatives, educational and research institutions and civil society generally to debate the issues involved, and the Foreign Minister, Ioannis Kasoulides has addressed the issues involved in talks at home and abroad. A number of interesting public discussions have been held which have tended to inform public opinion and fertilize the Government's thinking. However the much greater intensity of the issues of the accession process has meant that there has not been great intensity in the public debate. Public opinion has shown no signs of intense feeling about the issues involved.

Another element contributing to the shaping of the positions of the Cyprus Government is that our country is a small one with great sensitivity to the crucial national issue of the division. As such there is intense consciousness of the great historical contribution of the European Union to the establishment of peace and stability on the European continent, and its enormous potential for extending these benefits to the Eastern Mediterranean and to Central and Eastern Europe. There is

strong acceptance of the fact that these great contributions are inextricably linked to the process of European Construction.

A crucially important element in these European processes, as well as in the other great achievements in Europe's economy and society has been the institutional balance created within the Union, including the prominent role of the supranational institutions, the Commission, the Parliament and the Court. We regard with great sympathy the meaningfulness of the solutions proposed by various governments based on the extension of the community method and the elegance of the solutions proposed for the long run by the Foreign Minister of Germany based on the creation of a European Federation of Nations. Mankind has not evolved many systems that encompass both the principles of democracy and the principles of state representation. As a small country with a pro-European public opinion we have a natural tendency towards closer union, preserving the role of the supranational institutions, and extending the community method.

We know, however that there are also other views. One of the conclusions that we have come to in our reflection is that an effort to create a blueprint for the future or define the final destination of the European Union may prove divisive and ultimately lead to the adoption of the least common denominator. Besides, the European Union has always advanced empirically and gradually. Thus we have come to the conclusion that we should advance by asking the question 'what are the problems to be solved and which are the ones that we can best solve together based on our common values and interests so that the European Union can deliver more for the benefit of its citizens?' It may thus be best to avoid debates over terminology and final destinations.

At the same time we in no way mean that the Convention should lack vision: The vision consists of giving our Union the means to complete the great tasks ahead: The timely completion of enlargement is a project related to the credibility of the Union. The Union must be given the means to assume the role in the world which it deserves and which the world needs. Thus we must work for greater visibility, greater coordination and effectiveness and for a clearly audible voice of the union in world affairs including in international organisations. We must give the Union the means for a developed and coordinated foreign and defence policy resulting in a system of collective security based on the European principles of democracy, respect for human rights and transparency. We must give the Union those tools, which it needs in order to assure security for its citizens. The enlarged Union should continue to implement solidarity. And there are a number of areas where citizens have expressed concerns for their well being which need attention.

Finally the Union must have means to effectively and rapidly implement its policies in ways, which are clearly communicated to European citizens.

DEFINITION OF COMPETENCES

The European Union is a system by which competencies are shared by the Union and the member States. In very few areas such as external trade and the currency does the Union have exclusive competences. Most competences are shared or concurrent. According to the Treaties the Union has only those competences, which are allocated to it by the Treaties. It would be very difficult to prepare lists of areas, which fall within the exclusive competences of either Member States or the Union. Such an exercise could also create problems as the Union has always been in evolution and the introduction of more or less rigid lists of competences could lessen the necessary element of flexibility in the development of Union policies.

What is important for the legitimacy of the Union in the eyes of its citizens is to secure respect for the principles of subsidiarity, proportionality and solidarity, as well as more transparency about how policies are formulated and about their substance and impact.

This exercise can be conducted by the existing institutions, the Council, the Commission and the Parliament in a more transparent manner, and always posing the questions of at which level, Union, State or region, the specific issue is best dealt with.

It is perhaps evident that those phenomena which are supranational and whose impact is Union-wide are best dealt with by the Union. International issues, defence, dealing with the consequences of globalisation, the threat of terrorism, cross border crime, migration and asylum issues are obvious examples where the collective efforts of the Union can be more effective than the individual efforts of the Member States, and particularly of the smaller ones.

