



## ASSEMBLEIA DA REPÚBLICA

### Minutes

#### XXII COSAC, Lisbon, 29/30th May 2000

The XXII COSAC meeting took place in Assembleia da República, Portugal, on the 29 and 30 of May, 2000. The Conference dealt with four main subjects: the Portuguese Presidency; IGC, Enlargement and Employment; Extension of qualified majority voting; Charter of Fundamental Rights; Relations between MNPs and MEPs.

The Conference was opened by **Manuel dos Santos**, Chairman of the Committee on European Affairs of the Portuguese Parliament. He started by welcoming everyone in Lisbon and noted the importance of COSAC. The proposed Agenda was adopted without any objections. The discussions on the three issues were based on the introduction given by the Portuguese delegation.

Mr. dos Santos read out to the conference a letter from Antonio Guterres, Prime Minister of Portugal, which spoke of COSAC's vital role in the future construction of Europe. In his letter the Prime Minister touched upon such issues as the importance of the Portuguese Presidency, the Extraordinary Lisbon Summit, the Enlargement, and the IGC.

#### **1. The Portuguese Presidency: IGC, Enlargement and Employment**

**Mr. Seixas da Costa** - The Portuguese presidency has attempted to define a strategy in terms of its own programme, based fundamentally on following through the main dossiers which were in the pipeline of the EU, and also try to define specific priorities as far as it was concerned.

Now, on what was in the European pipeline, if you like, the core feature of the Portuguese presidency, and indeed this is one of our supreme priorities under our presidency, has to do with the enlargement of the Union. We selected the enlargement of the Union as a true political imperative. This indeed is something that was mentioned in the Prime Minister's statement to the Parliament. It is a political imperative, which we cannot get out of, it is something that we need to see materialised as soon as possible. We believe that the fact that the EU is taking on board its specific responsibilities vis-à-vis countries, which of course want to see their own development and their own democratic structures consolidated, that all means additional efforts from the EU. We're all aware that such an effort means that you have to have institutional reform, so that the Union itself can be more efficient and better equipped to ensure that there are no ruptures in the operation of the Union.

Another effort that has to be made, perhaps we're not really aware of how much effort is needed here, has to do with the sustainability of the EU-15 policies in an enlarged European Union. Of course, this is going to have an impact on the budget and budgetary implications are very much at the heart of discussions now. So there was this sort of twofold effort during the Portuguese presidency. Not only did we pursue discussions with the candidate countries, the Luxembourg Group of countries as they are known, but also we've started negotiations with a new group of countries. You all know the decision that was taken in Helsinki for the other six states, and these again are a group of applicant states, which have just started their negotiations. So it has been very difficult in terms of negotiations, the European Commission has mobilised all its efforts in order to be successful here.

As regards the first group, the Luxembourg Group, we've tried to open up all the chapters, and we've tried to go through them. There have been 31 chapters and about 29 have been opened, and we certainly hope that by the end of the Portuguese presidency we'll be able to

open properly the 29 chapters as regards the other countries, and bearing in mind their diversity, and in particular as regards their different levels of preparation in terms of negotiations, the Portuguese presidency, with the European Commission, has defined differentiated formulas as regards their negotiations. We've also tried during this period to close as many chapters as we can for the first group of countries, and we certainly hope that by June we will have some concrete results emerging, so that we can really meet the expectations of these countries.

Now, I wouldn't want us to fall into the temptation of being over-simplistic here. I mean it's all too easy to come forward with a date for enlargement. In the past we've had interesting experiences in this area, but also some disappointment for the candidate states. During the Portuguese presidency we've been opening up the more difficult chapters on enlargement for the first group of countries, particularly those relating to the free movement of individuals, agriculture, financial issues, and we felt it would be rather irresponsible, and really just an exercise in public relations, which we're not particularly interested in, if we were to start coming forward with dates, deadlines for negotiations, and indeed we cannot put a date to finalising these negotiations. Naturally, we do need to send out positive signals to the applicant states, and as I said before I think it would be a little bit unwise, also bearing in mind what the Commission and services say, I think we really can't come forward, realistically at least, with deadlines in this area.

At the same time, I feel that it is extremely important that we ensure that the so-called parallel processes with enlargement are maintained. In other words we need to have proper processes established for Turkey, as you know, its candidacy was decided on in Helsinki, or indeed how far we have stabilisation of association agreements established with the Balkan states. I think it's extremely important that the Balkan states are able to have at least something for them to strive towards in the future. And the new mechanisms that we have for the association agreements and stability agreements do allow the European Union to some extent to meet the concerns of these states. So really these are the efforts that we are deploying in the area of enlargement.

In addition, it is extremely important that we are able to properly inform the candidate states. They need to be kept abreast of what's happening in the intergovernmental conference. I think it's extremely important that those countries, which are going to be future partners of the EU, are properly articulated with our work. We want to ensure that this co-operation is as broad as possible at this state, and indeed that is what the Portuguese presidency has been trying to do during these months.

Now, linked to enlargement we have of course the whole issue of the IGC and institutional reform. The agenda of this conference was rather limited, or if you like there was a rather grey area that could be left open to further exploration. It was decided that the conference should concentrate on what was left over from Amsterdam, as it's known, the whole matter of qualified majority, how many commissioners, vote weighting. And when we talk about the leftovers of Amsterdam, one gets the impression that it was something that simply wasn't dealt with, because there wasn't time, because there was more on the agenda in Amsterdam, but I know that in this room today we have people who were responsible for the Amsterdam Treaty, Michiel Patijn, the Dutch delegate, and he is well aware that there wasn't an agreement on the so-called Amsterdam leftovers, simply because they were very complex. They were extremely complex and at the time, we have to be honest, it was all mixed in with a huge negotiating package and my doubt is whether if you actually focus an IGC on the three key elements which really have to do with the definition of power rather than just operating in Europe, I wonder whether it's going to make it a more difficult conference or an easier conference. Sometimes it's more difficult to have a conference focussing on three major, specific but very sensitive topics than to have perhaps a broader agenda.

The way that the Portuguese presidency has interpreted this is that we should have a broader agenda for this conference, indeed this was the interpretation of the European Parliament and indeed some other countries. Unfortunately, that approach didn't win. And it didn't win for reasons having to do with, first of all, if you extend the agenda of the conference it may well go beyond the year 2000, in other words, you may not have ratification from national

parliaments, and there was very much that fear that it would go on almost up to the year 2003. Others felt that this would be rather risky for their public opinions, it would be rather risky to extend the agenda of the IGC, in areas, which have to do with deepening certain policies. So there was this double blocking, and this is why when we produced a text on the possible enlargement of the agenda, there was a majority feeling that we should limit the agenda, which is why quite apart from the three points I have just mentioned - the Commissioners, qualified voting and weighting of votes - the agenda could only be extended to areas which have to do with actual operating of the European institutions, the Committees, how they work, the Courts, and operational issues which have to do with the working of the Commission and what stems from the Amsterdam Treaty.

The Portuguese presidency has attempted, at least, and I think that this is something that is going to be contained in our report to the Feira summit, to ensure that there is reinforced co-operation. At the start of the conference that was deemed by some states not to be such a priority, and reinforced co-operation has now become central to our debate and I think in Feira we will have this increased co-operation as one of the key issues, as one of the main foundations of the future IGC, particularly bearing in mind the diversity of the Union and the fact that we need to guarantee efficient mechanisms which will enable some member states to go a little further should other member states not wish to go quite as far. And we feel that this idea of differentiated integration of policies may indeed favour the deepening of the Union, as we very much believe that we need to highlight this in the future. So the Portuguese presidency very much wants the idea of increased co-operation to be at the heart of our work and the work to be carried over into the second half of the year.

Now, the preparatory group has looked at this, but there hasn't been a full adoption of this because of the objections of some countries. It may well be that the summit at Santa Maria da Feira will be able to go beyond those objections and ensure that on the agenda of the conference we will have this idea of reinforced co-operation, and the Portuguese presidency will therefore be able to come up with a body of proposals relating to what is stipulated in the Amsterdam Treaty and how far things can be altered in order to show that the current mechanisms and operating of the Union can be more flexible. The IGC may also even debate, or even include on its agenda first of all, security and defence, which is one issue, as you know that the Portuguese presidency, as of the first of March this year, has set up the new structures which emerged from the definitions of the Helsinki summit, security and defence provisions which have to do with the creation of an interim mechanism - interim at the moment - relating to crisis management, which in the long term could confer on the EU autonomous capacity to act, not specifically to do with defence issues, but to do with crisis management, the so-called Petersburg tasks. And we believe that the work done to date by this interim body, as of March, will enable the Portuguese presidency, by the end of June, to submit to the Feira Council a report in this regard, a report that may need point to the need to alter part of the Treaty, with a view to turning these bodies into definitive bodies. The Feira summit will also be hearing from the President of the Convention relating to the Charter of Fundamental Rights and indeed the work done by the Convention for that Charter.

And during the discussions on this Charter of Fundamental Rights we want to have proper momentum from the heads of state here, I think it's vital that they give us this extra momentum and boost, because it's an ethical pillar in the EU that is so important. We have to look at citizens' rights not only in terms of a rather vague European citizenship, but also want to ensure that the European Union enshrines certain principles and ethical values and with a view to that, the Charter of Fundamental Rights, I think, is going to be a fundamental tool to allow European citizens to identify with the European Union, to be closer to the institutions, and that is why we would like to use the Santa Maria da Feira summit to give an extra boost and momentum to the work that is being done in the Commission on this.

A third point I would like to mention, as part of our work in the Portuguese presidency has to do with the extraordinary summit in Lisbon. I am pretty sure you are all well informed of what happened at that summit and indeed what underlines the conclusions of that summit. Our idea in the Portuguese presidency was to ensure a better dovetailing of the processes being carried out in the EU, be it the Cardiff process, the Luxembourg process and the Cologne process, in order to ensure a better articulation of what policies are relating to

competitiveness, but also, how far we can ensure that the European social model and policies to combat unemployment can be better articulated, linked together, in order for a better implementation of the mechanisms which the Union already has in this area, to ensure that everything is articulated at European and also at national level.

We tried to go a little further than that at the Lisbon summit in order to work on what we feel sets us apart from the American economy, the added value of the American economy in this area has to do with a knowledge-based economy, a knowledge-based society. We have tried at the Lisbon summit to come up with specific dates, specific objectives and certain routines, if you like, in terms of how the Union works, so that there will be an annual assessment of how things are going in this area. And we believe that the Lisbon summit's contribution to European competitiveness is also a very positive contribution, we feel that it is going to improve competitiveness in Europe and ensure that in the long term Europe is in a far better position in terms of the global economy. And I think that the political observers and the European presidency felt that this was a very positive initiative, they very much appreciated our efforts, and I believe that at the Santa Maria da Feira summit in June we will be able to come up with concrete proof on how we can put all this into practice, in other words timetables, schedules, implementation.

There were of course many other priorities in the Portuguese presidency, foreign policy is a priority. We very much want the EU to be looking outwards rather than in on itself, we attach a very great deal of importance to that. I think it's important that our partners, both the nearer partners and the ones that are farther away, they need to know that we are working on our own internal changes institutionally. But that doesn't mean that the Union has been overly concerned with its internal workings. For instance, relations with Africa. We've had the summit between the EU and Africa. We've had an awful lot of meetings with the Mediterranean, with Latin America, we've been trying to boost the Rio Group, the San José Group, Mercosul, Mexico, US, Russia meetings as well. We've had the first tripartite meeting here in Lisbon at a time of crucial change in Russia, so I believe that all these events have also been extremely important. I think it shows that we attach a great deal of importance to the external affirmation of Europe and its foreign policy, that perhaps we need to stress even more.

We have the new troika model, we have the higher representative for common security policy, and we have a new dynamic in the Commission services foreign policy. Of course, this is not totally new, but I think the articulation between them is starting to be different, I think this is allowing us to ensure a better affirmation of the Union's external policies. So policy again was one of our priorities.

In the area of justice and home affairs we have also tried to implement what the Tampere summit established during the Finnish presidency, fixing a scoreboard, if you like, for a series of measures in order to ensure better articulation in areas which are not totally working on a community basis, others are starting to be community-wide, so a common treatment in certain areas. In addition we wanted to have a very clear articulation with the candidate states because we believe that it is extremely important that applicant states really understand that this idea of a common culture in justice and home affairs, combating crime, drug trafficking, free movement of individuals, all these issues are fundamental, so that some members states and their public's opinions no longer fear what might happen with enlargement, because there are fears. And I think that it is absolutely vital that these applicant states co-operated fully in this area, and we have attached a great deal of importance to this, we have tried to give a boost to the external dimension of justice and home affairs.

A third area of our priorities has to do with food safety. We feel that it is vital that we deal with food safety issues, which is vital for what we call the psychological stability and health of European consumers. We need to do this in an integrated fashion, which is why we have been dealing with these issues at agricultural council level, at consumer council level and also single market council level. We have been trying to really work on the basis of the white paper provided by the Commission and the Santa Maria da Feira Council will be looking at a Portuguese presidency paper, which deals with all the different ways we need to deal with food safety. As I said before, it is absolutely vital for European consumers, but it is also

important politically, be it in terms of intra-community relations, be in terms of the external relations of the EU, bearing in mind the traditional conflicts we have had in this area with the United States. So, ladies and gentlemen, those are the main features of the Portuguese presidency, the main features of our working programme.

Naturally we've still got a month of work ahead of us. I do believe that we have met our goals, maybe it's good to compare what the written programme of the Portuguese presidency was with what we have achieved. We are at a turning point in Europe, the possibility of having discussions on the aims of the European model, what Europe should be, and I think that this has brought on board new features, new elements, these are positive elements for debate, and I believe that it is vital we have a proper debate on the future of Europe and the enlarged Europe, after the entry of the new candidate states. I don't believe we can stick to the old-fashioned discourse on Europe. It is vital that we have reforms, that ensure that Europe is adapting to changing demands, but I think it is extremely healthy and useful for Europe itself to relaunch debates on its own purpose on what its overriding aims are, and indeed what forms a model can take in the future. The German Foreign Affairs Minister set the cat amongst the pigeons when he discussed this new model of Europe and the possible future models of our Europe. And of course, there have been controversies generated by that. It has to do with the future of Europe and we are all well aware that there are very different views of what the future of Europe should be, not only in the EU states themselves, but also in the applicant countries. But I think we have to have this debate, we can't get away from it. It think it's vital also for public opinion, because I believe that such a discussion has at its core one of the main issues, that of subsidiarity, in other words the limits of Community action and the role of national parliaments.

I think it is important that COSAC deals with these issues in an open, frank way, and in a way which doesn't bring about an unnecessary and false clash between the European project and national parliaments. We believe that national parliaments are vital of course in European life, because they are closer to European citizens than the European Parliament, and it is so important that there is a healthy debate between the European Parliament and national parliaments as regards their relationship and how they see themselves in Europe. National parliaments have a vital role to play in terms of guaranteeing this link between the EU and national public opinion, because there are 15 different national public's opinions, and they have different views of Europe, and that is where the national parliaments have such an important role to play. They can pass on the sensitivity of their public opinion to European level, and that is why it is so important that we have this constitutional mechanism so that this diversity of public opinion is therefore passed on at institutional level in the EU. So this really is the debate in hand, this is the debate, which Mr. Fischer launched and I think it is the debate we all need to have amongst ourselves. Thank you.

**Manuel dos Santos (Chairman)** - Thank you very much, Secretary of State for that presentation. You have touched on not only issues that are on our agenda, but other topical issues in Europe. I think we will now move on to the questions. First of all Mr. Guido Podesta, you have the floor. You can speak for four minutes, according to our rules of procedure. Perhaps you can keep yourself to the four minutes, I've got eight speakers and finally the representative of the Prime Minister will probably make the final presentation. So Mr. Guido, you have the floor.

**Guido Podesta (European Parliament)** – Thank you, President. I'd like to congratulate the Secretary of State, Mr. da Costa, on his very complete presentation, very in-depth indeed, and I would like to focus on this issue of enlargement. We are aware that this will be one of the major challenges ahead of us in the years to come, and we have to see this against a backdrop of stability, peace and economic stability, and we also need of course to get a new recognition of the shared values. Historically this is a moment, a new opportunity, a new responsibility and we cannot deny that there are also a number of risks involved. These changes will have a strong impact on political institutions, and if I may say so on the identity of the European Union. One of the issues that we have before us, that we have to deal with, is what will be the future borders of this European Union. This is a subject that needs to be addressed and probably has not been sufficiently discussed in the past. As we all know, when the European Union ends up having a greater number of member countries, a figure higher

than 20 probably, it would be very difficult to take decisions on a unanimity basis. And therefore this Intergovernmental Conference that we hope will be able to come up with more specific responses when it comes to the issues relating to how this Union is supposed to work in the future. And I think that the European Parliament has come forward with some positions on this subject, and we think that this Intergovernmental Conference should not limit itself to an agreement on the future composition of the Commission, for example, or extending qualified majority voting and vote weighting. What we need is a bit more courage than just that. And due to lack of time that may be a problem, but we think that it's a fine opportunity, and if we don't really seize that opportunity, in the future we could find ourselves in a situation where it is impossible for the institutions to work as they are intended to.

