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*Committee on Constitutional Affairs*

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## **DRAFT REPORT**

on the roadmap for the Union's Constitutional Process  
(2007/0000(INI))

Committee on Constitutional Affairs

Rapporteurs: Enrique Barón Crespo, Elmar Brok

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the roadmap for the Union's Constitutional Process (2007/0000(INI))

*The European Parliament,*

- having regard to the Treaty establishing a Constitution for Europe signed in Rome on 29 October 2004 (the Constitutional Treaty),
- having regard to the Treaty on European Union and the Treaty establishing the European Community as amended by the Single European Act and the Maastricht, Amsterdam and Nice Treaties,
- having regard to the Laeken Declaration on the Future of the European Union of 15 December 2001<sup>1</sup>,
- having regard to the Treaty concerning the accession to the European Union of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic<sup>2</sup> and to the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union<sup>3</sup>,
- having regard to its resolution of 12 January 2005 on the Treaty establishing a Constitution for Europe<sup>4</sup>,
- having regard to its resolution of 19 January 2006 on the period of reflection: the structure, subjects and context for an assessment of the debate on the European Union<sup>5</sup>,
- having regard to its resolution of 14 June 2006 on the next steps for the period of reflection and analysis on the Future of Europe<sup>6</sup>,
- having regard to the conclusions of the European Council of 16-17 June 2005, 15-16 June 2006, 14-15 December 2006,
- having regard to the statement of the President of the European Council to Parliament on 17 January 2007,
- having regard to the resolution of 14 March 2007 to commemorate the 50th anniversary of the signing of the Treaties of Rome adopted by the European Economic and Social Committee ,
- having regard to the declaration for Europe adopted by the Committee of the Regions in its session of the 23 March 2007,

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<sup>1</sup> Laeken European Council, Annex 1, p. 19.

<sup>2</sup> OJ L 236, 23.9.2003, p. 17.

<sup>3</sup> OJ L 157, 21.6.2005, p. 11.

<sup>4</sup> OJ C 247 E, 6.10.2005, p. 88.

<sup>5</sup> OJ C 287 E, 24.11.2006, p. 306.

<sup>6</sup> *Texts Adopted*, P6\_TA(2006)0263.

- having regard to the Berlin Declaration on the occasion of the fiftieth anniversary of the signature of the Treaties of Rome of 25 March 2007,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs and the opinions of the and the (A6-0000/2007),

Whereas:

- A. The European Union, as the first successful experience of supranational democracy by States and citizens, faces new and unprecedented challenges which, together with the transformations it has been through in its successive enlargements, call for the revision of its foundations.
- B. The Constitutional Treaty was signed by the governments of the 27 Member States of the European Union, who thereby committed themselves to bringing about appropriate solutions in order to meet the challenges that the European Union faces, both internally and externally, and the challenge of the enlargement and the deepening of the European Union.
- C. The Constitutional Treaty, especially Parts I, II, and IV, was drawn up according to the Convention method, bringing together representatives both of Member States and of acceding countries, and where national and European Parliamentarians constituted a majority, thus strengthening its legitimacy.
- D. Part III of the Constitutional Treaty is mainly a codification of the current Treaties to which the Convention introduced some adaptations and improvements, in particular the extension of legal basis for codecision in the legislative procedure from the current 37 to 86, which must be preserved in order to improve democracy.
- E. Eighteen Member States, representing two-thirds of the total number of Member States and the majority of the population of the European Union, have to date ratified the Constitutional Treaty in accordance with their respective constitutional requirements, including by way of referendum in Spain, Luxembourg and Romania, while others have declared their readiness to proceed with ratification.
- F. France and the Netherlands have not been able to bring that process to a successful conclusion following the negative result of the referendums organised in those two countries.
- G. The public debate launched by the ratification procedure of the Constitutional Treaty showed that the difficulties lie, not so much in its institutional innovations as in some specific aspects of concrete policies, and that criticism – insofar as the Constitutional Treaty, as such, has been the subject of negative reaction on the part of citizens - has been directed mainly at Part III, which concerns policies and the functioning of the European Union, although Part III mainly contains provisions that are already in force.
- H. Many of the misgivings expressed related to the context, rather than the content; and whereas issues of major public concern, such as the Directive on services in the internal

market<sup>1</sup> and the financial framework, have since been resolved.

