A Constitution for a Strong Europe

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I. Introduction

01. “Conscious of its history and its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.”^1

02. We choose to act together in a European Union as a result of our experience of history and as a response to the challenges of the future. Through the European Union we intend to develop a shared project of civilization, which – in the era of globalisation – combines free economy with a society based on solidarity and respect for the environment. This is our model of a social market economy. The European Union has to commit itself to consolidate and stabilise freedom and democracy, human rights, peace and prosperity throughout the continent of Europe and in the rest of the world. The EPP calls for a sustainable model of society, taking account of solidarity with future generations. The peoples who joined the European integration process based on their free decision, declare to create a close and federal European Union and to join forces in order to achieve these values, which the EPP considers as constituent for the European Union. This renewed European Union can be created only on the basis of a European Constitution deserving of its name, which will result from the Constitutional Treaty which is being prepared by the Convention.

03. Our Ideas for the future of the European Union are based on the successful history of European Integration over the last five decades. The European People’s Party feels obliged to carry on the historic achievements of its founders and of the post-war generation of Christian Democrats. Without Jean Monnet, Robert Schuman, Joseph Bech, Alcide de Gasperi, Konrad Adenauer, and more recently, Helmut Kohl, Europe would be very different from what we know today: A guarantor of freedom, peace and prosperity. The European Union, after having established freedom of movement, the Single Market, Economic and Monetary Union with a single currency and social and economic cohesion, is now striving to complement this successful project by establishing a political Union and is the most successful political project ever undertaken in Europe.

04. We must continue to build on this success. The EPP is conscious of the challenge that an enlarged European Union poses both to cohesion and to our institutions. Uniting Europe, as the end of the continent’s unnatural division is commonly described, constitutes a unique event – not comparable with former enlargement processes. Therefore, we now need extraordinary efforts to continue the success story of European Integration. We know that there is a need for far-reaching reforms in order to ensure the achievement of the objectives of our founding fathers in the future. As a consequence of globalisation, the mass-media society and new security risks, we are confronted with new challenges coming from outside Europe but which demand a European response.

05. The success story of European integration can only be continued if we integrate the citizens’ wishes as well as their concerns and make Europe more understandable to them by developing a comprehensive concept clearly defining competencies and allowing for transparent and democratic decision-making. Therefore we need – as already laid down in the Protocol of the Amsterdam Treaty in 1997 – fundamental reform. In our view it is our duty to explain to the people what they can expect of Europe in the future, so that citizens will fully understand the new opportunities that will stem from an enlarged Union, thus

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^1 Charter of Fundamental Rights of the European Union, Preamble
allowing them to make up their own minds regarding the need for accelerating, where it is possible, the integration process among European nations, giving the opportunity to new countries to join the Union. We must adapt the integration method followed up to now to the Union’s new circumstances so as to ease understanding of the European project and its targets. Europe needs to have a clear understanding of itself and its current and future roles.

06. The discussion on the borders of Europe is strongly linked with Europe’s understanding of itself. Europe long ago became more than a free-trade area simply guaranteeing economic growth. It is now developing into a political union with common borders. We must go on preserving a balance between the enlargement of the European project and the consolidation of European construction. We feel it is necessary to set a perspective of European external boundaries. The geographic expansion of the Union must not outweigh its ability to integrate. EU should offer institutionalised cooperation to States which can not become members for the time being. The EPP proposes the creation of a “European Partnership”, open both to Eastern Europe and to 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. In this context the competence and work of the Council of Europe are essential. This is one of the main reasons why closer cooperation between the European Union and the Council of Europe is of great importance for Europe’s future. For many years, Europe has been more than simply a free trade zone. It is a de facto political entity, even if it has yet to be given all the means to fully exercise this role. Even within these limits, Europe has been constantly strengthening its formal links with other countries and acting to promote peace and stability. Moreover the EPP underlines the intangible nature of Europe’s internal borders.

07. In a continuously growing Union it is worthwhile recalling that Member States joined the Union on a voluntary basis. But because the European Union is much more than a free-trade area, constructive cooperation within the Union has to be ensured in order to meet its objectives.

