

GERMAN BUNDESTAG

Committee on the Affairs  
of the European Union

**Opinion of the Committee on the Affairs of the European Union of the German Bundestag pursuant to Article 45 of the Basic Law, in conjunction with Article 2 of the “Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union” of 12 March 1993, in conjunction with Article 93 a, paragraph 3 (2) of the Rules of Procedure of the German Bundestag, stated at its 21<sup>st</sup> sitting on 4 June 2003**

on the note from the Praesidium to the Convention: Organs – Draft articles for Title IV of Part I of the Constitution (CONV691/03)

### **A constitution for the citizens of Europe that paves the way forward**

The future EU Constitution is intended to make a significant contribution towards strengthening the ability of the European Union to function and act effectively and making it more democratic, as well as enhancing the transparency of European policymaking. This is the yardstick against which the European Convention and the work it performs will be measured.

The Committee on the Affairs of the European Union emphasizes that the citizens of Europe must be at the centre of the EU Constitution. It is they who should benefit in the first place from the pooling of forces resulting from the process of European integration.

The Committee considers that the Convention and the openness of the Convention method have made a decisive contribution towards increasing transparency and focusing on the needs of Europe’s citizens in the process of reforming the constitutional bases of the European Union. The Convention has strengthened the parliamentary dimension and hence the democracy of European policymaking as a whole. As such, it contrasts positively with the practice of Intergovernmental Conferences to date. The Convention and the method it uses must be bindingly anchored in the European Constitution as a procedure to regulate future amendments to the Constitution.

The European Convention has now reached the decisive and, at the same time, most difficult phase of its work. The Committee has great faith in the ability of the Convention to achieve a convincing outcome by the time it ends its deliberations. It urges the Convention and all its members to make every effort in the time remaining to adopt a complete text of a Constitution for the European Union.

Only then will the Convention have truly fulfilled its original mandate. The Committee appeals in particular to the Federal German Government and to the governments of all the countries concerned to give their backing to viable compromises in the Convention. At the same time, the Committee stresses that compromises in the Convention must not be made at the cost of institutional balance, the Community method, the Community acquis or the equality of the member states in relation to each other!

It is essential that any compromise achieved in the Convention in the form of a Constitution text does not become untied or watered down in the subsequent Intergovernmental Conference!

The Committee emphasizes that the Intergovernmental Conference must begin without delay after the end of the Convention and, if possible, be completed by the end of 2003 under the Italian presidency of the EU. This is the only way it will be possible to agree in good time important reforms needed to improve the ability of the EU to act and function effectively and to enhance transparency in European policymaking.

With regard to the final phase of the deliberations and outcomes of the European Convention, the Committee puts forward the following points that it hopes will be taken into account:

- The European Union is a **union of the citizens of the member states**. This must be clearly underlined in the European Constitution.
- **The EU Charter of Fundamental Rights** is a constitutive element of European policymaking that is based on particular values and places the citizens of Europe at the centre of its actions. As in the drafts produced by the Convention Praesidium, it must be fully incorporated in the European Constitution and must be binding in law. The fundamental rights must be legally enforceable. The future European Constitution must not lead to selective duplications of the content of the Charter.
- As a chamber representing the citizens of Europe, the **European Parliament** must be an equal co-legislator in the European Union. As far as democratic control of the EU budget is concerned, the European Parliament must also enjoy full rights over the budget with respect to expenditure. The control and scrutiny exercised by the European Parliament must, in principle, extend to all areas of European policymaking.
- In the course of the integration process, the **European Parliament** has acquired central parliamentary rights, including the right to participate, to give consent, to exercise budgetary control, to ask questions, to receive information and to require action. It must be ensured that these rights that are

fundamental to democracy in Europe are anchored and made clearly visible in the first part of the European Constitution.

- The Committee does not believe that a further parliamentary institution at EU level, for instance in the form of a “Congress of the Peoples of Europe”, would be beneficial and rejects the proposal. It is much more important to arrive at a meaningful **parliamentary division of labour** at the various levels. The Committee stresses that control and monitoring by national parliaments must make a constructive contribution to integration and must not be allowed to impair the ability of the EU to take effective action.
- Substantial progress in the area of **majority decisions** in the Council (of Ministers) constitutes an important parameter against which the European Constitution will be measured. In the future legislation of the European Union, the principle of majority decisions in the Council must prevail in the context of the co-decision procedure with equal participation by the European Parliament. In this context the Committee calls on all federal German ministries to consider the future ability of the European Union to act and function effectively as they formulate their positions.
- In the light of the results of the elections to the European Parliament, the **President of the European Commission** should be elected by the majority of members of the European Parliament. The European Parliament alone should be entitled to bring a motion of no confidence in the President of the European Commission.
- The **composition of the European Commission** must be based on actual areas of responsibility and must contribute to efficient European policymaking. There is no need, therefore, to regulate its size once and for all in the European Constitution. It is more important to ensure that the Commission is able to take action and make decisions. This task falls to the President of the European Commission, who must also take into account the justified concerns of smaller member states.
- The **European Commission** must be strengthened in its role as representative of the interests of the Community and as the executive power in European policymaking. No steps must be taken to cut back its responsibilities or reduce its capacities!
- The European Union needs a foreign minister to raise the profile of Europe in international politics and to pool foreign policy resources internally. Europe’s future Foreign Minister should be a vice-president of the Commission with special status. Creating the office should not alter the institutional structure or produce gaps in the parliamentary control of European foreign policy. The Foreign Minister must have at his/her disposal efficient structures in the form of a European diplomatic service. These structures must not, however, result

in any prolonged weakening of the European Commission or its foreign policy competences. In the EU, which is a union of citizens and states, the EU Foreign Minister must be accountable politically to both the Council and the European Parliament.

- Unanimous decisions can no longer be the norm in **foreign and security policy**. Majority decisions are essential if the EU is to be capable of acting effectively in international politics. Unless substantial progress is made in surmounting national veto rights, the sphere of influence of a European foreign minister will remain limited. If the current status quo is maintained, it will be impossible to meet the challenges facing the Union.
- With respect to the **European Council chair**, introducing a longer term of office could, along with other measures, provide greater continuity and make the work of the President more visible. The Committee is agreed that greater continuity in the European Council must not be secured at the expense of undermining the Community method or weakening other Community institutions, particularly the European Commission. The Committee rejects any extension of the competences of the President resulting from new arrangements. Rather, there should be a strict demarcation between the competences of the Commission President and the European Foreign Minister.
- The European Convention must pursue with determination the goal of making **legislation** at EU level as transparent as possible. The Council (of Ministers) in particular must ensure that decisions are transparent and comprehensible. It must be clear to the people who has political responsibility for the decisions of the European Union.
- The point of departure for the European Constitution must be the Community method and the **Community acquis** as it stands. The deliberations of the Convention and the subsequent Intergovernmental Conference must not lead to any backtracking with respect to the current acquis and the tried and tested Community method.
- The System of European Central Banks (ESCB) is independent of the organs of the European Union.