

Report from working group “The future of the Constitutional Treaty”

INTRODUCTION

The Constitutional Treaty

THE NEED FOR A CONSTITUTION

1 – Europe is a changing and the European Union needs to impersonate a different reality. The basic functioning still reflects a union of 6, but having enlarged to 27 members (and 500 000 000 citizens) it has become more complex, and so have the institutions and procedures.

2 - Therefore we have to create a system that is more representative, more transparent and more accessible to the people. Meaning that we have to re-think the functioning of the institutions and the way they relate to each other and the people.

3 – There is a need to consolidate all the treaties of the union in order to make it coherent and comprehensible.

4 – Fundamental rights and rules have to be stated in a concise constitution. There are values and principles, that are the common denominator of all European people, and these have to be stated somewhere.

THE PROCESS

1 - It is absolutely consensual that there is a high necessity of having a European constitution. In order to face the new European reality and the changing role of the Union, some changes have to be made.

As it is necessary it has a degree of urgency, we cannot be stuck with the process as we have been. It should be possible to have a constitution in 2009.

2 -What has been clear is that we need a document that is credible to the people of the Union. It therefore needs to be thoroughly discussed European-wide, and written in a democratic and open process. Some options of process have been brought up: that the new document is discussed by governments, national parliaments, a constitutional assemblies or by a convention. We prefer a process involving a constitutional assembly or a convention.

3 – There are different ways to ratify a constitution. One option is a European referendum, which should be carried out simultaneously through the union. Another option is that a constitutional assembly adopts the constitution. A third option could be for the elected European Parliament to ratify the constitution.

What should be in a constitution

1 – The constitution should make up a basic framework for institutions, based on the scope and structure of parts one and two in the original constitutional treaty. This would include the charter of fundamental rights, the basic values and basic rules for the institutions.

2 – Policies and detailed functioning of the union should be placed outside the constitution. That way they can be amended more easily than the constitution.

3 – To effectively carry out European policy-making we need to move from unanimity towards majority voting and co-decision in all competencies of the union. In this way the European Parliament will get stronger influence over the decision-making-processes of the union. In practice this will imply that a single country can not block decisions of the union, i.e. regarding foreign policy and defence.

4 – In the constitution should be mentioned the exclusive competencies of the union. Exclusive means areas where only the Union may act. Exclusive competencies of the union could be trade policy, the internal market, security and defence policy, foreign policy, customs, energy and environmental policy and monetary policy.

5 – The financing of the European Union could be an issue of the constitution. The Union could be allowed to levy certain taxes. The constitution should clarify to what extent the Union should be financed by Member States and/or direct taxes.

6 – The parliament should have more power, for example the power of initiating legislation and the power to decide its own seat. The parliament should also have the right to propose and elect the president of the commission, as well as the power to impeach.

7 – The European commission does not need to increase its numbers when the union is enlarging.