08. In December 2000 in Nice the Heads of State and Government of the EU agreed the “Declaration on the Future of the Union”. Furthermore, the EPP all the more welcomed the decision of the Laeken European Council to establish the Convention on the Future of Europe as it was the EPP-ED Group which first suggested this democratic procedure at the EPP Congress in Berlin in January 2001. Within the European Convention, the EPP – as the heir of the Christian Democratic founding Fathers - advocates the idea of a European Constitution and do so as a challenge and as a duty. The Constitution should establish the founding principles of the Union, incorporate the Charter of Fundamental Rights, define a new institutional framework, clarify the respective competences of the European Union and the Member States and define the entire legislative and decision-making process of the European Union in a clear, transparent and comprehensible manner. The outcome of this Convention must form the basis for the decisions to be taken by an Intergovernmental Conference. The Convention should complete its work by mid-2003, at the latest, in order to serve as a basis for an Intergovernmental Conference due to finalise the European constitutional process by the end of 2003.

09. The EPP is the first European Party to submit a comprehensive concept for a European Constitution. The Christian Democrat, Centrist and Reform Parties of the EPP as heirs of Europe’s Founding Fathers, perceive this as both a challenge and an
obligation. This Constitution should – in a transparent and generally understandable way – clarify the respective competencies of the Union and the Member States as well as include the Charter of Fundamental Rights in a legally-binding manner and define the future structure of European institutions.
II. Practical Subsidiarity and Solidarity : The distribution of competences between the European Union and Member States

10. The Community shall have as its task to secure on a permanent basis the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, both in its internal as well as in its external policy making and relations. It has to especially promote economic strength and social cohesion on the basis of the Social Market Economy. Europe should transform into practical action its moral duty of solidarity with poorer countries.

11. The discussion on reforming the European Union is not a fight for influence between the Member States and Union. In our view these two are not opposites – on the contrary; in our globalised world, the Union and the Member States are two sides of the same coin. The Member States were and are still the basis for Europe’s development.

12. Theoretical discussions on sovereignty lead us astray. Already today the States have individually lost their ability to secure peace, external and interior security, prosperity and growth in a globalised world by acting alone. Sovereignty can only be exercised on a larger scale. Therefore the question is rather not to give up sovereignty but, on the contrary, to restore our capability to act in some areas of policy. Because of demographic changes and the rapid development of other regions of the world, this trend will increase. In many cases we will have only one alternative: strength within a team, by acting jointly, or being alone and marginalised. Today, competences in many areas are divided between Member States and the European Union. We call for a definition – in strict compliance with the principle of subsidiarity – of the policy areas to be decided upon at European level. The European Union has to be granted the means to exercise these competences in an efficient manner. This is the only way of keeping pace with the other developing global regions and to successfully renew the “European model”.

13. We should prepare a constitution for the Union addressed to all its citizens, conceived like a re-foundation pact recasting the various treaties and merging them into a single text pertaining to a single entity, the Union, endowed with a single, full legal personality. In the future, the Member States must keep responsibility for amending European treaties taking into account the position of the European Parliament. A constitution must underline the fact that the European Union is a unique construction, without historical or legal precedent. This construction rests on the double legitimacy of the citizens and of the states. Discussions on a state-like character of the Union are misleading.

14. Democracy and transparency are the guidelines for our European policy. Greater transparency in the current distribution of competences between the Union and the Member States and a substantial democratisation of the institutions will enhance and increase the enthusiasm for the integration process. The citizens have to be enabled to assess which level of administration bears responsibility for which decisions. That is why the distribution of competences is paramount to any discussion on the future of Europe.

15. The time has come to update the delimitation of competences between the Union and its Member States on the basis of the principles of subsidiarity and proportionality, in order to take account of the lessons of the Community’s history, the views of the candidate countries and the expectations of the citizens.

16. This constitutional approach must be accompanied by a clarified delimitation of the competences of the Union and that must be sufficiently clear to be understandable to all
citizens. Therefore, a distinction should be drawn between three types of competence: competences exercised as a matter of principle by the Member States; the Union's own competences; and shared competences. It is not necessary to draw up a list of national exclusive competences, but rather to apply the principle of presumption that the Member States are competent where the constitutional text does not stipulate otherwise. According to their attribution to different categories of competence it is necessary to clearly define the legal provisions on European competences and to assign the respectively appropriate legal instruments.