Furthermore, enlargement is a very good time at which to sit down and think about what the future of institutional reforms should be. Something that I think stems from a deep-felt understanding from the citizens. We heard a reference to this at the end of the presentation we have just heard. We think we need to have a transparent and an agreed approach. There's no way that in the end we can just rush through it. There's this need for the national parliaments and the European Parliament to play an active role. I think that the role that they must play should be one to spread awareness of this process, it cannot just be limited to a process in which technocrats are involved, looking into the costs and benefits, pros and cons of enlargement. Much more than that, we need to find some way to seize the historical value of this moment and perhaps we should be raising the issue of an ability to use the media in different ways, to reach out to the citizens. Governments and parliaments and the various institutions, namely the European Parliament could have a different approach in this area.

Two more thoughts as to the candidate countries in the Luxembourg Group. It is true that 29 out of 31 issues have been opened up, but at the same time there are important subjects such as agriculture and there is this formal desire to start with that, but we're still far from conclusion on those subjects. When it comes to the six Helsinki countries, we have the first chapters opened up, which are the easiest chapters, in fact there's been some talk of a rather heated meeting that took place with these six countries, and I think there are tremendous efforts yet to be made as far as that's concerned. I don't want to take up too much time, compared to what is allotted to me, but when it comes to the issue of enlargement, we have to keep the balance right between getting Europe a new system that will allow it to take decision effectively, and at the same time to give a social face to the European Union, something that perhaps needs to be more actively sought for, and we should pay tribute to the Portuguese presidency that has worked very hard in that direction.

I would just say that enlargement will not be an easy process and we can't take it for granted that it will run smoothly. The candidate countries themselves must genuinely want to make the effort, and what is more, we don't expect this to be easy, because it will not be.

**Chairman:** Thank you, Tino Bedin from the Italian Senate, four minutes.

**Tino Bedin** (Senato, Italy): President, I very much agree with the comments that we heard from the two speakers, including the Vice-President of Parliament, Mr. Podesta. On the issue of enlargement, I will limit my comments to saying that I agree with most that has been covered, and I think it is quite right to say that enlargement must be seen as an opportunity, and I'm sure it will be, finally a way to get a number of changes through, having passed the threshold of the year 2000, the European Union had realised the need to change things, because its initial designs dates from half way through the previous century. And our current point of departure is that, in the rush to enlarge, this may be made difficult because of the need for institutional reform, and there is a big risk that the European Union could just become a big Free Trade Area.

Mr. Podesta also referred to another risk that does loom, that is if people will just look at the economics of the pros and cons, what they stand to gain and what we might lose, in that narrow sense. And that is a very real risk. I think there are two difficulties that need to be addressed in particular. The first fundamental one is that the Union must be enlarged without sacrificing its original mission, without watering down the principles that inspired the founding of the European Union in the first place, and the whole principle of solidarity,

shared responsibility, and the principle of subsidiarity. I think that we need to reiterate these principles that are so close to the European Union. I must admit I wasn't very happy when we changed the name from the European Community to the European Union, because I think that the word "community" conveys a number of values that I think are widely shared. The word "union" is more legalistic and bureaucratic, perhaps not covering as much ground, and not being quite as enticing as the idea of a "community". But I think that if we come back to this original sense of "community", that is what we should have in mind.

Another difficulty is that the candidate countries seek to strengthen their identity as a nation state, with their own language, their culture, their history, and all of that is perfectly right and fair. I think that within the European Union nobody wants to force people to forget their identity, particularly when it comes to their identity as a nation state. But at the same time there is a very dangerous trend, because that's not always in line with the principles that I referred to earlier. So, I think there's a real need to come back to one of the strong points of the European Union's history. In the 1950's there was the policy of one small step at a time, a very gradual evolution, and we need to avoid undue haste. If we consider individual directives of the Council and the Commission, I think that if we try to do it too quickly we will not ultimately achieve the goal that we seek. Because this process of enlargement involves many different processes and there are many other inherent reasons underlying it, and we need to be open and aware of the possibility of going too far, and immediately coming in with all kinds of aid that has now been eliminated, for example, for farming. When it comes to the member countries, there's no way we can afford to overlook the real need to consider the regional policy ramifications. There's no way we can overlook the need to consider the policy in terms of immigration. All these are problems that are related to the general political backdrop. When it comes to enlargement towards two groups of countries that I think we have to follow very painstakingly, without undue haste, and ensuring that we do stick to a number of basic rules that we have had so far.

If I may come to the position of the Italian government on this process, first of all, we need to determine what changes are necessary to the Treaty in order to facilitate the membership of these countries and the transition measures in the difficult areas, such as farming. Finally, the processes that will create a virtuous circle within the candidate countries themselves. If European solidarity works as it should and a further investment all work together, I think that we can create a dynamic process that will be very positive in terms of the economy, that can bridge the gap between the economies of their countries and ours. Thank you

**Chairman:** José Borrell from Spain.

**José Borrell (Spain):** Thank you, Mr. Chairman. Two areas that I'd like to concentrate on to make progress in our debate. One is socio-economic, and the other is institutional. From the socio-economic point of view, a major consequence of enlargement will be the free movement of persons, i.e. of workers, and there will be some pressure on our labour markets as a result. So, we need to emphasise employment policies. They will grow in importance not just from the point of view of meeting the internal demand of the current European Union, but also to cater for the increasing demand as the result of greater mobility in a greater area. So what have we achieved so far in the employment area as a result of increasing competitiveness? For example, the policies established at the recent Lisbon summit. Are you talking about revising the timetable or are you talking about introducing additional measures to those that the Portuguese presidency has encouraged, to boost employment, which is indispensable if the European Union is going to enlarge and allow for free movement of workers?

The second area I'd like to concentrate on is the institutional one, i.e. the weakness of the European Commission and the difficulties that this weakness will cause, in facing the challenges of the European Union, difficulties linked to the lack of sufficient weight in carrying out its functions, which are not necessarily under threat, but there has to be a balance struck with the Council and the European Parliament. Can the Commission face the enormous challenges of European integration? Thank you.

**Chairman – Kars Veling, from the Netherlands.**

**Karls Veling** (Eerste Kamer, Netherlands): Thank you, President. I would like to say something about the social nature of Europe. There is every reason to draw attention to that subject. There are groups and citizens in Europe, who are behind the general trend and, here and there, there is concern about unemployment, sometimes even in situations of economic growth that remains a sore point. And there are tools to approach this – benchmarking, exchanging experience – but I think, definitely, in a Europe which is enlarging, that we have to consider human decency and the need perhaps to reallocate European funds. But at the same time I would make an appeal for a sense of realism. It is of great importance that we realise the limited possibilities available to Europe as a whole, and to constantly bear that in mind.

If social Europe is seen as a way to get the citizens involved in Europe, and that's not an illogical line of reasoning, it's of great importance at the same time, to set out very clearly what the limits of Europe are. And as a representative of the Dutch people, I think that we have to avoid having sky-high hopes and to keep our feet on the ground, and in so doing avoid creating unrealistic expectations, which will be followed by disappointment.

I think that we need a clear idea on the ambitions of Europe, and to realistically think through the consequences of these ambitions and ultimately try to determine what the limits of our possibilities are in the European institutions. Thank you, President.

**Chairman** – Mr. Alain Barrau, from the French National Assembly.

**Alain Barrau** (Assemblée Nationale, France) – Thank you Mr. Chairman. I would like, first of all, to thank the Portuguese presidency for the work that they have been doing since the beginning of this year. The work is really quite considerable, and you have just gone over the main outlines of that work, Mr. Secretary of State.

At the last COSAC meeting in Helsinki, I said that we had the fortune to make a major breakthrough in the area of enlargement and that also covered the legal area, and was a major breakthrough for our citizens as well. They were two major breakthroughs for the Europe of tomorrow. So hopefully with our Portuguese friends, we can make progress in a direction, which we set great store by, which is mobilising Europe to fight against unemployment. The Lisbon summit was a decisive moment. It's not beginning a process – that process began in Amsterdam, and before that in Luxembourg, but it has given this process a new dimension which we, under the French presidency, would like to pursue. So, for those reasons, and also for everything that you said about relations between the Union and many areas of the world, and the major success of Portuguese diplomacy, the Euro-African Conference in Cairo, I think that we can thank you for all the efforts you are making on behalf of our Union.

But I think everyone here will agree that the overall situation isn't good. We have started a debate on the IGC and everyone would agree that the points to be discussed are both indispensable to make progress in the Union in its current form, and don't particularly mobilise public opinion. At the same time they don't feel that they're particularly exciting points, such as the weighting of votes in Council. How are people going to get excited about choosing the number of Commissioners? It won't be easy, because of all the topics we have to cover, on which to demonstrate the gaps between the different governments on these subjects, we really have to tackle these questions, and the sooner the better. Furthermore, we should be able to say to all our citizens that this is not the building of the political Europe that we all want for tomorrow. This is simply a necessary step on the way towards that, so that Europe works better, in the major political perspective of enlargement.

Secondly, there's a point we've been working on with you for our future presidency as well, and that is that we already have the Council of the Euro, we also have Schengen, and what is happening in the area of security and defence is already a form of reinforced co-operation. And here too we can try to avail ourselves of this new opportunity. But let's be careful, we don't want to, as a result of this, see people withdrawing into what some people call the hard core. Let us not, because of the difficulties, end up backtracking and say that we, or only a few of us, can only tackle a few of these points.



The third point, Mr. Chairman, is extremely important for European values, that is the Charter of Fundamental Rights, and also everything it says about economic and social rights and duties. We also are faced with the problem of putting across the wrong message or people interpreting it wrongly, or whatever. We have values that are already generally accepted among the Europeans, and at least one part of the European population doesn't really understand this message and considers it as being an interference in their daily life. It's interesting to look at the position of the fourteen upon Austria, and at the work being done on the Charter. It is a crucial moment that we're at. Let's be careful because we are the heirs of what those people built after the war in order to allow us to live in peace on the European continent, so we have a greater responsibility in this new world, let us try with a very strong political line to make progress.

**Chairman** – Mr. Pfluger from Germany.

**Friedbert Pfluger** (Bundestag, Germany) – Ladies and gentlemen, I would like to express a word of thanks to the Portuguese presidency in office. We have great respect for the tremendous sense of commitment and competence that you in particular, Mr. da Costa, have demonstrated in order to make progress for Europe in these very trying weeks and months. I'd like to wholeheartedly thank you for the invitation here and the splendid surroundings, and this wonderful folder we have – it's the most splendid gift I've ever received at any international event. So thank you very much for everything you've done for us.

Ladies and gentlemen, there are two points I'd like to raise. When it comes to enlargement to the East, first of all, or enlargement in general of the European Union, we think that across party boundaries, that Foreign Minister Fischer's speech had at least one advantage, because it opened up our psyche to the huge historic task we have before us. Very much along the lines of what our friend Alain Barreau just said. The great task we have before us, that far transcends the daily fray of discussing the advantages of nation states and oftentimes the all too pressing view of things, because the costs of failing to enlarge quickly in the European Union would be far greater, compared to the costs we will have to bear, acting speedily now, and meeting this huge challenge head-on.

I think it's very important, particularly, in the Central Eastern European countries, that they have taken a tremendous effort upon themselves to reform, and we have to make it clear to them that there is a light at the end of the tunnel. Because, only in so doing can they keep their efforts going for reform. And I think it's important that soon we do come forward with specific timetables for the accession of these countries. We need to contemplate and agree on such timetables.

The big concern, when I consider enlargement, is that of the institutional reform of the European Union. We all very much hope that the French presidency in office will be a success. There is one subject that this French presidency might be overshadowed by, that we should openly address, even though we don't all agree: that is the subject of Austria. I'm concerned that even if we end up with a very good treaty from Nice it could, for one reason or another, not be ratified by a country, and how can we expect parliamentarians in Austria to agree to extend majority voting, a loss of sovereignty if you will, if at the same time there are still sanctions against Austria, sanctions that continue to be on the agenda. We don't want to discuss the past, whether it was a mistake or not, because we do have different views. But I would like to raise the question of whether or not we should seriously consider that there is a face-saving exit strategy available to us? We could say, during the Feira summit, first of all, that we do have commonly shared values in the EU, and that we will do everything we possibly can to defend these values. That is what we're doing in fact with the Charter of Fundamental Rights, which is also on the agenda for Feira. These fundamental values cannot be attacked, and if anybody does attack them, they can be pretty sure there will be sanctions. But these sanctions should be laid down in the EU Treaty, we must have specific procedure for these sanctions, and I think that these procedures have not been recognisable at least hitherto.

The second point when it comes to this exit strategy, is that we have sent a clear warning signal, not just to Austria, but to other countries as well, a warning signal making it clear that you must respect all values of the EU. But there are hundred and thousands of people in Austria who went to the streets to demonstrate that Austria has its own friends of democracy and has constructively participated in all European discussions.

Therefore, my final point, Mr. President, is that we should say that for the time being we will suspend sanctions. Every six months perhaps we can produce a report on the political situation in Austria, submitted for each passing presidency in office. And, to the extent that Austria has not clearly acted against the values of the EU, these sanctions will not be reinstated. In this way, I think that we will have a warning signal to everyone for the purpose of the future, but at the same time we'll build a bridge allowing Austria to come back and to create a real possibility to get a broad amount of support and quick agreement of the Nice Treaty.

**Chairman:** Thank you. Before I pass over to Mr. Gotzev, perhaps I could just draw your attention to the fact that we only have four minutes' speaking time. We've got an awful lot of people who want to speak, twenty four in fact, and I want to allow people to have as much opportunity as they can before Mr. Seixas da Costa takes the floor. So please respect the four minutes, otherwise its going to be very difficult for us to manage the time. So, Vassil Gotzev from the Parliament of Bulgaria.

**Vassil Gotzev** (Bulgaria): Thank you, Mr. Chairman, ladies and gentlemen, Members of Parliament. On behalf of the Bulgarian delegation, I would like to thank the Portuguese presidency for all the efforts they have made during its six months' presidency, for all candidate countries. It's vital because we have just started talks and we did so at a moment when Portugal had the presidency. We are coming out of a totalitarian regime, moving towards a democratic regime, and the difficulties that Portugal had in its past must help Portugal to understand us better, than if it were another country. We are also trying to meet the demands fixed in Luxembourg and we've started creating institutions within our Parliament for that purpose. We already have a Committee of European Affairs chaired by the speaker himself, and with one vice-chairman. What is interesting is that we have members of parliament from all political groups, equally represented, and decisions are taken on the basis of unanimity. In my opinion, what is most difficult is to change institutions, rather than adjusting our legislation. I was Minister of Justice and European Integration for three years, we managed to harmonise much of our legislation, but as far as our institutions are concerned it's a different story. The same goes for mentalities. It's the mentality of a country, which had no democracy and no real parliamentary life.

So, the efforts are on both sides – the European Union and the candidate countries face equal difficulties. This is a difficult task for the candidate countries because we have to explain to people what price they will have to pay for European accession. Everyone is expecting to get rich quick, but we are going to have a lot of difficulties nonetheless - free movement of workers and so on, some of us, the Romanians and us, have the wall of Schengen to get through. So what you Europeans need to do is, not just to ask us to fulfil all the demands necessary for European integration, but to give us encouragement too. It is very difficult for a democratic government to explain to people these difficulties.

The French presidency is of course next, and we've always had excellent relations with our French friends, and I am sure they will continue the efforts made by Portugal. I'm sure that you are all convinced that the enlargement of the European Union isn't just an advantage for the candidate countries, but will be an advantage for the whole of Europe. Europe was created by Adenauer, De Gaulle and Monet. Europe didn't want any wars at all, and we have to live together. We all have to show our attachment to the European identity and the identity of each individual member state.