It is interesting that some indications of what European citizens consider that the European Union should do conclude on some of these same tasks. Foreign policy and defence are considered according to euro barometer results to be European tasks. The very wide- ranging debate on the future of Europe in France showed that in that country there is consensus that Europe should be in a

leading position on the world scene. That discussion also concluded that a renewed effort is desirable for exhibiting necessary solidarity with the less developed countries and for re-establishing international stability where it seems to have collapsed. Other areas which euro barometer results show that citizens wish the Union to be involved in are monetary policy, the environment, dealing with organised crime, and research. The debate in France also indicated the importance that citizens attribute to union action on the environment, which they understood to include maritime, food and transport safety.

There is no doubt that many of the threats that our countries face is global in scale. The list is unfortunately quite long: Global financial crime, global environmental threats, global diseases, global humanitarian crises, and enforced migration, either by economic or political conditions. Cyprus recognises the impossibility for one country, and especially a small country to deal with such threats, and considers that it would be advantageous if it pooled its efforts with other European Union countries to more effectively deal with these problems. It has been correctly observed that globalisation in any event removes some capacities to act from national governments, and so pooling of efforts in order to deal with some of the consequences is a use of sovereignty, which is positive for citizens. The European Union is clearly in a better position to deal with such issues.

The European Union already has considerable experience and some successes in the area of conflict prevention. Preventive diplomacy is the Union's own method. It has great scope for extending its action in this area on the basis of international legitimacy and United Nations Resolutions. This action would be more effective if the Union coordinates its presence and voice in international organizations further.

The European Union, as the biggest donor of international assistance can also further coordinate all its external actions to serve the aims of preserving and extending democratic practices, good governance and respect for human rights.

It is clear in this context that the enlargement project can be seen as the most powerful exercise of EU external action, so far successfully conducted, and with the potential to reunify Europe and extend the area of peace stability, democracy and prosperity to Central and Eastern Europe and potentially to the eastern Mediterranean.

The ambitious Euro-Mediterranean project is worth devoting even greater efforts to, including efforts to resolve the tensions, which stand in the way of its rapid coming to fruition.

Justice and Home Affairs has become in recent years one of the Union's priorities, which after September 11th last year has become an even more salient area for EU action. Already a great deal has been achieved including a European arrest warrant, a common definition of terrorism and terrorist organisations, adoption of a reinforced money-laundering directive, enhanced air security and cooperation among high judiciary officials. Much still has to be done, including strengthening EU border control and an agreement on asylum proceedings. The time is probably ripe for integrating the third pillar into the Community.

Finally one area, which the Union could be even more active, and which seems to be in accord with citizens' wishes, is that of bringing individual Europeans, and particularly the young closer together, while respecting their differences. An obviously European project is to facilitate mobility through advancing knowledge of other civilizations, including strengthening language instruction and encouraging professional and cultural exchanges, as well as encouraging mutual recognition of diplomas and vocational qualifications.

MORE DEMOCRACY, TRANSPARENCY AND EFFICIENCY

The very well organised debate in France, on the Future of Europe in which thousands of people from all regions of the country participated indicated that the main result of the exercise was to raise consciousness about EU issues. The group of intellectuals who summarized the results referred to opening 'doors to European mysteries'. They also referred to the fact that French citizens do not consider themselves capable of making decisions on questions involving the balance of EU institutions, or rules for running democracy in the Union, or issues relating to national identity and sovereignty. However there was general support for greater democracy and integration including EU 'government'.

In the European Union procedures are complex, much jargon is used and the relevant legal instruments are inaccessible. All need to become much more accessible to ordinary citizens through simplification and an information and transparency exercise. Greater democratic legitimacy also involves strengthening the role of the European Parliament as well as the involvement of national

parliaments in EU business. The well tried and trusted balance between the institutions, and particularly the balance between Council, Commission and Parliament should not be disturbed as this would probably endanger either effectiveness or legitimacy or both.