17. The Union's own competences must continue to be few in number and relate, as is now the case, to customs policy, external economic relations, the internal market (including the ‘four freedoms’ and financial services), competition policy, structural and cohesion policies, Association Agreements and, where the Euro area is concerned, monetary policy. However, the above list should also include the drawing up and the running of the common foreign and defence policy, the legal basis of the common area of freedom and security and the funding of the Union budget. Exclusive or shared, the implementation of those competencies must remain, behalf exception, at the level of national, regional or local administrations, in accordance with the citizen's proximity.

18. Therefore, one competence of the Union should be a structural policy designed to correct territorial imbalances between the Member States and must more efficiently coordinate national budgetary policies. The Union has to develop the area for freedom, for security and for justice based on the Charter of Fundamental Rights particularly for the control of external border, immigration and asylum, and the fight against organised crime and terrorism.

19. In other areas, it must be made clear that action by the Union may only complement that of the Member States, which retain the competence to enact ordinary legislation; this already applies to education, training, youth, civil defence, culture, the media, sport, health, industry and tourism. The Union respects the spiritual traditions and cultural, linguistic and legal diversities of its Members States. Competencies in these fields must remain at the national level. However, the Union encourages cooperation in these areas when it results in added value for all concerned.

20. The Preamble to the Constitution must recall what Europe owes to its religious heritage.

21. We wish to create a society within which people themselves, or through their affiliations and organisations, can take responsibility. It is not the State or the market which runs the show for the most part, but above all society itself must take centre stage.

22. Shared competences cover three types of area: those in which the Union lays down general rules, those in which it intervenes only in a complementary or a supplementary fashion, and those in which it coordinates national policies; Where competences are shared, the Union must lay down general rules on subjects falling into two categories: - those which constitute policies complementing or flanking the Single Area: consumer protection, agriculture, fisheries, transport, trans-European networks, the environment, research and technological development, energy, social and employment policy, immigration policy and other policies linked to the free movement of persons, the promotion of equality between men and women, the association of overseas countries and territories, development cooperation and taxation relating to the Single Market;
- those relating to the implementation of foreign policy and of internal and external defence and security policy, as regards the transnational dimension thereof;

In this area of competence, Community legislation is justified where European interests are at stake; in such cases, Community legislation must establish the guidelines, general principles and objectives including, where necessary, common rules and minimum standards. Community legislation should aim to create uniformity only where there is a clear threat to equal rights or competition; In the above areas, the Member States must retain the capacity to legislate where the Union has not yet exercised its prerogative.

23. In employment policy the Union coordinates the policies of the Member States in line with the procedures of the employment guidelines, which leave the responsibility for the fight against unemployment with EU Member States. The main responsibility for social security lies with the Member States. The EPP however, welcomes the fact that Member States exchange their experiences and 'best practices' at European level. In accordance with the principle of subsidiarity, the Union must take those responsibilities in those fields, which cannot be dealt with by the Member State alone.

24. It is essential to include a review clause in order to avoid establishing a rigid system for the delimitation of competences. In this connection, it would be useful to maintain a mechanism which could be applied unanimously only in exceptional circumstances. The European Parliament should be involved in decision-making. The people of the EU should be assured that transfers of competences will take place with total budget transparency under the watchful eye of the Court of Auditors, so as to ensure that, on such occasions, there is no duplication of bureaucratic effort at EU and Member State levels. The framework of competences should be comprehensively reviewed ten years after its adoption.

25. Moreover, European integration is based on unity in diversity. Unity in diversity: this is what being a European is all about. It is about respect, acceptance and appreciation of the great and rich diversity of Europe’s cultures, our forms of expression and ways of being human. The construction of European unity has always been founded on respect for the cultural diversity of its Member States, which is rooted and finds expression in its great linguistic wealth. Therefore, cultural diversity is a democratic and cultural cornerstone of European construction, recognised in the Charter of Fundamental Rights of the European Union. Promoting cultural diversity plays an important role in Europe’s social, economic and political integration, particularly in an Enlarged Union. The Community shall therefore, within its spheres of competence, respect and promote cultural diversity in Europe, including regional or minority languages, as an expression of that diversity, by encouraging cooperation among Member States and utilising other appropriate instruments in the furtherance of this objective.