- I. The European Council of 16-17 June 2005 decided on a period of reflection following the referendums in France and the Netherlands, during which period six more Member States completed their ratifications, and the European Council of 15-16 June 2006 asked the Presidency to explore possible future developments in anticipation of its meeting of 21-22 June 2007.
- J. The public debate launched during the reflection period has sufficiently showed that the problems and challenges facing the European Union, first outlined in the Declaration of Laeken and which the Constitutional Treaty sought to address, have not disappeared; on the contrary, they have become more evident and their resolution ever more pressing.
- K. The Parliamentary Meetings jointly organised by Parliament and the national parliaments have shown a general recognition that the Constitutional Treaty would provide the European Union with an appropriate framework to meet the challenges that it faces.
- L. There is a growing urgency to equip the enlarged European Union with instruments and means enabling it to function efficiently, to assert its role in the world and to meet the concerns of its citizens in the face of the challenges presented by globalisation, climate change and an ageing population,
  - 1. Reaffirms its endorsement of the content of the Constitutional Treaty, which strengthens the efficiency of the European Union's action, enhances democratic control over its decision-making procedures, improves transparency and strengthens the rights of European Union citizens while representing a compromise, and which meets the needs of the European Union in its current stage;
  - 2. Emphasises that two-thirds of the Member States have already ratified the Constitutional Treaty and that four others have clearly expressed their commitment to the provisions it contains, as demonstrated by the recent meeting held in Madrid at the initiative of the governments of Spain and Luxembourg;
  - 3. Notes the concerns expressed by the people of France and of the Netherlands and welcomes the debate which has taken place in both of those countries as well as the positive contribution which their elected governments and oppositions have made by committing themselves to finding a way out of the deadlock of the constitutional process;
  - 4. Reaffirms its commitment to achieving a settlement of the ongoing constitutional process of the European Union that is based on the content of the Constitutional Treaty, possibly under a different presentation, but takes into account the difficulties that have arisen in some Member States;
  - 5. Supports, in light of this, the efforts of the German Presidency to obtain from the European Council of June 2007 the definition of a roadmap containing a procedure, a clear mandate and a deadline for bringing about this settlement;
  - 6. Recalls the need to guarantee the decision-making capacity of the European Union, the

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<sup>1</sup> OJ L 376 , 27.12.2006, p. 36.

effectiveness of its policies, and their full democratic legitimacy, towards which the Constitutional Treaty makes undeniable progress in terms of legislative and budgetary procedures, as well as the need to strengthen the role of the European Union in the world in order to allow it to influence the definition and the implementation of the responses to the pressing challenges which humanity is facing;

7. Stresses that the Constitutional Treaty conveys other important improvements in matters such as the express recognition of the values on which the European Union is based and of the legally binding force of the Charter of Fundamental Rights, as well as in enhancing the participation of citizens in the political life of the European Union, clarification of the respective competencies of the European Union and of the Member States, respect for the principle of subsidiarity and the role of national parliaments;
8. States that it will not accept any outcome of the negotiations which, if compared with the Constitutional Treaty, would lead to less democracy, transparency and efficiency and to a diminution of the rights of citizens (including the Charter of Fundamental Rights);
9. Recognises, in this context, the need to take into account major issues that have been raised, particularly during the reflection period, even though some of them have already been addressed in the Constitutional Treaty, such as the importance of a common approach and of appropriate means of action in the following areas:
  - promoting sustainable development, in particular the struggle against climate change,
  - promoting European solidarity in the field of energy,
  - developing a migration policy,
  - improving or adapting the European Social Model in the context of demographic change and globalisation,
  - the essential fight against terrorism and the dialogue between civilisations,
  - defining effective common mechanisms concerning economic policy in the euro-zone, while safeguarding the role of the European Central Bank in monetary policy in accordance with the Treaties;
10. Calls on the European Council of June 2007 to take the necessary steps to convene an Inter-Governmental Conference (IGC) as soon as possible, with a clear mandate to reach a settlement by the end of the current year along the above lines, which were set out after listening to the citizens during the reflection period;
11. Recalls that Parliament, as the only institution of the European Union directly elected by the citizens, must be fully involved in the IGC at all levels, at least to the same extent as during the 2003-2004 IGC;
12. Calls on the Commission to fully play its role in the upcoming negotiations;
13. Emphasises the importance of dialogue between national parliaments and their respective governments throughout the IGC and expresses its willingness to maintain close contact with the national parliaments during the forthcoming negotiation phase, as well as with the Committee of the Regions and the European Economic and Social Committee, and

with civil society;

14. Calls for the conclusion of the ratification process of the Treaty resulting from the work of the IGC by the end of 2008, in order to allow the next Parliament, which will be elected in 2009, to start its mandate under the provisions of the new Treaty;
15. Calls on all Member States to consider the possibility of coordinating their ratification procedures, in order to allow for the ratification process to be completed simultaneously;
16. Intends to put forward more precise proposals when giving its opinion on the convening of the IGC in accordance with Article 48 of the Treaty on European Union;
17. Instructs its President to forward this Resolution to the members of the European Council, the Council, the Commission, the national and regional parliaments of the Member States, the Committee of the Regions and the European Economic and Social Committee.