**Chairman:** Constantinos Vrettos from Greece.

**Constantinos Vrettos** (Greece): Thank you, Chairman. I think Mr. da Costa has very relevantly explained the matters, which the Portuguese presidency has been involved in, and

the preparations for the next presidency. This is the most important issue: we need to prepare a French presidency, which will yield results. Nobody will dispute the fact that the Amsterdam leftovers are extremely important issues, which will facilitate the functioning of the European Union as we move towards enlargement. Apart from the issue of the Commissioners, which is a difficult one and it's difficult for us to get a decision on that now. On the other decisions, such as enlargement, qualified majority voting and the rearrangement of vote numbers, I think that we are likely to get good results.

Mr. Chairman, colleagues, the point and the interest of a meeting depends on its agenda. But it also depends on how topical the issues are in the margins of that meeting. And Mr. da Costa has said this too, that is the position adopted by Mr. Fischer on the future of Europe. It is impossible for us to avoid this issue today, or in Feira, or at the coming IGC. In any case, the issue of flexibility is very closely linked to Mr. Fischer's viewpoint. In my opinion, Mr. Fischer, has muddled the waters, and I think that was unavoidable. It doesn't matter whether you agree with everything he said or not, for us if we are going to address the question of greater cooperation, what we need to concentrate on is to define precisely what we mean by that. The hard core, which some people are thinking about, can only be the core of economic and monetary union. For me, it means whatever has been achieved in Europe. The creation of a single currency is one of the most important achievements, and therefore when we talk about cooperation, of any sort, be it on defence, foreign policy, be it a federation, a future European federation, or whatever it is, the basic hard core must be the economic and monetary union. That is, whichever countries of the economic and monetary union want to participate in new initiatives, they are free to do so. And if they don't, then they will move to one side in the meantime.

Economic and monetary union is an objective for all of us after all, including for those who are candidates. It's something tangible and visible. And I think that it's on that basis that we have to construct the future of Europe.

So Mr. Chairman, Mr. da Costa has opened a debate which it is vital for us to discuss, despite the fact that I share the view of my French colleague that this discussion might disorientate us a bit and perhaps move our attention away from the Amsterdam leftovers, I nonetheless don't think that it's a bad thing. It's a discussion that has to take place. I think, Mr. Chairman, and I am concluding, that the citizens of Europe must see us addressing important issues, and they need to address to their own future. We have to bear that in mind. Obviously the citizens are going to see whether we have a vision or whether we don't have a vision. And this is also something that is important for our discussion, so the next presidency will be an extremely interesting one, but its interest will depend entirely on good preparation, which I'm pleased to note that the Portuguese presidency is planning. Thank you very much for your hospitality, and I think that the discussion over the two days will be highly interesting. Thank you.

**Chairman:** We'll hear further six interventions and then I'll be handing back to Seixas da Costa, and only then we will have the coffee break. Kimmo Kiljunen from Finland.

**Kimmo Kiljunen** (Finland): President, there are two questions that I would like to put to Mr. da Costa. The first relates to flexibility. You have had discussions with the government, but in which political areas now is there the greatest expectation of greater flexibility? We know that the Amsterdam Treaty does not yet include any possibility of flexibility.

And then my second question relates to employment. This will call for stability of exchange rates, proper economic trends and good employment require a stable currency, one that is reliable, and one for which the interest rate remains stable. What is your analysis, as being the country in the presidency, when it comes to the possibilities of the value of the Euro, which has strongly dropped compared to the US dollar. What can be done in order to improve the situation once again, when it comes to stability and the value of the Euro?

**Chairman:** Thank you. Sören Lekberg from Sweden.

**Sören Lekberg** (Sweden): Thank you. I too would like to try to be concise in a typical Nordic way. First of all, I would agree with what has been said here, that the European

Council in Lisbon has meant progress. I think Europe has demonstrated that it can be a dynamic area with high growth, and high employment rates and a low rate of unemployment. But seen from a Swedish perspective, we're looking forward with expectation when it comes to what is going to happen in Stockholm in March next year, following Lisbon.

As far as the IGC is concerned, we hold the view that we are going to have plenty on the agenda and we're going to have to focus in order to ensure that the IGC process can be finished by this year. Because it's terribly important in the case of enlargement, that has to take place in a reasonable time, so that we can all make plans. We also need to focus on the leftovers from Amsterdam and we defend the view that each country should have at least one commissioner. That's an extremely important matter for us. When it comes to the weighting of votes, there we have to be somewhat pragmatic and take a close look at the matter. It may be that the large countries may be under-represented, compared to today.

When it comes to qualified majority voting, we need to see in the Council that most questions today are actually already falling under the category of qualified majority voting. The questions remaining in unanimity are typical matters of a constitutional nature, tax measures, budget questions, and these decisions have to be taken by all the Member states.

When it comes to reinforced cooperation, one thing that we note, along with the representative of the Finnish delegation, is that the Amsterdam Treaty really needs to have more flexibility. It did introduce it, but it really hasn't been fully used. We need to try that before we take any further steps towards a greater reinforced cooperation.

Finally, President, we very much believe that the IGC process must be agreed and decided during the Nice European Council later this year.

**Chairman:** Thank you. Tunne Kelam from Estonia is the next speaker.

**Tunne Kelam** (Estonia): Thank you Mr. Chairman. I would join my colleagues in thanking the Portuguese hosts for their hospitality, and I would like to welcome the invitation from the Portuguese presidency to listen to the opinion of applicant states, in other words, tomorrow's members of the EU, about reforming the Union.

The EU must be seen as a changing entity. For candidate countries it has been called often a moving target. First of all, we need a very dynamic and innovative approach to address this programme. I think the most important thing today is that these two processes – enlargement and institutional reform – have become actually one big programme. We can say that one is not possible any more without the other. And they both have become a common challenge for us, also a common practical interest.

I think we share more and more common fears and prejudices. For example, the question of free movement of people was mentioned here today. I understand that several countries are worried about the possible influx of foreign labour into member states of the EU. I must say that applicant states have similar fears, and there does seem to be some very practical cases that after becoming members of the EU, member states don't need to export their labour force so much, because the standard of living has risen. In Estonia, for example, I don't see that many people would like to go abroad after Estonia joins the EU.

On the other hand, there are fears that people from the EU would flood Estonia, and I think it's a practical reason to discuss these fears together, and hopefully find that most of them are not founded. But it's very important to note that we would like to join an efficient and dynamic European Union, where there's balance between various institutions and also between big and smaller members. It is also very important that reforms bring the Union closer to its citizens and increase transparency of decision-making processes.

We also think that the EU must be ready to accept new members by the end of 2002 as was decided in Helsinki. In this connection, that would be an interesting programme for the European Parliament. When could new member states participate in the next elections to the European Parliament? Could it be in 2004, or later? And of course, as my Swedish colleague

mentioned just now, we think that every Member state should have one commissioner. I think this is also important to secure closer links with our populations, voters and citizens.

What about the division of votes in the Council? I think here we must proceed from the principle of balance between big and small states, and balance between various institutions. It is important that the principle of votes should be as pure and simple as possible.

Therefore it's very important to maintain also the role of the European Parliament and national parliaments. For qualified majority voting in the Council, I think it should be accompanied by co-decision procedure in the European Parliament, to increase the role of the European Parliament in the decision making process of the Union. Thank you.

**Chairman:** József Szájer, from Hungary.

**József Szájer** (Hungary): Mr. Speaker, ladies and gentlemen. On behalf of the Hungarian Parliament, I would like to join those colleagues who were congratulating the Portuguese presidency for their effective work and also for making enlargement one of the key issues during this period.

We can tell now that the IGC and enlargement are the two topics with the most importance on the table of the EU.

The enlargement negotiation with the applicant countries, in particular with the first group of applicant countries, to which Hungary belongs, is a dynamic and ongoing process. At least, it's going according to the timetable, which has never been really set. It's going because of the opening and closing of the different chapters, formally everything went on as it was planned. The same thing happened with the Portuguese presidency - with the exception of one, all chapters have been opened, and we hope that the last one, the topic of agriculture, will also be opened soon. In this sense, on the level of technicalities, everything is all right. We would also like to see the same development on the closing of the different chapters, and obviously the process so far going according to routine is getting to an annoying phase when applicant countries start to think that they have been answering all kinds of questions, and all kinds of things about their own policies, own situation, within the framework of preparation. But at the same time, we see the difficulties for the EU member countries in formulating their response to our positions.

This is one point that I see as a very important topic and why we have had strong interest also in the ongoing IGC. But so far we have had the impression that the EU is sitting like a sphinx, and not answering our questions, not formulating its positions, and not even whispering into our ears, as it has been in other cases. So in this sense we would like to see some answers, some positions on behalf of the European Union, and we hope that the next time, under the French presidency, the table could be cleared, and we could concentrate on the really important subjects and discussing these subjects because otherwise we can lose in technicalities.

One word, ladies and gentlemen, about the IGC. Hungary and I think all the applicant countries are very interested in a successful IGC, in substantial matters and also in timing. It is important that the IGC could be completed by the end of this year. Which will leave open the gates to membership of the European Union for at least some of the applicant countries. In this sense, Hungary and applicant countries are interested in a working Union. As I mentioned already in the case of the formulation of the positions of the European Union, we see what problems already arising to co-ordinate position between 15 member countries.

**Chairman:** Thank you. The representative from the Austrian parliament, Peter Schieder.

**Peter Schieder** (Austria): Thank you Mr. Chairman. I would like to join those who have paid tribute to the Portuguese presidency's preparatory work and all those who have talked about the importance of employment policy. On the question of Austria, as the head of the Austrian delegation, I would like to say something about this. Because I'm a Social Democrat, I'm part of the opposition, so I'd like to ask you to listen to a member of the coalition. Because I

may have a slightly different view of the situation. It's a good thing that the Union states are thinking about the political situation, the political landscape, democratic values and levels of tolerance in all countries. The more we grow together, the more what happens in one country concerns the whole Union. But I think in the spirit of cooperation we should only take measures on the basis of a generally accepted procedure, so that those who are concerned also have a say. And as a MP, let me say that procedures of this type should not exclude the parliamentary level. Our criticism is that the measures taken by the fourteen do not follow that model. And we would also criticise the fact that one of the three measures taken on the 31<sup>st</sup> of January has a discriminatory character.

The other measures which followed it, taken by individual countries, such as boycotts on school exchanges, tourism, artists and so on (which fortunately are no longer subject to a boycott) had led to people talking about sanctions, which most of the Austrian population were indignant about. The opinion in Austria is that this actually helped the Austrian government, and I don't know whether that was the intention of these measures. As representatives of Austria, we agree that these measures should be terminated and replaced by a procedure, which is applicable to all countries. As a social democrat, I would add that there are many things that I would criticise in my own government, but I would do that in my own country. Sometimes things have been said against Austria which I would reject. Some of the Austrian politicians have made statements, for which of course I am not responsible, but which I would also deem questionable, sometimes absolutely terrible. And some of your representatives, heads of states and government have made insulting comments and I think that if you speak in a good and friendly tone, that always contributes to solving problems. Thank you.

**Chairman:** Thank you. And thank you for sticking to your four minutes' speaking time. Rimantas Dagys from Lithuania.

**Rimantas Dagys** (Lithuania): – Thank you Mr. President. Lithuania is one of the countries, which are trying to join the European Union. The concept of enhanced co-operation and federalism are part of the wide political discussions that started several decades ago. This discussion will continue into the future, perhaps it will intensify, it is legitimate and I welcome it. It is undeniable that some of the most ambitious initiatives were born in a circle of countries narrower than the European Union membership.

It would be wrong to assume, however, that the future model of European integration lies in what is called the centre of gravity. European integration has progressed to a point where its engine runs on a routine basis. The best example is the development of the internal market. The most controversial aspect of enhanced co-operation and federalism is its propensity to draw a few dividing lines within the European Union, or to create what is termed the many Europes. The proponents of radical integration argue that enhanced co-operation should be open to all member states that wish and are able to join it. Also admitting the strength of this argument, we should take into account several dangers.

Firstly, enhanced co-operation and federalism might stimulate the European Union's international fragmentation when a number of states will be unable to join the faster track. Secondly, we need to debate the extent to which the model of unity and diversity should penetrate the policies of the European Union. Such a debate would focus on a central question, namely: how to reconcile the growing diversity with the principle of homogeneity and unification underlining the present European Integration. Finally, the possibilities of progressive fragmentation inside the European Union raise doubts as to equality amongst members of an enlarged Union.

The Lithuanian public opinion and I am sure that of other countries are likely to applaud any developments that lead to the differentiation of rights of all the new members of the European Union. We have to focus, in a broad discussion of the political consequences of differentiation, on fragmentation within the European Union. About all the debate on the new form of the European Union, despite its presentation as constitutional, it is hard however to see how and why the entry of the Baltic states could cause that difficulty in the European Union decision-making or put brakes on the evolution of the European Union.

The IGC should prepare a comprehensive institutional reform that would enable the European Union to admit all the states involved in the enlargement process, as well as ensure their proper representation. Only the institutional structure will ensure that equal rights and free representation of all member states will be acceptable to the present future citizens of the European Union. We are convinced that the European Union should stick to its determination to conclude the IGC by the end of 2000 and to ratify the results of the conference in order to be in a position to welcome the new members from the end of 2002. It is vital for the remaining momentum of the enlargement process.

Last but not least, I would like to stress the debate on the fact that the future institutional framework of the European Union should determine the mechanism or framework for the accession requirements for the candidate countries. One of the major issues we are seeing is the increasing effectiveness of absorbing European Union financial assistance.

**Chairman:** Thank you. Phillippe Mahoux from the Belgian Senate.

**Phillippe Mahoux** (Sénat, Belgium): Thank you, President. First of all I would like to thank you for the very warm welcome and the excellent quality of the Portuguese presidency's conduct.

First of all, when it comes to the idea of developing an Europe of greater know-how and training and also when it comes to the headway made or sought in relation to social harmonisation, I think that these are two factors that need to be stressed. And we also need to stress that work has been far beyond the preparatory stages when it comes to the IGC. Furthermore, when reading the conclusions adopted by the Assemblée Nationale, when it comes to the priorities of the French presidency, I can only note that although this text is ambitious and very modest at the same time, there is a great amount of work to be done.

There are two things I would say, aside from social affairs that I have already touched on. When it comes to the outlook for the future, qualified majority and weighting of votes are the proposals that have been made, but we are going to have to find a solution and, I would say, that any headway made must take account of the importance of reinforced co-operation.

I think that the reinforced co-operation approach must take place not with a closed mind, but with a very open mind, and reinforced co-operation can take on many different shapes and forms, variable geometry is the phrase, and it is something that could become increasingly important when it comes to the subject to be covered by reinforced co-operation.

To finish, in relation to what we have heard with respect to human rights and the Charter, I defend that economic and social rights must be taken into account when working on the Charter of Fundamental Rights. It's very important, but when we discuss the Charter of Fundamental Rights, when it comes to possible sanctions – we've just heard our Austrian colleague speak on that subject – I would say that we do need to find a more solid legal base that may be taken in a situation that may exist in a member state.

At the same time we must do everything to strengthen the legal basis of sanctions and the power of democratic structures within our countries. I think with a position of that nature and, at the same time, making an effort in all members states at all relevant levels, when it comes to the European ideal which is based on the notion of human rights and the principles of equality, solidarity, liberty, if we were to do that, we would be doing the work that is expected of us.

**Chairman:** Thank you. At this stage I'd like to give the floor to Mr. Majka from Poland.

**Krzysztof Majka** (Poland): First of all I would like to thank the Portuguese presidency for all the efforts and achievements that contributed to the whole process of enlargement. Evidently, enlargement is a great challenge, not only for the EU but also for candidate countries. Poland accepts the agenda of the IGC as adopted at the Helsinki summit. Poland's expectations are that the work of the IGC on institutional reforms will be successfully

completed by the end of the year 2000. We share the same opinion as our Hungarian colleagues.

I would like to comment on the enlargement date. It is difficult to accept the argument that specifying the date of argument is irresponsible, unrealistic or unwise. These words were used in the address of Mr. da Costa. With all respect, I think that from our point of view, and from the point of view of the candidate countries, it is characteristic that every presidency starts with this point in the agenda and then the subject somehow is postponed or shed off. From our perspective, it hampers the process of internal preparation of candidate countries. It also gives arguments to those that are not in favour of enlargement or are not yet decided. But thank God they are in a minority in our countries.

Obviously a definite timetable for enlargement should be adopted as soon as possible. In this respect, I want to stress that the lack of a date and, at the same time, different, very often, contradictory voices, coming from the member states, have a negative effect on the process of enlargement and on public opinion in our countries.

On the possible influx of the labour force, I would like to inform the distinguished audience that we have recently conducted detailed studies of this subject in Poland. From these studies it appears that Poland entering the EU will not bring any danger to member countries. No major influx of Polish labour force is expected according to this study.