26. European Solidarity should remain a key element of European integration. However, in an Enlarged European Union, the funding system should be reformed in a manner which creates increased efficiency and allows the EU to have its own resources and help less wealthy Member States.

27. The Court of Justice should be the Union’s Constitutional Court. A special Chamber should be established within the Court of Justice to hear cases concerning the Constitution and issues pertaining to fundamental rights. An early warning system and an additional referral procedure prior to the entry into force of a legislative measure and capable of suspending the application thereof should be created. The Court of Justice should
moreover be provided with competencies in policy areas presently covered by the 2nd and 3rd pillars. The European Parliament, the European Commission, the national governments and parliaments and the Committee of the Regions shall have the right to file an action.
III. Inclusion of the Charter of Fundamental Rights into the Constitution

28. The Charter of Fundamental Rights has to become an integral part of the European Constitution. Currently the Charter is a political declaration of the Commission, the Council and the European Parliament. In future it should lead to legally binding decisions. A Charter of Fundamental Rights has to be an important part of a Constitution because it is one of the basic elements clarifying the relationship between the Union and its citizens. The integration of fundamental rights into the Treaty underlines that the European Union is a ‘Community of Values’. The Charter has to be applicable for every decision taken by the Union and for the Member States in the cases where they act on behalf of the Union. The European Court of Justice and the Court of First Instance have to be granted appropriate competences in order to strengthen the Union and its relationship with the citizens.

29. The Charter will make fundamental rights visible for everybody. The intention is not to introduce new rights but to assimilate the already recognized and existing agreements into the Acquis Communautaire. Nevertheless, the explicit principle of the equality of men and women has to appear in the Constitution in the form of an article with direct effect. The Charter of Fundamental Rights will strengthen the EU as a Community of Values and at the same time improve the protection of fundamental rights. A consistent interpretation of fundamental rights by the European Court of Justice and the European Court of Human Rights must be ensured. The European Union shall become a party to the European Convention of Human Rights as soon as it has acquired legal status.
IV. Reforming the Institutions: New solutions for more Democracy, Transparency and Proximity to the Citizens

30. Democratic control has to be exercised at all levels. The Member States have transferred competences to the European Union. We must ensure that basic democratic rules are applied on both the European and the national levels. The upcoming enlargement with new Member States will drastically increase the challenges of the current institutional structure and of the decision-making procedures. Interests will be more diverse, discussions will need more time and decisions will become more and more difficult. The EPP stresses the need to overcome the standstill in the reform process because the status quo simply will not work.

31. National Parliaments have to be strengthened by a clearer division of competences and by Member State governments being more open with them in their policy making on EU matters. To increase its role in European affairs, each national parliament should ensure its control towards its own government within the Council. The creation of an additional institution of national parliaments at the European level will not contribute to our objectives: more transparency, democracy and efficiency in the decision-making processes. These objectives could be included in a Charter on National Parliaments and be achieved following a code of best practice, in their contribution to the process of European integration. This is the reason why the EPP presents a comprehensive concept for the future of the European Institutions.

32. The European Union is neither a federation in the classical sense, nor a state. This fact should not stop us changing non-democratic and non-transparent procedures. The citizens and their ability to exercise democratic control are at the centre of our ideas for reforming European institutions. For this reason, legislative and executive competences have to be more clearly delineated and a new hierarchy of Community acts has to be established in order to build a Union which is transparent and respects basic democratic principles. Moreover, the European Union has to be accorded a full juridical personality. EU citizens have a right to a transparent process of legislation and decision-making.

33. The generalisation of the "Community method" in concert with the abolition of the pillar structure of the Union should be at the heart of future institutional reforms. This would provide for enhanced democracy within the European Union and more clarity for its citizens.

European Parliament:

34. The European Parliament, which is the only body of the European Union legitimated by direct election, has to become a co-legislator on an equal basis with the Council. This co-legislation must also include the fields of common trade policy and competition. This basic requirement is essential in order to achieve genuine inter-institutional balance, but even more as a fundamental guarantee of the democratic nature of the legislative process. In the future, European Political Parties must also play an important role in this regard.

35. Budgetary competence should be shared between the European Parliament and the Council.
36. Deputies should be elected on the basis of common principles of European electoral law, such as proportional representation, whereas political parties should democratically select their candidates for elections to the European Parliament.

