

Convening of the Intergovernmental Conference: opinion of the European Parliament

European Parliament resolution of 11 July 2007 on the convening of the Intergovernmental Conference (IGC): the European Parliament's opinion (Article 48 of the EU Treaty) (11222/2007 – C6-0206/2007 – 2007/0808(CNS))

The European Parliament,

- having regard to Article 48(2) of the Treaty on European Union, pursuant to which the Council consulted Parliament (C6-0206/2007),
- having regard to the Treaty on European Union and the Treaty establishing the European Community,
- having regard to the Treaty establishing a Constitution for Europe signed in Rome on 29 October 2004 (hereafter referred to as 'the Constitutional Treaty'),
- having regard to the Charter of Fundamental Rights of the European Union signed and proclaimed in Nice on 7 December 2000,
- having regard to the Laeken Declaration of 15 December 2001 on the future of the Union,
- having regard to the Berlin Declaration of 25 March 2007 on the occasion of the fiftieth anniversary of the signature of the Treaties of Rome,
- having regard to its resolutions of 12 January 2005 on the Treaty establishing a Constitution for Europe¹ and of 7 June 2007 on the roadmap for the Union's constitutional process²,
- having regard to the resolution of the European Economic and Social Committee of 30 May 2007 on the roadmap for the constitutional process and to the opinion of the Committee of the Regions of 6 June 2007 on relaunching the process of reforming the European Union in anticipation of the European Council of 21 and 22 June 2007,
- having regard to the joint parliamentary meeting on the future of Europe held on 11 and 12 June 2007 in Brussels,
- having regard to the Presidency Conclusions of the European Council held in Brussels on 21 and 22 June 2007 setting out the mandate for the IGC,
- having regard to the report of the Committee on Constitutional Affairs (A6-0279/2007),

Whereas:

- A. two years of reflection on the future of Europe have confirmed the need to safeguard and to improve the content of the innovations of the Constitutional Treaty in terms of

¹ OJ C 247 E, 6.10.2005, p. 88.

² Texts adopted, P6_TA(2007)0234.

democracy, efficiency and transparency, in order to ensure the proper functioning of the European Union as well as to enhance the rights of its citizens and its role in the world,

- B. this view is broadly shared by the national parliaments of the Member States and the European Parliament, whose representatives worked out the basis for these innovations within the Convention entrusted with drafting the Charter of Fundamental Rights and in the European Convention,
 - C. the European Council of June 2007 agreed on convening an IGC with a mandate to transform most of the innovations contained in the Constitutional Treaty into amendments to the Treaties in force,
 - D. that mandate is very precise and also allows the IGC to quickly agree on the modification of some of the innovations contained in the Constitutional Treaty, without jeopardising its substance;
 - E. the mandate, however, renounces the ambition of creating a single, constitutional treaty to replace the existing ones, abandons terminology which would give citizens a clear understanding of the nature of the acts of the Union, does not maintain a set of symbols which would make it easier for citizens to identify with the European Union, and includes several opt-outs in certain areas where difficulties have been raised by individual Member States,
 - F. the mandate does not sufficiently address the new challenges which the Union has been facing since the Constitutional Treaty was signed,
 - G. the European Parliament, as the only institution of the Union directly elected by the citizens, is duty bound to voice the common interest of the European Union in order to strengthen European construction and the Community method, which, for more than 50 years, have been a source of peace, stability and prosperity,
1. Welcomes the efforts deployed by the German Presidency of the Council to achieve unanimous agreement at the European Council of 21 and 22 June 2007;
 2. Takes note of the mandate for the IGC which was agreed by the European Council; welcomes its elaborate precision and the tight timetable for conclusion of the IGC, and calls on the Member States not to retreat from the commitments to which they subscribed in the European Council; expresses a favourable opinion on the convening of the IGC;
 3. Regrets, however, that this mandate implies the loss of some important elements that had been agreed during the 2004 IGC, such as the concept of a constitutional treaty, the symbols of the Union, comprehensible names for the legal acts of the Union, a clear statement of the primacy of the law of the Union and the definition of the Union as a Union of citizens and states, and also implies a long delay in the introduction of others;
 4. Expresses its concern at the fact that the mandate allows for an increasing number of derogations granted to certain Member States from the implementation of major provisions of the envisaged Treaties that could lead to a weakening of the cohesion of the Union;
 5. Regrets that the mandate allows for various drafting changes to the Constitutional Treaty,

which give an impression of distrust vis-à-vis the Union and its institutions and thus send a wrong signal to public opinion;