I would like also to stress that in the Polish Parliament there is a good consensus and agreement between the different parties and the major political forces on all the most important issues relating to enlargement. We have in this respect a stable situation and we share a common dedication to this problem.

I would like to comment on some practical matters concerning IGC. Poland is supporting the following concept: every member state should reserve the right to propose his candidate to the European Commission. And the general guideline for sharing votes in the European Union Council should remain the demographic criteria. We believe also that there is no legal obstacle to adopt a parallel ratification process of the IGC results and of the accession treaties. It should be done before the enlargement process. It is, however, an important political decision, which should be undertaken for the benefit of enlargement as a whole. Thank you very much.

**Chairman:** Thank you. Mr. Seixas da Costa is going to have a right to reply. Just to give you an idea of where we stand – we actually have to alter things a little bit. I know we've got some more speakers that want to come back and speak again. But first of all we'll hear from the Secretary of State. And then a few more speakers. I think it's very important that we give an opportunity to answer some of the very pertinent questions raised. You have the floor, Mr. Seixas da Costa.

**Seixas da Costa:** Thank you, chairman. I don't know if I'm going to be able to answer all the speakers. First of all, I'd like to thank those people who have expressed very kind words to the Portuguese presidency. I would like to focus on a couple of major points, ones that I think that you in this Conference are concerned with.

First of all, reinforced co-operation. Our approach to increased or reinforced co-operation is the following: we don't feel that this is something that should be a divisor element, these differentiated forms of integration in the Union and, of course, this has been practised in the past. So we feel that this reinforced co-operation should be a way of ensuring that the deepening of Europe progresses irrespective of the greater diversity of the countries that will join. And, of course, that is going to be a fact if more applicant states join. I think it's very important that we realise that if we have some diversity already, with fifteen in the EU, the diversity hasn't just to do with levels of development, it has to do with particular idiosyncrasies and cultures in certain states, which means that not all states can simultaneously adopt the same pace, the same policies. Imagine what the case will be in an enlarged Union, where the diversity is going to be even greater. That is why it is very important that we have this reinforced co-operation, so that some progress can be made in



some areas. Of course the door should be left open when other states feel they are ready to join certain projects.

The thing about reinforced co-operation is that some states look at it as a sort of threat, or an attempt to exclude them, and that may well be the case for the applicant countries. Some of these countries feel that reinforced co-operation is a kind of protectionism of the fifteen EU states, so that they don't have to share some of their policies in the future. That is certainly not our viewpoint.

I think that if we were objective as to the operating of the Union, we'd probably agree that some candidate states are in better conditions to succeed and form part of reinforced co-operation than indeed some states that are currently members of the Union. You just have to look at the general culture in some areas and the traditions in order to bear that out. So we feel that reinforced co-operation should be facilitated, but as I said before, we shouldn't see this to be something that is going to water down the working of Europe, but something that actually reinforces the very fabric of community policies.

This leads me on to other points – and this is something that has been a concern from Amsterdam – what areas can reinforced co-operation be used in? We have the first pillar, of course, the Community Pillar, and we feel that reinforced co-operation is only meaningful in areas, which are governed by unanimous voting. So there is going to be a possible trend to majority voting and, if that is going to happen, if we're going to have this majority voting as part of the IGC, then the usefulness of reinforced co-operation will probably not be as great.

In addition, we have to remember that we have what I would call pre-determined reinforced co-operation. Something that is actually entered into the Treaty. There are very clear and transparent rules, we have Economic and Monetary Union, and we have Schengen, which is another example, where the Treaty itself provides for reinforced models of co-operation, pre-determined models. It may well be that this kind of model is used in the future, and could be put into the Treaty. And there again that would be, as I see it, a very good idea as an option. Having said that, we cannot reject the idea of reinforced co-operation on the three pillars. When I mention the three pillars, of course, I'm touching on something that actually isn't contained in the Treaty, in other words the use of reinforced co-operation in the second pillar, common foreign and security policy. The only model that exists, which if you like is a kind of reinforced co-operation, is constructive abstention, and we cannot rule out the possibility that in the future that we're going to have to find new ways of reinforced co-operation under the second pillar. But I think we're all well aware of one thing here, and it is a risk. I believe that someone here this morning actually mentioned that very clearly. Reinforced co-operation in the second pillar, which has to do with the external image of the Union, may actually create an external identity in which only a few countries are represented, and that of course is going to affect the external image of the Union. We have to be extremely cautious there, and see, in the second pillar, how can we make progress without negatively affecting the image of the Union outside it.

In addition, given the fact that the European Commission does not have a role in the second pillar identical to that which it has in the first, and the former third pillar, it's very important that we get the right kind of articulation mechanism, with a view to second pillar reinforced co-operation, without prejudice to the fact that the Commission may not have a right of initiative in the second pillar currently.

One point I'd like to make very clear is that as far as the presidency is concerned, we don't intend to submit models for reinforced co-operation. Particular mention has been made of the hard core of countries within the EU. We have this idea of a so-called directory of countries, but we aren't keen on institutional models, which are going to set up a sort of directory, or *directoire*, within the EU.

Mention was made on several occasions to enlargement. Naturally, I understand many of the concerns that have been expressed, and naturally I appreciate that we need to work as speedily as possible. I believe the candidate states will probably have realised that we have arrived to a point of no return in the area of enlargement. Although we have to be open and

quite frank, in diplomatic terms, on these issues, and it may well be that there are some clouds on the horizon, certainly as regards some member states' public opinion and what they feel about enlargement. I don't believe that such dark clouds are actually going to jeopardise the project itself. In fact, I think it's rather ironic. Unlike what you might have expected some years ago, I believe that the doubts that people have on enlargement appear, or tend to appear, more in those countries that in the past were great defenders of enlargement.

Those countries that were seen as countries that might have problems with enlargement, the poorer states in particular, are those countries which seem to be most positive about enlargement. And it's not just our words, it's our deed that bear us out on this matter of enlargement. Having said that, I think that it's incumbent on us to really inform our public opinion as to the advantages of enlargement. It's an absolutely crucial moment in the reunification of Europe, guaranteeing an area of stability and democracy in these countries, and I think it would be a profound historic mistake if we were to delay unnecessarily, and say that enlargement is a goal that is systematically put off. We can't do that, because we are asking a lot of the candidate countries, in terms of their reform, etc., and we believe that the Helsinki decision, to extend negotiations to a second group of countries, although it is a decision that has to do with a shift in political Europe, it also has to do with recognising, quite rightly, the efforts that these countries are making. So, as I said before, I can't come up with any deadlines, although I know that for some countries a deadline and a date is extremely important.

I remember when Portugal was negotiating its accession to the EC, how important it was for us to have a deadline. But I think that the negotiating process is something that is very complex, we have to work on the basis of the merits of individual countries. And I believe that this is the only way we can actually put credibility into the enlargement process.

On the Austrian question, we don't feel it to be something that it is in the community framework. From the start of our presidency we have been ensuring that the Austrian participants do take full part in the meetings of the European Commission and the Council, etc. The Portuguese presidency cannot be deemed responsible for the fact that maybe Austria is not as integrated as it might be at the European level. The Austrian issue has to do with how all the countries interpreted the potential consequences of the fact that a given party entered their government.

The Austrians, of course, are entitled to vote for the party they want. We are entitled not to like that choice, and that has been our attitude. I don't want to use the word sanctions. There are no sanctions against Austria. There are bilateral measures that have been taken, that boil down to not supporting Austrian candidates to international bodies, nor are Austrians received at the highest possible level and reduced political co-operation. These decisions are representative of the attitudes that the fourteen countries have taken against Austria, whilst this party remains in power. Quite apart from those three decisions that were taken, and quite apart from the impact that this might have had in Austria, I have to stress that these were decisions that were taken by all these countries in their bilateral relations with Austria.

So I want to make it quite clear that this was decided in January, and it was really just those three measures, which may well be reviewed. Just as the fourteen decided to take that decision, any of the member states might disassociate themselves from those decisions. They can do that because it was a political decision by each and every country. I have to be frank and say that I find it rather odd that when we start talking about an exit strategy, the onus of the exit strategy is put on the shoulders of the fourteen member states. Let us not forget that the decision was taken with regard to a given circumstance in Austria. And let us not forget that a change in the situation in Austria would also be an exit strategy, would it not? And certainly, there was hope that the FBO Congress would have changed the characteristics of its party. However, we have seen that it was a lost opportunity, a hope in vain. And the FBO is sticking to its guns, pride in its party – very much the pride of its leaders. As we know, they, in the past, have adopted certain positions. But as I said, the doors are open on this. I'm sure we will continue the dialogue across the fourteen states in this area.

Perhaps I could conclude on a more technical point, because I don't really have time to develop some of the very interesting questions raised, for instance the economic and the employment question. I know that you'll be looking at qualified majority voting in the EU. Increasing qualified majority voting is a sine qua non-requisite for the future of the EU. If we don't have it, the Union's going to come to a grinding halt. I think this is something that we have to bear in mind. In the IGC we had two rounds of meetings on qualified majority voting. We tried to tackle the question in depth at those meetings. As chairman of the preparatory group, I've tried to identify certain groups of questions that we felt, given their nature, - I'm thinking of social issues, environmental questions, fiscal questions, justice and home affairs, and article 308 issues, which has to do with getting a legal basis for certain situations - we've been able to identify certain uniform ways for, for instance, areas relating to the single market, how can we use certain articles, so that those fears that exist in some member states, given the generalisation of certain articles, could be allayed.

The results have been rather limited, because there are tactical issues at stake here for some countries that have to do with two main points. First of all, and this may be rather self-evident, it has to do with the relative power of states, when it comes to the decision-making procedures. There are some that want more qualified majority voting, as long as they get more votes. A second separate issue, which is not particularly nice for the European Parliament to hear, is that an awful lot of countries are only going to accept the extension of qualified majority voting as far as there isn't this automatic move to the co-decision procedure.

A lot of countries are reserving their position on this, because they want to know if there's going to be this automatic process. If in legislative issues this is something that will automatically go to co-decision, then we wonder whether quite as many countries are going to accept this. First of all, because there are doubts about what is and what is not legislative. There are other countries that accept qualified majority in Council, but think that the decision should not be passed through the European Parliament. I'm being pretty blunt here. Maybe this is something you will want to discuss when you tackle these matters. Something else that we have to take into account is that qualified majority already takes 80% of decisions at European Union level.

Chairman, I think those are the main points. There's just one final point I'd like to raise, of an institutional nature. It has to do with some of the questions on the role of the European Commission. As far as reinforced co-operation is concerned, and according to the ideas sketched out by Minister Fischer, if we are going to take up a model which will weaken the Commission's role, then I think that we will be destroying the heart of the Union. The European Commission is the main feature of the EU, and is what distinguishes the EU from other international bodies, etc. Its independence has to be preserved, we don't want it to be split at all. Its role is absolutely vital here. That doesn't mean to say that in that Commission we need to have all the national sensibilities represented.

Naturally, the Commission has to be independent. Its central role, in terms of promoting community initiatives, has to be guaranteed. This is also something that goes for reinforced co-operation and indeed all the other areas of the Union. The precedent created in Amsterdam, whereby the Commission and member states would have parallel rights of initiative in some areas, should be just that, a one-off. We don't want this to set a precedent for the future. The idea of member states having a right of initiative is going to start tampering with the order of the Community. The Commission must preserve its exclusive right of initiative and we will fight for that right to the end of the Intergovernmental Conference.

**Chairman:** Thank you, Secretary of State. I suggest that we now have a coffee break. Only fifteen minutes. We will then press on with all the other speakers. Then we will start tackling the issue of qualified majority voting, working up to one thirty. I would like to draw your attention to that at one thirty we will have our group photo outside the Parliament, on the steps of the Portuguese Parliament.

## 2. Extension of qualified majority voting

**Chairman:** We're going to have to stop work at one twenty-five, and without further ado I would like to invite José Barros Moura to take the floor. Thank you.

**Barros Moura** (Portugal): Thank you chairman, dear colleagues. Our concern with preserving an European consensus, with achieving a consensus between the Portuguese parties, namely the Socialist Party in Government and the Social Democrat Party in opposition, our concern was so great between the two that we decided to jointly submit this summary.

The questionnaire on qualified majority vote had a pretty high response rate. It has also been interesting that some candidate countries not only answered the questionnaire, they even said that they intend to have their own debates and approve resolutions on this whole matter of extension of majority voting.

The first question had to do with co-decision procedures and qualified majority, and we've seen that there is in general, at least, a tendency to favouring this approach. But then we've had to go into greater detail in the questions. We've tried to take stick of the general outcome of the IGC. I've seen for myself, Chairman, that there is an appreciable consensus on one thing that Mr. Seixas da Costa has just said, namely without more qualified majority voting the European Union is going to come to a halt. And the specifics really depend on the overall approach to this question.

A lot of people felt that qualified majority could not be disassociated from the whole issue of vote weighting in Council, and that the weighting of votes cannot be seen in isolation from the whole area of the extension of co-decision procedure. As you know, the countries with a higher population have more votes weighting than the smaller countries. Briefly, Chairman, that's my summary of the questionnaire. Thank you very much.

**Ana Narciso** (Portugal): Good morning, ladies and gentlemen. Welcome to Portugal. I'll be really looking at the third and fourth questions – greater articulation between the co-decision procedure in the European Parliament and also the qualified majority in Council when legislative acts are adopted.

It seemed that there was a need to define what are legislative acts, and also what is the implementation of measures. It was felt that only after clarifying this issue, and defining the respective competencies, could the EU make further progress in this area.

It was felt that some delegations didn't want to take a stance on the applicability of this measure, because of the fact that their parliaments hadn't taken a decision in this area, or perhaps they felt that this procedure depended on a case-by-case analysis, thereby opening up the door to possible extensions. Also they felt that extending qualified majority voting depends broadly on any agreement relating to the weighting of votes in Council and the methodology you actually get that majority.

In addition, the different strategies for analysing qualified majority voting in Council has been made quite clear in the responses to the last question. It is felt that as regards the single market there may well be a positive tendency, but for fiscal issues and other, and for the second and third pillars, they are more cautious. Many feel that more sensitive topics for their countries – should be dealt with unanimously. Having said that, others felt that there were some areas where they could accept qualified majority voting, although, yet again, that depends on the whole matter of the weighting of votes in Council.

It was also felt that this topic as a sort of pinnacle of a negotiating triangle: extending qualified majority voting, weighting of votes and methods of how you determine such a majority, and reinforced co-operation. This is a skilful balancing act that has to be performed in the interests of Europe broadly, and the interests of each member state.

Generalising such methods and exemptions to this should ensure that Council decisions are more operational, avoiding a duality between the less developed and more developed countries. The smooth operating of the institutions requires the right kinds of methods. We want to have something that is going to open up the door to an enlarged Europe. It cannot be seen as a step backward for member states or indeed candidate states, which naturally are turning to us in many ways. The principles of subsidiarity, social and economic cohesion have all to be preserved, and also the solidarity which is already enshrined in the Treaties.

**Chairman:** Thank you, Madam. MEP Tsatsos, you have the floor.

**Dimitris Tsatsos** (European Parliament): Thank you Mr. Chairman. The problem of qualified majority voting was one of the most fundamental points raised by the European Parliament, which is actively involved in this point in the preparations for the IGC.

Qualified majority voting is very closely linked to the involvement of the European Parliament. Move away from unanimity to qualified majority voting will lead to a reduction in legitimacy, because some of the member states that have voted against won't be backing the decision, and this democratic gap is being replaced by the co-decision making power of the European Parliament. But the proposals of the European Parliament are based on a broader philosophy. They are not one-off points either. They are part and parcel of an institutional logic, and I'll summarise them. The institutional logic is that the European Union is not just a Union of peoples, but also a Union of states with everything that this involves. On that basis, we need equality between all states, I mean every single one, including the new members. And also the principle of striking balance between big and small countries. The European Union, in order to work, must be made institutionally more efficient. We cannot work with the same institutions as the Europe of 12 or 15, and that's why the Amsterdam leftovers have to be tackled. They cannot be tackled in an isolated way, they have to be resolved together, interconnected. That is why, as we move towards the IGC, after we've dealt with all of these issues separately, the time will come when we have to deal with them globally. We'll have to deal with their logic as a whole and decide precisely what it means when rearrange the votes. For example, what will happen if I choose this particular solution for voting, and what impact will that have on the commission and so forth.

Our parliaments – the national parliaments and the European Parliament – are the places where the decisions will be taken. The national parliaments have to ratify the new circumstances, and we have to take on board the institutional changes if we think they are likely to make the new Europe work.