37. In the application of the co-decision procedure, the European Parliament and the Council must exercise their competencies while cooperating loyally and respecting the powers attributed by the Constitution.

**The European Council:**

38. The European Council is a core institution of the European Union and it should drive its political orientation. In an Enlarged Union, the European Council must have an internal structure that ensures efficient political direction and increases the visibility of the Union and its weight on the world stage. The role of the European Council should be restored in its original scope provided for in the Treaty on the EU, which is to provide impetus and general political guidelines. This role has indeed proven to be essential to the progress of the Union. According to the conclusions of the Seville European Council, its agenda should be reduced in order to avoid its role being called into question by intervening in questions of details the Council of Ministers has been incapable of resolving.

**The Council:**

39. Reform of the formations of the Council and of its working methods is long overdue: a lack of co-ordination between the various departmental Councils, complicated and non-transparent decision-making procedures as well as inefficient debates, are the main reasons for the lack of transparency and efficiency. Furthermore, the Council is overloaded with countless administrative matters.

40. The decision-making procedures within the Council must be more democratic, transparent and efficient. The Council's legislative role must be clarified and performed with greater transparency within a real legislative Council. When exercising its legislative function, the Council should meet in public and the protocols should be published.

41. The Council, in its legislative role, will represent the Member States and legislate in concert with the European Parliament.

42. As a general rule, the Council should decide by majority vote. Unanimity should remain in domains where ratification by the Member States is required.

43. The current General Affairs Council needs to be split into two separate bodies: an enhanced General Affairs Council, meeting on a more regular basis, should ensure the coherence of decisions and the horizontal co-ordination of policies, while a specific Foreign Affairs Council should concentrate only on CFSP issues.

44. There have to be less departmental Councils. Transparency and coherent decisions can best be reached by pooling the work into one single Council. Also in the future the equal sovereignty of each Member State must be reflected in the Council. Therefore, all Member States must have equal opportunities to share the Presidency of the Council.
The European Commission:

45. The Commission’s executive role must be enhanced, as well as democratic control by the European Parliament.

46. The monopoly of initiative by the European Commission must be guaranteed, as it constitutes a central element of the inter-institutional balance and a major source of future development and refinement of EU legislation.

47. A candidate for the President of the European Commission should be proposed to the European Parliament by the European Council in light of the outcome of European elections, and by qualified majority vote. The European Parliament should give or withhold its approval by majority vote. This would give European political parties the opportunity to present their own candidates in the framework of the campaign for European elections. It would ensure a more personalised election campaign and increase democratic control and support of the European Commission.

48. The President of the Commission should be granted the right to select members of the European Commission in accordance with needs. The Commissioners-designate selected by the President of the European Commission must be confirmed by the Council by qualified majority vote. The European Parliament must approve the President and the other members of the Commission thus nominated.
V. Our Responsibility: Reforms Now

49. The EPP more then ever remains committed to the vision of the founding fathers of the Europe of today. Visionary reform steps in Europe have been achieved when our political family carried the political responsibility. We want to take the lead in presenting a clear and coherent concept for the Future of the European Union in order to succeed with the integration process and to make Europe an area of peace, justice and economic and social welfare for present and future generations, open to the world and concerned for less developed countries.

50. The Committee of the Regions represents the sub-national level of government in all its diversity. It is one of the guardians of the principles of subsidiarity and proximity.

51. Our concept is visionary – but not utopian. Our reform proposals are concrete and can realistically become reality by 2004. In order to achieve this, we propose a concrete timeframe connected with a clear and transparent procedure.

52. This is our contribution to building a Europe which is more democratic, transparent and efficient, inspired by the principle of solidarity. Our goal is a Europe which is able to meet the challenges of a globalised world and to give appropriate answers to the questions of concern to our citizens. The responsibilities of the European Union do not end at its borders; the EU has also global responsibilities. As a global power Europe has to promote human rights, democracy, the rule of law, sustainable development and good governance worldwide. To do this effectively the representatives of EU Member States are called to speak with one voice in the competent bodies of United Nations and other world-wide bodies.

53. Institutional reforms are not objectives in themselves, but they are necessary in order to construct an Enlarged Europe which is capable of acting and of safeguarding freedom and democracy, human rights, peace, prosperity and social cohesion for all citizens.