6. Regrets the decreasing European goodwill and political courage of Member State representatives and expresses its concern at the development of attitudes opposed to the European ideals of solidarity and integration;
7. Stresses that the mandate allows for modification of the names of legal acts, but does not provide for any substantial change in their structure or hierarchy, and expresses its intention to closely scrutinise the way in which this will be introduced in the relevant provisions, with a view to guaranteeing political accountability and safeguarding its legislative powers, in particular as regards the scrutiny of delegated acts;
8. Welcomes, nevertheless, the fact that the mandate safeguards much of the substance of the Constitutional Treaty, notably the single legal personality of the Union and the abolition of the 'pillars' structure, the extension of qualified majority voting in the Council and co-decision by Parliament and the Council, the elements of participatory democracy, the legally binding status of the Charter of Fundamental Rights, the enhancement of the coherence of the external action of the Union and the balanced institutional package;
9. Observes that all positive results in terms of strengthening democratic procedures and citizens' rights, extending competences and defining the EU's values and objectives derive exclusively from the work of the European Convention;
10. Welcomes the fact that economic and monetary union is to be recognised in the Treaty on European Union as an objective of the EU;
11. Welcomes the fact that the mandate provides for the introduction of certain new elements into the Treaties, such as the explicit mention of climate change and solidarity in the field of energy;
12. Recalls that the EU has declared itself, both to its own citizens and to the whole world, to be a community of values, that fundamental rights and freedoms form the innermost core of this community of values and that they have been comprehensively expressed in the Charter of Fundamental Rights and recognised by the EU institutions and all the Member States on many occasions; considers, therefore, that if one or more Member States now claim an opt-out from the Charter of Fundamental Rights, this would represent a dramatic setback and cause serious damage to the EU's innermost sense of identity; for this reason, urgently appeals to all Member States once again to make every effort to overcome this internal division and to reach a consensus after all on the complete validity of the Charter;
13. Invites the IGC to conclude its work before the end of 2007, so as to enable the new Treaty to enter into force in good time before the 2009 European elections;
14. Welcomes the strengthening of the modalities of its participation in the IGC at all levels, as agreed by the European Council of June 2007;
15. Reserves its right to make concrete proposals to the IGC on specific items within the scope of the mandate;
16. Will respond in due time to the invitation made by the European Council to deal with the

issue of its own composition;

17. Stresses its intention to carefully scrutinise the outcome of the IGC in order to assess whether the reforms agreed during the negotiations comply in a satisfactory way with its interpretation of the mandate;
18. Calls on the Member States and its own representatives to ensure the full transparency of the work done by the IGC, notably by publishing all the documents submitted to it for discussion;
19. Reaffirms its intention to maintain a very close relationship with national parliaments and with civil society during the process of revision of the Treaties;
20. Calls on the IGC to ensure, for reasons of transparency, that the results of its work will also be published in the form of a draft consolidated version of the Treaties;
21. Announces its firm resolve to put forward, after the 2009 elections, new proposals for a further constitutional settlement for the Union, in accordance with the clause on treaty revision¹, since the European Union is a common project that is constantly being renewed;
22. Calls on the EU institutions to put forward specific proposals to involve Union citizens once again in dialogue during the continuation of the constitutional process;
23. Invites its competent committee to consider the possible amendment of its Rules of Procedure so as to lend official character to the European Union flag and anthem chosen in the Constitutional Treaty in its activities and premises;
24. Instructs its President to forward this resolution, constituting its opinion on the convening of the IGC, to the Council, the Commission, the Heads of State or Government and parliaments of the Member States and the European Central Bank.

¹ See Article IV-443 of the Constitutional Treaty.