That is why governments should not just take it for granted. It's not right for governments to think that they will take the decision and there will be no problem, because we don't just have a legislative competence, we also have a historic responsibility to judge whether the step towards enlargement and the step towards ratifying the new treaties will be the right one, and will allow Europe to make progress.

On that basis the questions of democratisation, balance, transparency and efficiency, articles 6 and 7, which deal with possible anti-democratic behaviour within the European Union, are essential. Our German colleague has raised that point and I agree with him that we have to examine all channels, which will help our friends from Austria to adjust to the development in Europe. On that point I would like to say that an Austrian government which remains silent when Heider makes declarations, when he talks about expelling two MEP because they speak against the government, and he says that that means they're speaking against democracy, could not be left without a comment. Thank you.

**Chairman:** Thank you. Mr. Laurent Mosar from Luxembourg.

**Laurent Mosar** (Luxembourg): Thank you, President. With respect to Luxembourg, we fully agree with the observation made that qualified majority should become the generally applicable rule when it comes to Council decisions, tying in with co-decision procedure for matters involving legislation. Going beyond that statement, we do not think we have any choice but to look at each individual case and each individual article when it comes to the

seventy-three articles of the Treaty which are still subject to unanimity. The Portuguese presidency in office has submitted an approach to the IGC with relation to putting it together, and we supported this Portuguese approach as a compromise between those who wanted to maintain the status quo on qualified majority and abstention, and those who wanted to change the principle of decision making.

The objective referred to by a number of those at the IGC said why not consider extending qualified majority voting and seeing this in line with a need to have more effective decision making in an enlarged Union. Allow me to slightly disagree when it comes to this argument because I think that unanimity, so far, has not been a big brake on development. Unanimity is a different situation compared to qualified majority, but the fact remains that decision making has not been less effective despite it. You lose in speed what you might gain in terms of consensus. And a qualified majority does not stop any country from invoking their vital interest, so to my thinking it would be better to find a compromise that can reach a consensus rather than to be seen to undermine the interests of some, trying to force through qualified majority. And with regard to the Community method we should see this as expressing a truly common desire.

Now, while we're looking at the details of articles, there are two observations to make there, as was previously stated. We agree with the majority approach, implying that we should go through the categories of articles. At the same time, we agree with those that think that we need to clearly define the limits of this exercise, although being open minded in relation to the final outcome. There are some areas where given the current construct in the European Union, moving to qualified majority is not yet possible to contemplate. And therefore we think in the positions adopted by the member states, in line with the constitutional rules, which touch on areas of sovereignty of national parliaments. And I think that when it comes to balance between institutions, in areas such as fiscal matters and social security, and if I may spend some time going into a problem that my country is very concerned about, that of taxation, the Commission proposed unanimity in fiscal matters if it does not upset the proper operation of the internal market, with other areas of fiscal policy being brought into qualified majority voting through the concept of fraud. We do not share that view.

We consider that thinking on fiscal matters only if they affect the internal market is creating an illusion. I think that fiscal matters are indissociable from the powers of the national parliaments. Fiscal matters can only be dealt with from the point of view of the proper operation of the internal market - if that were to be the case, no harmonisation would be called for. I think that it is virtually impossible to draw a clear, neat and unequivocal dividing line between what would tie in with the internal market and what wouldn't, to determine qualified majority voting. Because it is a politically and socially sensitive issue that calls for clarity, and we think this distinction would hardly be in line with the spirit of the Treaty.

In each country there is a delicate balance in the fiscal system and just changing part of that picture will upset the overall equilibrium and will encroach on an essential prerogative of national parliaments. I would hasten to add that Luxembourg is not saying no to any fiscal co-ordination ideas. We need to consider the efforts that were made during the Luxembourg presidency in 1997. But the way things now stand, we think we should not recognise the Commission as having new competence. We think that we're going to have to proceed cautiously with our national systems, each of making sense internally, and in the case of Luxembourg fiscal matters must remain the competence of members states, linked indissociably with the powers of our parliaments. Thank you.

**Chairman:** Deputy Tino Bedin, Italian Senate.

**Tino Bedin** (Senato, Italy):- Thank you, President. I would say that for Italy, an extension to qualified majority voting with a view to enlargement is really the defining reason for this conference, and is a pre-requisite if we are going to be able to take decisions following the future enlargement. Therefore it's a matter of whether the institutions of the European Union are governable, but more than just that. We've heard already that 80% of decision taken in the European Union are taken by majority voting. So it's more a political issue, I think, the issue of governability.

Do we want to agree in Europe, to go beyond what we have today? We find ourselves in agreement with the proposal made by the Luxembourg presidency, but Italy thinks that when changing the mechanisms for reinforced co-operation, this is perhaps even more of a defining moment, that will take place at the Intergovernmental Conference.

I have referred to the normally coined phrase of reinforced co-operation. We're not considering building an Europe à la carte, but one where we lay out clear criteria for Europe. We can't just have people picking and choosing, based on what suits them. In the case of Italy, in the Mediterranean basin, we believe that it should prove possible within that part of the European Union, to consider forms of co-operation that may even be similar to what happened with the conference of the presidents of our parliaments, one week ago, that they decided to create a website for the Mediterranean EU countries and non EU countries, and this is a very real example of how we can create a Europe, but not just an Europe à la carte, or a virtual Europe.

In the Intergovernmental Conference we need to consider this matter, guided by the principle of qualified majority voting being the generally applicable rule, but a certain number of decisions would still require unanimity. This latter category of decisions would no doubt include constitutional affairs, provisions that call for subsequent ratification by national parliaments, and we would also insist that this also include provisions that involve exemptions to the *acquis communitaires*.

As other colleagues have said before me, the principle of qualified majority voting ties in with our decision making procedure with the European Parliament, that is very relevant in this. And very briefly, if I may go into another of the fundamental subjects involved, i.e. democratic representativity, we think that qualified majority voting will involve a further shift in sovereignty away from the peoples of Europe in dealing with the European institutions. And that shift needs corresponding democratic representativity. We think that that representativity should be taken on by the European Parliament, but we are convinced that we have to recognise the conclusions that were drawn by Mr. da Costa, this role that the national parliaments have to play is also very important.

And I don't know if we can manage today, but with a view to the Intergovernmental Conference, following what happened in Amsterdam, COSAC has played a fundamental role in ensuring that we are able to include a protocol on the national parliaments in the Amsterdam Treaty. I don't think we should allow this opportunity to slip between our fingers, but we should restate that it is possible to take a further step towards improved democratic representativity of our citizens. Without the national parliaments, I'm afraid that public opinion in Europe will feel that Europe is moving further away. Thank you.

**Chairman:** Thank you. Gerard Fuchs, from the French Parliament.

**Gerard Fuchs** (Assemblée Nationale, France): Thank you, Chairman. I agree with those who think that changing the voting system to the majority system will be the central issue at the next IGC. Why? We are building Europe today in response to certain challenges, which our countries cannot face alone. And Europe only has a meaning if it has decision-making powers. Despite what my colleague has said before me, the ability to take a decision means majority voting, because otherwise we just follow the slowest member, the lowest common denominator, and that is insufficient when we face such great challenges.

Two recent examples: Kosovo, for foreign policy, or financial globalisation, as far as economic policy is concerned. So majority voting is necessary. If we want to go beyond splits in our Union that are not necessarily useful, we need to tackle questions such as fiscal policy and reinforced co-operation.

Moving to qualified majority voting as far as taxation is concerned, the British always throw up their hands in horror and say, you French want to harmonise European tax policy, but that is not the case at all. We simply have to choose our taxes. For example, taxes linked to the existence of the single market, VAT, company tax and tax on income from financial sources.

These are the three areas which might set one state against the other, and there will be competition in pushing down taxes, which would mean that everyone would lose resources, and it would jeopardise our social model which we all want to defend. But it does require a certain number of expenditure, and that means tax income. So there are only three taxes involved here.

And then it is not necessary to harmonise the rates. If we look at the United States and other federal states, and there are different tax rates throughout the United States, but nonetheless they still have a single market. So this is a point which the delegates of the National Assembly accepted.

Out of these three taxes then, in Europe we have to agree on a minimum level of taxation, in order to avoid fiscal competition pushing down rates, which would lead to a reduction in incomes for the member states. So majority voting for taxation means, for me, that we would only address the three taxes I mentioned, fixing a minimum rate, and every state would maintain its national sovereignty. I don't want to start a dialogue with our colleague who spoke before me.

Currency is of course an area of sovereignty, and we now have a single currency. Defence, too, and now we're working on that, so I think that as far as taxation is concerned, with a little bit of imagination we can make progress, introduce a little bit of majority voting without jeopardising the power of national parliaments.

The second example is reinforced co-operation. It's in the Amsterdam Treaty, but the conditions make it practically inaccessible today. The more states in the European Union, the more the difference of pace, be it economic pace, or public opinion, the more that will be necessary. Another speaker has said that Schengen and the single currency are examples of reinforced co-operation.

Another area where majority voting is necessary is access to reinforced co-operation. We have to do away with the current right of veto and I will place my confidence in the ministers. Do we need half the states or a quarter of the states? That would cut the population. Once we have overcome that then the hardest part will be behind us. But doing away with the right of veto for access to reinforced co-operation is vital to the progress of Europe.

I know that is a thing that frightens people, and I know that the Commission's proposal is a good one and merits being recalled here. Reinforced co-operation is always open to those not yet part of it. It's not a mechanism to exclude people. People call it the avant-garde, the hard core, but basically it's an open structure. If any country decides to join in then they can accept the rules and do so.

In the same spirit, reinforced co-operation will take place within the context of the European institutions, so there's nothing marginal about it. And it's not creating a parallel superstructure that would jeopardise everything that we have already constructed. So there too, if we are able to detail our proposals and look at the subtleties – not say we need tax harmonisation and we need a hard core and that's it – but certain decisions need to be taken on a qualified majority basis, so that those who want to move faster can do. And the others can join in whenever they want.

I'm sure that a certain number of sensitivities I've felt around the room this morning will be overcome and the IGC, after the work done by our Portuguese friends, will be successful. And that will be under the French presidency and that's what everybody wants.

**Chairman:** Thank you. Just two comments before I move on to the next speakers. Please restrict yourself to the four minutes' speaking time, and perhaps I can give you a quick explanation. We cannot have other speakers repeating the same topics, because we felt it would be far better to give all the delegations a chance to take the floor. From the nine that were tabled to address the first topic, six were from countries that had had the floor before. So I'm going to have to do that, because it's very important that everyone has an opportunity



to speak. Austria, for instance. I've got a second intervention from Austria, but I couldn't consider it a priority, we've put right at the end of the speakers' list. The Austrian speaker changed his address from the initial topic to this topic, but those countries that haven't had an opportunity to speak need to be the priority speakers here.

So, we're moving on to the second list of speakers, the priority is for those who haven't yet taken the floor. The main thing is for all of us to have an opportunity to address our concerns within the four-minute limit. We could always drag this on into this afternoon, but I want to avoid that because we've already got a lot of things to discuss this afternoon, and a lot of speakers as well. So I really want to be able to make progress before lunch. I give the floor to Mrs. Olga Scheltema from the Netherlands.

**Olga Scheltema-De Nie** (Tweede Kamer, Netherlands): Thank you, President. Van Scheltema is my name. First of all, on behalf of the Dutch delegation, I would like to extend a word of thanks to the Portuguese presidency for the thorough preparation that has gone into this subject. Ultimately, the results are fairly modest, but the fact remains that everybody has tried to work on this within the framework of enlargement, which seems likely. And we need to move towards considerable flexibility when it comes to majority voting. It's one of the most important, indeed one of the most difficult tasks for the upcoming IGC.

I have understood from the presidency that they have an ambitious objective there, as we heard. My question is quite specific: would it not be reasonable if now all of us together, if we do want to move towards more majority voting, considerably more, that we should be able to move by saying majority is our point of departure, the general rule and where that's truly impossible, that has to be demonstrated. Switching around the burden of proof, if you will. I think that that arguably could help speed up the process, at least I hope so. Of course in the Netherlands, we too have our misgivings, and a definitive decision has yet to come. But one very important point, one exception being constitutional matters, which should be outside the area of majority decision making.

Alongside that, I think that those matters where you really have a direct involvement in the order of things, you should be very reticent, particularly when it comes to the penal code. On tax matters, so far in the Netherlands, we're split. Not surprising really, listening to our colleague from France, I see that once again we are looking for a solution. It would be nice if on the tax front as well, we could reach some sort of consensus, and then when it comes to designations, that should be possible with majority. There's no reason to grant exceptions for that. Where there is qualified majority voting, we need co-decision with the European Parliament. There can be no other way. In fact, that's a pre-requisite for democracy, I would say.

And finally, there is of course a connection in the weighting of votes in the Council as well. And in the Netherlands, from our point of view, we are quite keen that on this point the demographic weight of countries should perhaps be translated more faithfully in the calculation of the weighting of the votes, and that we find an appropriate balance between big and small, in the interest of the transparency of decision-making. Thank you, President.

**Chairman:** Bernard Durkan, from Ireland.

**Bernard Durkan** (Ireland): Thank you, Mr. President. The Irish position in relation to qualified majority voting is that we recognise that there must be changes and there will be changes, and at least we're willing to discuss that area and make a positive and constructive contribution to that particular debate.

However, we would also draw attention to the necessity for continued recognition for the role to be played by the smaller states, and particularly that the rights of the smaller states would not be eroded in any way as a result of the adoption of any proposal under qualified majority voting. The whole concept on which the Union is based would in fact fall into disrepute were that in fact to be the case.

Neither can qualified majority voting be discussed in isolation from other issues, such as the size of the Commission, the number of Commission representatives, and all the other institutional changes now being thought about and discussed. It should also be known that the European core that is now referred to in some quarters, and unexpectedly from some quarters, would have a role to play. One would expect a leadership role, as opposed to a dominant role. That leadership role is absent at the present time from the whole European scene, and until that leadership, that thrust towards European integration, comes from that core, or those who consider themselves to be part of that core, then the progress that is needed and should accrue from qualified majority voting won't be evident.

And the last point I would make would be in relation to leadership again, in order to emphasise. Reference has been made already this morning to the Euro and the need for stability, and the value of the Euro. Political leadership is one of the single biggest issues that will give that stability to all the European institutions. And I emphasise that that leadership must come from the hard core main powers, now is the time for them to demonstrate that. Thank you.

**Chairman:** Thank you, Karl Schweitzer from Austria.

**Karl Schweitzer (Austria):** - Thank you, chairman. I am speaking on behalf of the Freedom Party in Austria, which has been the party in government since October. I would like to respond to Mr. Tsatsos, my dear friend, I would have to say to him that in Austria, no-one has ever claimed that two members of parliament should be expelled. I don't think that promotes a coming together of Austria and the fourteen.

The discussion on the extension of qualified majority voting must be seen in the light of how the Union is going to deal with members such as Austria. No country is going to give up its sovereignty if there is a risk of arbitrary decision taken by others. Austria is one of the most exemplary members of the European Union. But the elections of the 3<sup>rd</sup> of October have led to a result that not everyone is enthusiastic about, but it is a democratic result and the government resulting from it has to be taken on board. It is a domestic issue, and no other state should try to get involved in that.

The new government has not violated any regulations of the European Union. It has not violated articles 6 and 7, and despite that sanctions were announced against our country, against all forms of international law. This is a one-sided judgement without allowing the country the right to be heard and without giving it the possibility of taking legal measures against it. This method of acting is something that I condemn strongly, and this is not going to be to the advantage of the Union's progress. I ask you as politely as I can to use all means to bring an end to these unjustified sanctions against Austria, and that will affect the further development of the Union, which has been discussed to such an extent. And it will also affect the success of qualified majority voting in this Union.

**Chairman:** José Saraiva, from the Portuguese delegation.

**José Saraiva (Portugal):** Thank you, chairman, and colleagues. I really would echo what Mr. Fuchs has just said. Given this area of democracy that we are supposed to be living in, where racism and xenophobia have no place, we are now in the realm of pure politics and we need to discuss pure politics. This is something, which has been prompted by what Minister Fischer said at Humbolt University, his vision of Europe. I think it was down to asking yourselves whether we should be overly concerned with qualified majority voting or with unanimity, weighting of votes, and whether we're going to have a commissioner or not, in the next Commission.

We believe, at least in Portugal, that naturally we need to be concerned with the efficiency of the Commission, but what about those countries waiting at the door, those that wish to share this area of freedom and justice? Who want to share our ideals, which were built over the years with a great deal of sacrifice? And I think we should be concerned with the candidate states. How can we have enlargement when the institutions themselves seem to be coming to

a halt? We must tackle these issues and of course I place a great deal of faith and hope in the French presidency. Hopefully those questions will be dealt with.