It is altogether positive that the European Council has taken on a greater role recently, especially in foreign and security policy, which are in any event growth areas of Union activity. The European Council has and should continue to have the vital role of giving overall political direction to the Union, establishing priorities and plotting new directions of EU action.

During the work of the Council of Ministers in its legislative capacity much more access is necessary, and it should be considered whether this part of its business should be done in public. Part of the 'remoteness' of the European Union results from the fact that the Council of Ministers works without the access for the press and public which the European and National Parliaments have. Much of the further contribution of National Parliaments to the EU could be through the functioning of the Council of Ministers. It is not clear whether at the moment Ministers are subject to the same scrutiny in relation to EU business as in relation to national business. This is probably the source of much of the feeling that the EU operates behind closed doors or that 'Brussels' is remote and bureaucratic. The Council of Ministers is one of the EU institutions that is inherently democratic since in it are represented the democratic governments of the member countries. However in citizens' eyes it may lack in democratic legitimacy due to lack of comprehension of its rules of procedure and voting system, and lack of transparency.

It should also be examined whether there are more areas in which the co-decision procedure with the Parliament could be followed, as well as in more areas where framework directives rather than regulations could be adopted.

Any reform of the Council of Ministers to make the institution more effective should bear in mind that the balance between the member states and the balance between 'the institutional triangle' of Council of Ministers, Commission and Parliament should not be disturbed.

The importance of a dynamic and effective Commission as an initiator of legislation, guardian of the treaties and neutral arbiter among competing priorities between member states should be maintained. Many recognise that the most successful areas of action in the EU are those in which the Commission takes the initiative and is responsible for implementation.

We are in favour of proposals that democratise Union institutions, and carefully and favourably study the idea of making the President and members of the Commission elected by the European Parliament and we do find proposals for greater accountability of the Commission useful. However we must be careful not to subject the Commission to party politics in ways, which might detract from its traditionally neutral role.

The Nice Treaty provision for the composition of the Commission is a good one and should be maintained. Many countries have a Council of Ministers with twenty-seven members which functions effectively. For each country to appoint a commissioner contributes to an atmosphere of trust and enables the Commission to function in a supra-national way.

The role of National Parliaments could be enhanced in several ways. One is through increased parliamentary scrutiny of EU business in each country, especially in cases where the Council of Ministers is acting in a legislative capacity. National parliaments are clearly in a position to increase their supervision of their own governments, and this would enhance the sense of democratic control in each member country. Increased information could flow to national parliaments not only from each national government but also through briefings on upcoming Union business by the Commission and the Council Secretariat where appropriate. There is also the possibility of enhancing exchanges and consultations in bodies such as COSAC where both members of national and the European Parliament participate. The creation of an additional legislative or vetting chamber in the EU legislative process does not however find us in agreement, as it would complicate the whole process and by adding another layer would probably lead to greater delays and would not be a contribution to greater effectiveness.

The European Union has a sui generis form of functional organisation where greater efficiency has in past experience been associated with an extension of the community method and with the extension of qualified majority voting to additional areas of decision making. We consider that in the current context the community method could be extended to the area of Justice and Home Affairs, an area of high salience and importance for both Governments and citizens.

TOWARDS A CONSTITUTION FOR EUROPEAN CITIZENS

It is a basic European principle that people should know the rules by which they are governed. There is clearly a democratic deficit in this area as the Treaties through which the EU is governed are not easily accessible citizens. It would be no exaggeration to say that they are only really accessible to experts. Simplification of the Treaties is an urgent task so that the Treaty provisions can become accessible to the citizen.

The Charter of Rights should be incorporated into the treaties. Europe is and will remain a Europe of many different national cultures. However having a clear statement of the individual rights which European states are bound to observe would enhance European identity. The precise manner in which the Charter will be incorporated should be carefully examined so that the implementation mechanisms of the European Convention of Human Rights are not in any way weakened.

The simplification of the Treaties and the incorporation of the Charter would create a basis for a European Constitutional text.