But Europe is at a crossroad. What Minister Fischer said in Berlin I think is of supreme importance. We cannot start discussing tiny details, we need to look at the bigger picture. Let us make progress now. If not, we will be missing the great opportunity ahead of us. We need of course satisfactory results for the bigger countries, but also the others that are going to come into Europe, as indeed the other smaller member states.

In Portugal, we've had a very positive experience. We're so happy to be part of the construction of Europe. That is why it's so important that the candidate states feel at home. Fifty nine per cent of Europeans didn't feel that enlargement was a priority. Between 89 and 90% answered that it was better to work for peace, employment, etc. This was an Eurobarometer question.

We are parliamentarians, we represent our people. We must find this new boost for Europe, rather than get bogged down in details that may be interesting and subtle for some, but perhaps don't lead us on to this greater enterprise that is Europe. In Portugal, and on behalf of my party the Socialist Party, we support the Commission's position on this. We're in favour of extending qualified majority voting, we feel that it will have better virtues. We also feel that reinforced co-operation can encourage the applicant states. Let us not forget that about a year ago, colleagues, we discussed the matter of Serbia and Milosevic. It all has to do with peace, efficiency, deepening Europe, but above all an area of safety, security, free from racism and xenophobia. Thank you.

**Chairman:** Well, we have something that is rather untoward in our rules of procedure. Tsatsos has asked me if he can say something again for a minute, just a minute. Normally I'd give a speaker the end of the debate, but Tsatsos is going to have to catch a plane. So you have the floor. Only one minute.

**Dimitris Tsatsos:** Thank you. I just want to read something out because our Austrian colleague claimed that I falsely claimed that Heider demanded that the two members of the European parliament should be thrown out of parliament. And I'll read out what Heider said. "My opponents with their statements are irritating me and I am asking for complete to the law (sic) because this would lead to a loss of function. There is a gap here. Because a loss of post for politicians only exists if you have a prison sentence over one year".

**Chairman:** Thank you, Tsatsos. Bon voyage. Elizabeth Arnold from Denmark.

**Elizabeth Arnold (Denmark):** Thank you, President. This last exchange of words has made it a bit difficult for me to come in with the presentation I intend to now. Dealing with the sanctions against Austria, the Danish delegation was surprised by this subject, that it was even raised at this meeting, precisely because we found by experience that these sanctions are not a EU action. These sanctions have been introduced by the fourteen heads of state and governments. The debate today has demonstrated that regardless of where the action has started, it has an effect on the work in the European Union. I think this creates a bad atmosphere and there's a risk of an unfavourable impact on our work when we ask for, for example, unanimous votes, and important decisions in the Council of Ministers. Regardless of the good reasons that may have motivated this action, and regardless of the very understandable concern in all European countries and the possibility of rekindling these political extremes in Europe, this can give rise to major political mishaps throughout Europe. I think that these sanctions in one way or another should be stopped. They cannot be continued eternally. Therefore, I agree with those delegations that have expressed the idea today that we need to find some way out, some landing field out of this construct in a way that we continue to draw attention to what is happening in Austria, obviously because we're all very interested, but at the same time we need to resume normal co-operation in the institutions where we all have members. There is no way, under any circumstances that I would want Austria to be made a martyr for any reason, casting an unfavourable light on the Union and the developments underway in Europe.

So it can be said, all right, this action was started by the fourteen heads of state and government and it's not here today that we're going to do anything, and I don't think it's a representation of the presidency in office that can alone come into line with that task.

However, even if an initiative were to come from the fourteen heads of state and government, it is possible for us individually to make representations to them and influence them. We in the parliaments of the fourteen countries have the possibilities for contacts with the relevant heads of states and government and to make our influence felt. I think that it would be nice if we could come away from this meeting and say to our heads of state and government, look find a solution now, so that we can continue with this process, but don't drop attention as what's happening in Austria. I think we have to avoid the sort of thing that happened in Europe in the thirties and I think that that point has been very actively made together. Thank you.

**Chairman:** Thank you. Those who remain to speak, would you please restrict yourself to the topic under discussion, namely qualified majority voting, because we're a little bit behind schedule. Mr. Brok from the European Parliament, you have the floor.

**Elmar Brok** (European Parliament): President, colleagues, the Foreign Affairs Minister Fischer launched a debate but I think that we can only have a proper debate if we have our thoughts in order. I think we can only create centres for decision making if we introduce qualified majority voting, or otherwise it won't work. And despite huge visions, we do have to discuss details.

And one comment I would make on qualified majority voting: we need to try to consider how we can take this entire picture and ensure that some of these component parts that give rise to difficulties would nonetheless be overcome to introduce qualified majority voting. I agree basically with the comments made by our Luxembourg colleague that qualified majority voting has never been used against an individual country or a category of countries. It is a way of building a consensus. But to say that there is no good reason for extending qualified majority voting in essential areas in particular areas in the European Union, especially with twenty-seven different members, means that the structural funding can no longer be allocated with a view to scarce allocation of resources that could no longer happen usefully. Even in internal affairs, when it comes to the fight against crime, asylum seekers, immigration, when we want to have a common action we should be able to vote by majority, otherwise we won't find the solutions we need. When it comes to freedom of movement and social affairs policy, these are areas where we should have a community opinion. Not social security, because it doesn't belong in the European competence.

And when it comes to fiscal policy, to pick up the example of our Luxembourg colleague's statement, even those who don't want to have it because it's in their national interest, there is the fundamental democratic argument, then everyone is going to use that same argument when it suits them. We have all had this fundamental position, and we understand the special position of Luxembourg. I understand all that is hidden in that position. And I think that we need to make it clear that within the framework of the internal market there are certain indirect taxes and issues such as loopholes and double taxation that have to be looked at, because of the possibility of fraud on the internal market. But all other fiscal matters could remain within national competence, and I cannot see any reason for introducing qualified majority voting for that taxation.

I think we're on the right track to take the necessary steps, so that we can enlarge. We need to see how this business that we have will work with twenty-seven member states; that will be a point of departure. I think that each and every one of us is going to have to make that leap.

When it comes to the centres of gravity, Mr. Fischer's ideas cannot be the answer because we need to see that they would destroy the normal order when it comes to legislation. We cannot have different laws in the field of environmental policy, if we want common standards in the European Union.

Ladies and gentlemen, we cannot have reinforced co-operation when it comes to common foreign and security policy or even co-operation of police activities, There is makes a lot of sense to improve on the instruments we have, and to do that through qualified majority voting. Although we have to differentiate between legislation and other matters.

And one final comment if I may. The fundamental question is: we must continue to discuss this as we did, but I don't think the problems can actually be solved by this conference, and in what Mr. Fischer raised, when it comes to constitutionality and determining the limits of competence introduced in the treaty it might be a task for the next round of negotiations. And perhaps when it comes to the participation of national parliaments, if you want to achieve that goal, as is the case with the Fundamental Charter of Human Rights, I think that the same system can apply to an upcoming intergovernmental conference. And what's more I'd like to inform you that the Constitutional Affairs Committee of the European Parliament is going on the 11th and 12th June to have a hearing organised with representatives of national parliaments, to look at the details of these matters. Thank you very much.

**Chairman:** We have two more speakers. Three, well perhaps the remaining three can take the floor this afternoon. We have two more speakers. Mr. Moerman from the Belgian Parliament.

**Fientje Moerman** (Chambre des Représentants, Belgium): President, colleagues. Back to the subject. As you may be aware, in Belgium we have a fairly unique system for consultation on European affairs. In the Federal Advisory Committee for European Affairs we have members of the Chamber, Senators and members of the European Parliament, all represented. And it is within that advisory committee that last week, unanimously in fact, a motion for resolution was adopted paving the way for the European Affairs Council later this month. This advisory committee resolutely opted for strengthening the democratic component of the European Union, and what this entails is that majority voting in Council must become the rule, and this will be linked to the co-decision rights of the European Parliament.

And if decisions by the majority become the rule, this means that unanimity must be an exception, and be limited to a handful of cases that can be clearly spelled out. The Commission referred to five such decisions. At this phase of our negotiations, unanimity should be seen as limited to provisions of a constitutional nature, but in that we include provisions that enjoy constitutional guarantees in our country, such as the use of language. We think that for any official action of the Union, namely for areas such as the environment and social rules, and in certain cases, tax matters, can make progress it is essential the majority voting principle. And this principle in the Council can perhaps best be counted with a double majority – a majority of member states and at the same time a majority of the population in the Union. Two majorities. But we link this principle of majority decision to co-decision in the European Parliament. Whenever the Council decides by majority this procedure must apply. This is the only legislation procedure where the Council and the Parliament can act on an equal footing in producing legislation. This also means that there are other legislative procedures that will disappear.

Allow me, very briefly, to tell you about the composition of the Commission. The official position of my country is like that of many of the smaller countries of the European Union: we do ask for the principle of a single commissioner per member state. And that of course, is partly due to the fear that small countries might be dealt with in a different way from the large member states. The Commission has submitted a proposal in which it proposes a rotation scheme, but any rotation should be based on equal opportunity between all members states and where every member state, big and small, can have guaranteed presence in five out of seven mandates. Perhaps this tallies better with the European calling of the Commission: they are not meant to represent their member state of origin. On the contrary, they are instructed in the treaty to represent the European mission.

The resolution from my advisory committee will be submitted to the plenary of the Chamber and the Senate next week. And if approved, this will be a message that our government will take to Faro. Our greatest concern currently is opening up the agenda to further items on the Intergovernmental Conference; we hope that the Portuguese presidency in office will manage

to do that in Faro. We think that the candidate members of the Union cannot be caught up in a system if we were to fail in the democratic streamlining of institutions, which would lead to immobilism in the parliament. Thank you.

**Chairman:** Thank you. The final speaker this morning, Mariana Stoica, from Romania.

**Mariana Stoica (Romania):** Thank you Chairman, I'll be brief. Two comments on the IGC. The institutional structure of the European Union must change if we are going to have twenty-seven or twenty-eight members. The agenda of the IGC has to take into account the process of enlargement. As far as the agenda of the Intergovernmental Conference is concerned, we know that a restricted agenda will not allow all the important questions to be tackled. The procedure of organising a new IGC, negotiation and ratification of the text of the new Treaty will considerably slow the enlargement process of the European Union. At the same time, a two- or three-stage approach to enlargement could introduce an element of discrimination between the candidate countries, between those who join first and those who join later. Those who are candidates when the IGC concludes may be excluded from the decision on institutional change in the Union of which they will one day be part.

As far as the composition of the Commission is concerned, it is in the interest of all states to be represented within the college of the European Commission. This will preserve a balance of interest between the big and the small states, from the point of view of population. So we think we should have a number of Commissioners equal to the number of member states.

The weighting of votes within the European Council must take into account the demographic criterion. As far as qualified majority voting is concerned in the European Council we think that this voting system should only apply to subjects of common interest to member states. We should not harm the process of integration, but at the same time identify the national interests of the member states. Those questions are on the agenda of the IGC and must be considered together as an interdependent package and not separately. Thank you for your patience.

**Chairman:** Thank you. There are three remaining speakers, who will address us this afternoon.

**Chairman:** Ladies and gentlemen, can we get underway please. I trust ladies and gentlemen that you had an enjoyable lunch and that you have had an opportunity to strengthen your ties of friendship over lunch. We have, as I said this morning, three more speakers addressing the issue of qualified majority voting. Now one of the speakers, the representative from Estonia has, very kindly and in order to facilitate our work, said he won't address us on this, and indeed wanted to correct some of the answers that Estonia gave to this questionnaire which is in English. Now, in order to satisfy everybody, as far as I can, and bearing in mind that we have a sort of vacancy, I would suggest that we go back to my initial model, before we actually go into the matter of the fundamental rights. So we'll have three speakers, which means there are five remaining speakers left over from this morning, and again perhaps at the end of today's session, they will have the floor. So do bear with me here, my intention was to ensure that as many people as possible speak. I haven't been very stringent in managing the time. Obviously it's very important that we have proper time management so that everyone can take the floor, but again I'd ask you to bear with me here. Having said this, I'd like to invite Edvin Inkens to take the floor.

**Edvin Inkens (Latvia):** Let me start by stating that the results of the IGC should provide the EU with such institutional rules that will make it possible to accept the candidate states without the need to further revise the agreements within the next few years. That attributes great importance to deadlines set in Helsinki, according to which the IGC should end in December this year.

There are those who believe that it is very important that the IGC agenda does not expand from those issues identified at the Helsinki summit. At the same time I must recognise that the EU is currently devising the framework that will eventually apply to us. We too will be

affected by the results of the institutional reforms. But in this connection, there are other contradictory factors that are apparent.

First, Latvia, like other candidate states has neither the right nor the opportunity to directly influence this process. But the decisions of the IGC will have a crucial impact on our role in the future EU. Second, we certainly feel honoured and we are very grateful to the Portuguese presidency for the invitation to share what it is thinking on IGC issues. However, we do not know to what extent the view of candidate states on IGC issues will be taken into account by the EU member states. We also appreciate the recent invitation from the Committee for Constitutional Affairs of the European Parliament to participate in the hearings in Brussels, to present our views on the IGC. Third, it must be admitted that Latvia, like the other candidate states cannot base its viewpoint on IGC issues on relevant previous working experience with the EU institutions. But at the same time it is important for us to know right now on what terms the relations with Latvia as a member state will develop with the EU institutions, such as the European Commission and the European Council, and how decisions of vital importance to us will be made.

On the main issues to be dealt with at the IGC, Latvia has developed its position. With regard to the size and composition of the European Commission, we hold the view that each member state should have the right to nominate one commissioner. Each of the nominated commissioners should enjoy equal status. Equal participation by all member states in the Commission is an essential aspect of ensuring legitimacy of the Commission in the public eye. This issue will have particular significance for countries, which will become EU members.

With regard to the weighting of votes in the EU Council, Latvia holds the view that the voting system should be as simple and transparent as possible. The currently existing balance of all the member states should be retained. With regard to the possible extension of the application of qualified majority voting, Latvia maintains that the use of this decision-making procedure in the Council should be extended. Unanimous voting should be retained to take decisions on issues of a constitutional nature. The search for solutions will continue all this year until the end of the conference. So, we will also elaborate our viewpoint on these issues, therefore Latvia is interested in receiving complete updated information and in participating in an exchange of views during the IGC activities. Thank you.

**Chairman:** Thank you for that clarification. Francesco Ferrari from Italy.

**Francesco Ferrari** (Camera dei Deputati, Italy): I'd like to thank the Portuguese presidency for having welcomed us over these months, and the comments that I would like to make, I will partly speak on behalf of Mr. Roberti and also on my own behalf. The Italian parliament's presentation on the 3<sup>rd</sup> of March 2000 illustrated Italy's position on the revision of the treaties. When it comes to the extension of qualified majority voting, Italy thinks that this is necessary with a view to enlargement and also to make this conference a success, it's absolutely necessary to make the European Union able to take decisions.

The IGC, I think, will have to consider also because of enlargement, the entire principle of qualified majority voting as a rule that applies to all countries. So that subsequently we can have certain categories that could be excluded from that, where unanimity voting would continue to apply. Abstention from the vote with a qualified majority could become a counter-weight to the effect of enlargement, and stopping an enlarged Europe from running the risk of seeing the entire decision-making process being held up by abusive use of the right of veto. An extension of qualified majority voting should allow the activities of the European Union to become smoother, and the rules of unanimity should only apply to fundamentally important decisions. This should make it easier to move towards qualified majority voting, and co-decision between the Council and the European Parliament.

**Chairman:** Thank you for being brief. The last speaker. Mr. Skylakos from Greece.

**Antonis Skylakos** (Greece): Time and time again we hear about competitiveness and the need for greater efficiency in the European Union. Some people will win and some people

will lose out from this. I think the large companies tend to fare rather well, and the large countries benefit, but the smaller countries and the workers and employees are the ones who lose out. That applies to Greece, and the same applies particularly to the smaller member states of the European Union.

That is why I am rather sceptical when it comes to the idea of a reform of the institutions or a reform of the decision-making procedure and also with respect to reinforced co-operation. Majority already decides eighty percent of the subjects, and that has tremendous impact. In my country, the most important problem is that of the Common Agricultural Policy, and in that area, for decades already, we have had majority decision-making. But Greek agriculture has found itself now in a disaster, and I think this will only continue. And the small people and the small countries have no opportunity to get their way whatsoever. They are the victims of the larger powers that just say we need a more streamlined social policy and we need raise taxes etc. If this carries on, if the big countries so decide, I think that the oppression of the small man will continue unbeated.

Secondly we have to bear in mind that if we reduce the right of veto, then there will be greater conflict. Recently, Greek public opinion came out against the policy of the European Union on Yugoslavia, and they disputed the methods with which the European Union was dealing with the conflict between Greece and Turkey. The same thing could happen to anyone, to any smaller country, if the logic of qualified majority voting were to apply.



### 3. Charter of Fundamental Rights

**Chairman:** Thank you, we've only got three or four remaining speakers now. We haven't been able to give them the floor, but hopefully in the course of the day we'll be able to resolve their situation. Ladies and gentlemen, I think the time has now come to move on to the next point on our agenda, namely the Charter of Fundamental Rights. This morning, I pointed out that the Committee on European Affairs of the Portuguese Parliament has been looking at this, we've been having wide-range consultations, something that will allow the Portuguese Parliament to take a stance on this soon. Also a questionnaire was drafted, we've got the responses in, they've been distributed. The two MPs who represent Portugal in the Convention will be giving us a summary of the answers to the questionnaire. I'd like first of all to invite Maria Eduarda Azevedo to take the floor.

**Maria Eduarda Azevedo (Portugal):** Ladies and gentlemen, colleagues. Perhaps we can now turn to the questionnaire on fundamental rights. It emerges from the answers that it does seem that most national parliaments have looked at and discussed the Charter. You should have written information on this questionnaire. The national parliaments look at this charter as a way of bringing the citizens closer to European institutions, although there are also people who feel there should be some kind of constitutionalisation of the Union. This I believe is very much at the heart of the matter here. On the actual meaning and implications of the Charter.

The second question has to do with the binding or declaratory nature of this. Most people seem to feel that it should be binding. And the last question that I'm dealing with, because we've split the work on this Charter, as to the fourth question, national parliaments feel that there is no opposition between the European Convention on Human Rights and this Charter, although they do draw our attention to problems that might arise in substantive terms, where we must ensure that we don't weaken the Charter, and also ensure there are no conflicts of orientation here, or overlapping. And I think that will be very much at the heart of our debate, in order to get round this challenge ahead of us.

**Chairman:** I'd like to invite Barros Moura to complete this introduction please.

**Barros Moura (Portugal):** Thank you. Those parliaments that answered our questionnaire also looked at how they could get round possible clashes of jurisprudence between the Strasbourg and Luxembourg courts, and on this particular point, there's not really common ground in terms of the answers. Just about everybody in the questionnaire recognises that this possible conflict may exist. On the one hand we have the Convention on Human Rights and this Charter, and they may well, if we're not careful, have some sort of clash between the two respective courts.

The representatives of the Portuguese Parliament, for instance, propose a mechanism of preliminary rulings that would be sent initially from the Court of Justice of the European Union to the Strasbourg Court, particularly as regards the interpretation of fundamental rights, in order to avoid any clashes of jurisprudence or jurisdiction. And if necessary, there can be new appeals made to a court of appeal.

Now most national parliaments here recognise that the Charter will have added value as regards the current level of protection of fundamental rights. Mention is made of updating the Human Rights Convention. Then we have these so-called third and fourth generation of rights, particularly those, which have to do with environmental protection, bioethics, the information society, consumer protection, etc. Taking into account the added value of the Union, vis-à-vis just the member states, a lot of these phenomena are transnational in nature. And that is why it is so important that we have a transnational response to these problems, which of course the European Union should be in a position to provide.

Equally, it is recognised that the existence of such a Charter of Fundamental Rights will give extra meaning to article 6 of the European Treaty, which protects fundamental rights, vis-à-vis general principles of law. This is not just a question of implementing the rules of the

Treaty on certain competencies on home affairs and justice. The candidacy of new member states, where there are many ethnic minorities, is of course another issue. We are seeing the re-emergence of racism and xenophobia, and because of that it is very important that we strengthen the protection of fundamental rights.

And finally, Chairman, the body of answers do all recognise that the Charter should be applied to citizens of third countries who are legally resident in a member state of the Community, although maybe there are restrictions there, particularly as regards the fact that they need to have spent a legal residence time in that state. And something else which I think is common to all the answers is the following: the future Charter of Fundamental Rights should be binding on the institutions of the Community and the member states, in line with the European Union's competencies, and taking into account the principle of subsidiarity. That is why a future Charter of Fundamental Rights in the European Union is not going to overlap national institutions or being superimposed on them, if you prefer. It is not necessarily going to involve a clash with the European Convention on Human Rights, particularly since, and this is part of the answers, we could include a general clause which would ensure that traditional customs are respected in member states, more specifically the Human Rights Convention. Mr. Chairman, thank you.

**Chairman:** I'd like now to give the floor to Giorgio Napolitano.

**Giorgio Napolitano** (European Parliament): Thank you president. We too have just finished filling in this questionnaire on the Charter in the Italian Parliament, and we think that we had some very considerable overlapping compared to what the European Parliament said on the subject, because we are convinced that this Charter will make a contribution defining a common set of values and principles and a shared system of fundamental rights that citizens will be able to recognise, relate to and use for inspiration for Union policies.

With respect to what would be contained in the Charter, in the Convention I will point out that this will be voted on when it comes to the amendments on the draft already available, and our wishes would be that it would emerge quite clearly that this Charter not only should have economic and social rights, but new rights as well, with regard to new phenomena and new threats recently appeared. Because we cannot just simply repeat a list of rights which are already defined in the 1950 Convention. We need to update considerably and enrich the document, that will give full meaning to the citizens and to the European Union. I will not conceal the fact that given the replies from the national parliaments on this questionnaire, it becomes clear that it is more controversial as to the binding legal nature to be given to the Charter, and as to be included as part of the Treaty. A number of colleagues do have reservations on this. I would ask them, can they not be swayed by the idea that if we just had the declaration of the Charter on behalf of the three institutions, a declaration that would not in any way involve the national parliaments, that would not be enough, and it would be far too vague to lead us to something that will really make sense in the Convention work. It must also be clear, and I say this to clear this debate of some misunderstandings, but in these areas we need to refer also the principle of subsidiarity and complementarity, without extending the competence of the Union. In the European Parliament resolution it states firstly that this Charter must apply to the institutions and the bodies of the European Union, secondly that it must be binding on the members states only when they involve community provisions and legislation, and thirdly the Charter can in no way replace or weaken existing rules that may exist in individual member states on the subject of fundamental rights. Fourthly, the Union must become a party to the European Convention of Rome, so as to ensure close co-operation with the Council of Europe where necessary, as was suggested a few minutes ago, by our Portuguese colleague, allowing for the appropriate tools to be chosen to avoid any conflict due to overlapping of competence between the European Court of Justice and the Court of Human Rights. I hope that these clarifications will play their part and win greater understanding so that the various parliaments and the European Parliament can agree more.

And finally, I would stress the greater novelty, in political institutional terms, of having a body such as the Convention, demonstrating how it is possible to work very advantageously, side by side with representatives of national parliaments and the European Parliament, along with the representatives of government and the Commission, in order to create what is an

important precedent to overcome some of the disdain and some of the hostility sometimes felt in the European Parliament, with a procedure and a working method of tremendous potential for the future of the Union. Thank you.

**Chairman:** Lord Goodhart, from the UK.

**Lord Goodhart** (House of Lords, United Kingdom): Thank you very much. I am a member of the European Select Committee of the House of Lords. My committee recently published a report on the proposed European Charter of Fundamental Rights and summaries of that report are now available on the table outside this room. Our report was a unanimous report by a committee which contained members of all three of the main national parties in the United Kingdom. We welcomed the opportunity to improve the protection of human rights through a proposed charter.

The United Kingdom government wants to have a purely declaratory charter. We feel a declaratory charter would not be without value; it would help to clarify and identify the fundamental rights recognised by article 6/2 of the Treaty of European Union.

But our committee believes that a declaratory charter would be inadequate because it would not fill the gap in coverage of human rights in the European Union. That particular gap is the fact that the institutions of the European Union are not themselves subject to the European Convention on Human Rights. We therefore recommended that the European Union should itself seek to become a party to the European Convention. We recognise this is an objective for the longer term, because it would require a change in the Treaties of the European Union, and indeed probably a protocol to the European Convention as well.

We also believe that there should be stronger judicial supervision, and therefore greater protection of human rights in matters under the third pillar. We were however also concerned about the possible dangers of the Charter if it is not very carefully handled. Perhaps the most serious of these dangers, is the danger which is already being mentioned by several other speakers, of conflict between the European Convention of Human Rights and the Charter. And we believe that the European Convention should remain the primary instrument for the protection of human rights throughout Europe. Not least because it extends to many countries such as Russia and the Ukraine, which are not in the foreseeable future going to become part of the European Union.

We therefore felt that in order to minimise the risk of conflict, the wording of the Charter should as far as possible mirror that of the European Convention. There is indeed a possibility, which we would welcome, of going beyond it in certain respects, particularly in the field of discrimination, where it has long been recognised that the European Convention is inadequate. And indeed work is now being done, both by the European Community, by means of a directive under article 13 of the Treaty of the European Community, and by the Council of Europe, by means of a draft twelfth protocol to the European Convention on Human Rights.

But we also believe that we should not now go on at this time to incorporate the European Social Charter into a Charter of Fundamental Rights. We believe that economic and social rights should only be incorporated into the Charter when they have become widely accepted as justifiable in member states, a situation, which is not the case now. Nor do we feel that we should go at this stage into controversial and uncertain new fields such as biotechnology, where there is not as yet sufficient consensus.

**Chairman:** Thank you. Hubert Haenel from France.

**Hubert Haenel** (Sénat, France): Thank you, Mr. Chairman. By entrusting the Charter of Fundamental Rights to a body made up of national and European MPs, representatives of the heads of state and government, and the President of the Commission, the European Council wanted clearly a strong message to be sent to the citizens of the European Union, but also to the citizens of the candidate countries. We have to return to a received idea and turn them into statements, which lead to the construction of Europe. Some people claim that the Europe

we're building is a Europe of bankers and industrialists. There are others that denounce the institutions because they are over-enthusiastic in adopting legislation, and rules and regulations, and back themselves up by initiatives that the citizens only partially understand. For example, stopping hunting and cheeses. There are others that denounce the fact of Europe's inertia on questions such as prevention of oil slicks, regulations in sport and so on.

A Charter of Fundamental Rights would allow us to dissipate these misunderstandings. It would proclaim the rights and freedoms of every member state and put them at the top of the hierarchy of values. In so doing, the European citizens would be made more aware of the existence and content of this foundation of common values, which give Europe its identity. They will see that Europe isn't just a big market place and a budget. It would be replying to three fundamental questions: who are we, where do we come from and where are we going as Europeans?

The content of the future Charter should allow people to become aware of that, and bridge the gap between the European institutions and the citizens. And that is one of the reasons that leads me to think that we need to support fundamental, economic and social rights without this leading to an extension of the powers of the European Union. But if we want to send a strong and clear message to the European citizens, we have to remind them that there is no freedom without duty, there is no democracy without civic sense, no citizenship without responsibility. In this sense, the contribution by Pierre Fauchon about this subject, who is next to me, is available at the entrance to this room.

So we can congratulate ourselves on the active role-played by members of parliament, both national and European members of parliament. This is a first in history of the building of Europe. On that basis then, the Council will be and is already an excellent laboratory for an experiment which, if it is conclusive, could be repeated on topics where parliamentarians cannot be excluded. For example, the Europe of justice limited to the basics of course, but nonetheless something, which I would welcome warmly. The Charter is therefore an excellent opportunity for us as members of parliament who are so keen on bridging this democratic gap, or filling in this democratic deficit.

We do not want to disappoint our citizens by adopting a Charter, which would simply be a carbon copy of the European Convention on Human Rights. It would be better to have no charter than an ersatz charter. It's a difficult exercise but it is indispensable.

We have talked about getting out of the crisis as far as Austria is concerned. I think we should invite Austria to adhere fully to the Charter, reaffirming its attachment to the fundamental principles that unit Europe. And I would be delighted to hear the opinions of the different delegations on this point. Thank you.

**Chairman:** Thank you. Jürgen Meyer from the Bundestag.

**Jürgen Meyer** (Bundestag, Germany): President, colleagues. Allow me to speak as a member of this Convention since the 17<sup>th</sup> of December, trying to draft this Charter.

I'm very pleased that there's a good measure of agreement that I've observed in the previous speakers. At previous COSAC conferences, for example, in Berlin and Helsinki, it was rather different. That's a fortunate development. The work of this group I think is guided by optimism. Not later than September or October of this year we want to have a draft ready that is worthy of support. Human rights should be laid out as a principle of the inviolable dignity of human beings, I think this is the guiding principle. And that is a very lofty ideal we should be able to agree on.

I must notice that what Lord Goodhart said, essentially corresponds with what I would have said, and for reasons of time I will only go into a few points. But I would like to win support. If we could get a draft resolution from COSAC along the lines of what has been proposed by our Italian colleagues, I think this would be a tremendous support for the work we're doing in Brussels.

Let me make three points. First of all, on the binding nature of this Charter. It must be binding if only because a Charter that only has nice-sounding ideas can only disappoint. We have had decorations of this nature, for example, when it came to the catalogue of basic rights in the Weimar Constitution at the beginning of this century. Great hopes at the beginning, at the end there was great disappointment, because they were not binding principles. The binding nature of this is important because it is the objective of the Charter to have a legal way of controlling in the EU bodies, but this is only possible if we have binding basic rights which the Commission, the European Parliament and the Council are all subject to. And I don't think this means that the EU bodies need to have new competencies, they already have quite a bit. What we need is a compelling instrument, a Charter of Fundamental Rights to help keep tabs on what they're doing.

The Human Rights Convention will be seen as a way to back up this effort, but is not sufficient of itself, because it comes from the Court of Human Rights in Strasbourg, and it cannot make any rulings on the bodies of the EU. It is a body of the Council of Europe. We need this, which probably then will be applied by the Court in Luxembourg.

Secondly we have the big problem of basic social rights. There are two extreme positions in our group, some saying no social rights at all should be inserted in the Charter, but this is in contradiction with the remit that came from the Cologne Council. Without basic social rights, the whole idea of indivisibility of fundamental rights and human rights would not have been addressed. The other extreme school of thought is that anything you can possibly dream up should be included in the charter, but then don't have it binding. I've already pronounced on that.

So we need to find a middle way. We could take the three-pillar model. The first pillar could be the legal principle of solidarity. The preamble of the Charter and all social rights would stem from that. The second pillar, could be the basic social rights that we should be able to agree on with no problem, for example the right to work, and the fact that people need a job. And each worker needs to be protected against arbitrary or unsociable dismissals. That is the European model; it's rather different from the US model, in which hire and fire is the rule. And this belongs in the Charter as a basic social right. And this right to work means that there can be no ban on a worker: everyone is entitled to work. Although it's hard to put that into words as we have been discussing with the asylum seekers.

But we've been told that this working group is made up of three quarters parliamentarians, 46 of the 62 are parliamentarians, and I think that if we do this right it will be a model for others and the French presidency, if it can make a success of this, can ensure that in the future, when we're asked "what have you Europeans done?" don't just look at your wallet and try to find a Euro, but show the code of law that we will have produced. That's what we want to produce.

**Chairman:** Michiel Patijn from the Netherlands.

**Michiel Patijn** (Tweede Kamer, Netherlands): - Thank you, President. One of our colleagues said this morning that it was a very grand idea, but it would be good to sort out the details properly. And that, a priori, would apply to the Charter as well, the one that is now being drafted. Because even with the great far-reaching political significance that some colleagues recognise, it will only work if it's well written and if it really fits in neatly with the development of the legal order in the EU. I'm going to shed light on a number of legal aspects, because inevitably, we have to get the legal provisions right if this process is to mean anything.

In a legal sense, this exercise must solve two problems. First of all, as has already been mentioned by Mr. Meyer, the institutions of the Union and the bodies are not bound by the European Convention. That applies to the Council or the European Parliament when they produce legislation, and that applies to other bodies of the EU as well, when they act on European law. And that's a gap in the legal order of things at EU level.

The second legal problem, also under discussion in the Netherlands: in the member states, when implementing parts of community law, there is a potential conflict between the

supranational legal order, at the community level on the one hand, and the legal order of things in the European Convention on Human Rights. There already is case law from the Court in Strasbourg, stating that individual member states can't be deemed accountable to carry out community law on which they have no further influence. We have to remove that potential conflict.

It's important therefore that from this exercise, there is no way around the fact that the bodies and the institutions of the Union must be bound by legal developments. And there are two paths available to us in order to achieve that. We could produce our own charter, along the lines of the Strasbourg Convention, and incorporate that into EU law. I think that the Amsterdam Treaty has already done that to a significant extent, although implicitly and not explicitly. Perhaps, we can spell that out more explicitly.

The second thing that I find almost as important, I think that the European Union should become a member of the Strasbourg Convention as soon as possible, to allow there to be no misunderstanding, that in the European Union there is a different legal order from that Convention.

But finally, President, if this exercise is to mean anything, to have added value, there are two pre-conditions that must at all costs be fulfilled. The first being that the Charter for protecting human rights that we write ourselves in EU law cannot deal with this subject differently from the Convention of Strasbourg, in the crucial part particularly, where it involves the competence, when it comes to infringement of human rights, and who acts. No human right is absolute, and you have to spell out the condition of when there can be infringements, and how to act on that. And, if I may say so, I am concerned, given the development of the text in Strasbourg, if you read the text carefully for the deviations from the Strasbourg text. Secondly there's a strategic political consideration, because we in the Netherlands believe, and just about all the range of political parties in the parliament agree, that the Council of Europe and the Court in Strasbourg must remain the centre of European human rights debates and developments. Because, President, in a strategic political sense – let's not worry too much about the development of human rights in Lisbon, we're worried about developments in St. Petersburg, in particular – and if we go our own way, apart from developments in the Council of Europe, I'm afraid there's going to be an effective split in Europe that we will all regret. Thank you.

**Chairman:** Ben Fayot, from Luxembourg.

**Ben Fayot (Luxembourg):** Thank you, Chairman. First of all, allow me to say how much I agree with many of the points raised by my preceding colleagues. And I'd particularly like to pay tribute to what the member of the House of Lords said just now and the opinion that has been issued by the House of Lords on fundamental rights. Perhaps this is something that we have not been used to in the area of fundamental rights, I'm particularly happy to see this and very pleased to hear what they have said on this.

It's true that a lot of ground has already been covered on fundamental rights, perhaps I could raise three points that I think are important. Firstly, the Cologne mandate on fundamental rights is pretty clear. It's a matter of raising the profile on this and clarification, and also strengthening fundamental rights in the European Union. Now, quite a few people feel that the EU simply needs to accede to the European Convention on Human Rights in order to have that, and that has not been done to date. Of course the member states did it individually. But I'm not entirely convinced that all member states are going to do this in the near future. I don't believe that the EU itself, apart from its community policy and intergovernmental policies or pillar, will submit itself to the verdict of Strasbourg, which is made up of 41 member states, and of course to some extent they are far removed from the European construction.

Secondly, what should be in the Charter? I think that two things need to be contained in the Charter. First of all, citizens' rights and also the rights of people who are legally resident in the EU, and also the transposition of community legislation. But the second point and I think this is where we have the sticking point, we need to also have fundamental values, which

reflect the economic and social models in force in Europe today. Not the values of Europe of the 1950's, but today's Europe. If the European Union does not have specific competence as such, in for example issues such as the death penalty, but the rejection of the death penalty is something which is a common value to all member states, and everybody will expect that to be in the Charter. The same goes for economic and social rights. For example the new generation of rights, refusal of cloning of human beings, stable development and positive discrimination in favour of women, and that sort of thing.

And the third point I'd like to make – this is an argument that is often used by those who are against a binding charter - is the legal insecurity or the duplication of instruments, in other words the fact that we have the Strasbourg Court and the Court in Luxembourg. Now, on this idea of the duplication or overlapping of the two courts, let's not forget that the case law of these two courts has shown that they generally converge. The Luxembourg Court pays a great deal of attention to the case law that implements the European Convention on Human Rights, and if there are differences, they only happen very rarely.

I think that some sort of modus vivendi should be achieved between the two courts. They will of course be observers to this. And I think they are well aware of the potential problems, and I believe that they should take the initiative in order to discuss amongst themselves and inform the Convention of their conclusions. Hopefully, that will then remove the whole matter of legal ambiguity, and we will have this flexible charter which will be properly suited to the rights of the EU.

I conclude, Chairman, after those considerations, the Luxembourg delegation wants a binding charter which will be held up in courts and which all the residents and citizens of the EU can agree to. Thank you, Chairman.

**Chairman:** Thank you. Tino Bedin from Italy.

**Tino Bedin** (Senato, Italy): President, colleagues. The Italian Senate has always attached keen importance to this document. At the Helsinki COSAC meeting we had actually tabled a draft recommendation on the subject, and during the Lisbon COSAC meeting we tabled a contribution as well, a draft based on the new COSAC rules and regulations. And I think at this juncture we need to look at the contents of the Charter. And briefly I may cover some more formal aspects, which I feel are relevant in terms of the political weight.

When it comes to public opinion in our countries, it is of great importance, particularly for public opinion that has made a commitment to a single currency and needs to set its sights on a new goal. The very important thing with this charter, it was put very well by President Napolitano, is the absolute novelty when it comes to the composition of this Convention, making the European Union able to take new steps, moving towards greater democracy.

When it comes to the nature of the text, we think that this charter should be at the core of an effort to reorganised the Treaty – a constitutional change on fundamental matters, putting fundamental rights in the constitutional framework and spelling out a number of areas that are currently covered by the Treaty as well. I think that this Charter, in the opinion of the Italian Senate, should really be at the heart of this reorganisation of the Treaty, and another formal aspect that I would like to highlight is that all colleagues, but particularly those from the candidate countries should be interested to discuss the subject now. Because this will be the last opportunity for the candidate countries to discuss the Charter.

The Convention, partly due to an Italian initiative, called for consultation with the candidate countries, but I imagine that this consultation process will just involve the governments of the candidate countries. But for the reasons that I've gone into previously, we think that the Charter should also be an opportunity for public opinion in those countries to have their views expressed – we would insist on that because these candidate countries who ultimately will be part of the new European Union should be allowed to make their contribution in the drafting of the Charter.

And finally, when it comes to another formal aspect that I stated at the beginning – I had a very real connection with it as well – this meeting should be able to address the Council and each of our individual governments, making the point that this Charter on fundamental rights should be included on the agenda for the IGC, so that it will be approved. I've already sketched out some of my thinking on that. Many colleagues have repeated the idea, the characteristics being that it must be a document that is binding, one that does lead to the possibility of it being taken to court. And I think that our COSAC have given a number of useful pointers on that. The Italian Senate is aware of this important subject, and the whole of the Italian parliament will be very closely analysing this problem as it evolves, and will be following the work done to draft this Charter of Fundamental Rights.

**Chairman:** As the Senator from Italy has just said, they have a proposed contribution that is being circulated. And this was taken into account when our presidency drew up its proposal, something in principle that we will be discussing tomorrow. So let's press on with the analysis of this. Vassil Gotzev from Bulgaria.

**Vassil Gotzev (Bulgaria):** I've just listened to our colleague from Italy who said that we need to consult the candidate countries. This happened in Potsdam last year under the German presidency, with the Ministers of Justice of the candidate countries. I'm very interested in these discussions. I agree that we need this Charter.

It's not enough just to join the European Union and to adhere to the European Charter on Fundamental Rights. And it's not even the Charter, which is particularly well written. I think you know that there are two other charters as well, the Social Charter and the Charter against Crime, Terrorism and Torture. We need a charter, which accumulates all human fundamental rights. We need to cover the fundamental rights, which are in the European Convention.

But there are two points I'd like to raise. One is in the questionnaire, and the other is to be found nowhere. This is the phenomenon of the European Convention being quite old, dating from 50 years ago, when it was drawn up. Now we are seeing a global crime wave. Anyone who is a lawyer and who has a certain amount of experience in case law knows what it means when you have to adjust to the demands of the European Charter on major crime, which requires lengthier procedure, which is laid down in the case law of the Court in Strasbourg. So crime is becoming a global phenomenon, terrorism too. This means that we need to adjust our charters to the demands of these events, and to find a wording which is much broader, to allow national case law to accommodate a more flexible standard.

There is another question which was raised by the gentleman from the French Senate, Mr. Fauchon, on the subject of responsibility. This is an issue which was raised by Bulgaria in the Council of Europe, and a resolution was adopted by the Council of Ministers, stating that responsibility – we didn't take it all the way and say duty – responsibility, which is the other side of the coin – I mean there's this Charter that you're going to prepare, perhaps it will go a little faster than accession to the European Union, but I think we should also think about the responsibility of various countries.

And I can see that the clock is ticking, so we also have to address the question of competence, the powers of the Court in Strasbourg and the powers of the Court in Luxembourg. Let us not underestimate the proposal made by the Portuguese MP. It is a solution that we can discuss. Thank you.

**Chairman:** Thank you. Now as a member of this conference, Barros Moura of Portugal will take the floor.

**Barros Moura (Portugal):** Thank you, Chairman. In order to answer some of the questions that have been raised so far on the nature and the content of this Charter, we should ask: what is our starting point here? We have as our starting point a Community that didn't have any catalogue of fundamental rights, and whose Court of Justice was forced to accept that it was governed by fundamental rights, because the constitutional courts of members states did not accept the primacy of Community legislation, if it were to contradict fundamental rights as enshrined in their constitutions. Let's not forget that the Charter, if it exists, has to be binding



in its nature and something that will stand up in the courts. If not we will be failing to achieve our fundamental aim, which is to beef up the guarantee and protection of fundamental rights as part of a political union. Let's not forget that this is something that has an impact in individuals and citizens. This is why we need to have a Charter of Fundamental Rights.

Now, what is the content of such a Charter? We feel that the Charter should not simply repeat what is set out in the Convention on Human Rights: it has to bring some added value. I would stress that. The whole matter of this area of freedom, liberty and justice, needs some sort of protection of fundamental rights, and fundamental social rights need to be incorporated in the Charter, and we need to be in a position to cater for these new generations of rights, the third and fourth generations of rights. And by so doing, we will be able to update what already exists in the Convention on Human Rights.

Then we have the whole matter of the transnational nature. We need to ensure respect of the rights not only of European citizens but also of those who are legally resident in member states. That is something again which needs to be enshrined as a fundamental right.

And I conclude here, I do need to stress this point. It's not a question of trying to respond to a vague unease expressed in our public opinion. It is much more concrete than that. And we're not talking about opening up to a future European State. We're not going that far. Because our European Union is mixed in nature. It's not a state or a federation, or a confederation, but it has adopted these common policies, which is why it is important to confer legitimacy on the European Union, both politically and morally. And there we feel that the Charter of Fundamental Rights could be step in the right direction towards the political union which we are committed to. And it needs these instruments in order to get beyond the economic orientation that it seems to be overly concerned with. Thank you.

**Chairman:** Alain Barrau, from France.

**Alain Barrau** (Assemblée Nationale, France) I'll try not to speak too much. First of all, when it comes to this debate on this question, Mr. Fayot and Mr. Patijn and I are very aware of the difference we've noticed when it comes to the letter of the 25<sup>th</sup> of April, compared to what will be defended tomorrow with you.

But on this question, I think all of those who have spoken so far, I'd like to share just one thought with you. After thirty-two years of parliamentary life and guided by pragmatism, what is the purpose of this Charter? What use will be made of it? For whom, how and what way? Either we say that it's a sort of solemn statement, such as proclaiming the French Revolution, and we'll be able to frame it in golden frames in offices, or it's going to have some practical use. Citizens in Europe will benefit from a legal area and they'll be able to invoke it in a real sense.

Invoke it how? Against whom? Usually, against their own state, against the legislation of their state, legislation that may have been passed in a time of crisis with unusual majorities. But who is going to judge all of this, and with what case law? And who will actually benefit from this law? Who is going to go to court to win the day in court for compensation, to put a stop to the practices that are being decried, or to get a decision upheld? There are very real questions involved here. What are we talking about? Of course, having the possibility to meet, to have one's own religion, or not have a religion. Education is really tricky. In what language, with what degree of subsidy? To be a protected minority, under what conditions and with what rights? Legislation in times of crisis, justified or otherwise, but in the modern concept of the state – bioethics for example, where we're defining and even understanding the human genome. What is this all about? All we want is a spectacular declaration of some interest, a bit of hype for human rights that gets attention. It's even moving. But you create fundamental aspirations in so doing. And the fifteen countries of the Europe we're a part of - and there are other countries waiting to join, at different speeds - will become something remarkable, and you'll have the flag flying on which golden letters will proclaim that there are fundamental rights here. Or else, make it mean something in daily life for citizens, stating when they can be defended, against whom, with a reliable set of rules, which are credible because they can be acted on.

I would say that on these articles, colleagues consider everything from the point of view of enforceability, so that we get the target and it doesn't lead to paralysis. And that will change your attitude, because the content of the Charter will be determined by the sue that will be made of it. Thank you.

**Chairman:** Thank you, we're now going to have five speakers, and then we'll go to the coffee break. So I will ask everybody, to please stick to their time. Mr. Lars Tobisson from Sweden.

**Lars Tobisson (Sweden):** May I remind you all that when we last met in Helsinki at the COSAC meeting, there was some scepticism, some doubts as to the wisdom of creating a separate Charter of Fundamental Rights of the European Union. Some people said that this was like inventing the wheel. I'm now, like some of the other speakers here, a member of the Convention. And this is a group from different backgrounds, national parliaments, European Parliament, government representatives, we have differences as to language, to legal traditions in our own countries and as to political affiliation. And that means that this is a rather tough job.

The first point I would like to make is that we should ensure that we have enough time in order to come forward with a good outcome from this work. I would readily admit that there are gaps in the protection of human rights, as to the relationship between the individual and the European Union institutions. But we should soon ensure that when we close this gap we shouldn't create new problems in addition.

Our main fear is that we will have dual systems, with two parallel instances that will have the power of judgement. You could see that this might lead to a situation where we have competing courts, and competing systems of jurisdiction. I think that we should move step by step through several stages. That means that the Convention should produce a text that lives up to the original task of the Convention, which is to have a political declaration. It should be so worded that it can be easily transformed into a legally binding text. But we should wait to do that until we've ensured that the European Union has been able to adopt the European Convention. This means that we have to make adjustments, both in the European Union and in the Council of Europe legislation, but I think that this is necessary in order to avoid the problem that I indicated.

At a later stage, at the future IGC that will probably have to entrusted with the task of consolidating the Treaty, even drafting a constitution, we could then discuss how this Charter, this declaration, should be incorporated into the Treaty, probably in the preamble and being given legally binding character.

We should also be aware that we might go further in the Charter, beyond the present European Convention, as long as we see that there are no conflicts between these two documents. When we have done all this, we will have a situation where matters pertaining to the relationship between the individual and the EU institutions should be handled, as they might have been discussed in international courts, by the court in Luxembourg. But then, as far as this matter is covered by the European Convention, the matter ends at the Luxembourg Courts, and they would have the final say. And in this way we would accomplish what I am very anxious to see, that we don't get any conflicts of competence between the Strasbourg and the Luxembourg Courts. Thank you, Mr. Chairman.

**Chairman:** Thank you, Larsen-Jensen from Denmark.

**Claus Larsen-Jensen (Denmark):** Thank you for giving me the floor, Mr. President. I would like to speak from the point of view of the Danish Folketing and the Danish Government. We're actively preparing for this Charter, and we place keen importance on using the time in the debate in the Parliament, and to discuss the contents here.

First of all on the basic principles described in the documentation. One basic principle for us is that we also focus on making more visible the rights that already exist in the Human Rights

Convention, and the corresponding things that we have agreed to, and to focus on trying to make these rights more visible when it comes to the citizens and what they're entitled to with the Institutions, and not change the competence. We don't want to create another institution with the EU or with other countries. We think that this should be a political document in the content, as instructed in Cologne, and we need to focus on what we consider to be the most important with enlargement in mind. We need to avoid unnecessarily complicating matters, particularly through the extension of competence that will result.

We're also very keen on there's being a clear delineation between competences, that there can be no possible lack of clarity between the Court in Strasbourg and the EU Court. I think it's only reasonable and I think that we must have that clear delineation. And if I can refer to the interpretation that has been passed in the Danish Folketing, I do have background documentation for those who are interested. Thank you.

**Chairman:** Thank you. Mr. Spindelegger.

**Michael Spindelegger** (Austria): Thank you, Chairman. Delegates of COSAC, I would like to raise a couple of fundamental points. Our parliament held a discussion on May 19, on this Charter. First of all, all the parties represented at the European Parliament welcomed the drafting of this Charter, and said that this Charter should be legally binding and not just have a declaratory character. I agree with those colleagues, such as Mr. Meyer, who say that it is better to agree on a consensus that perhaps does not cover quite as many points, but at least guarantees the legally binding character. It's better than trying to pack in a whole load of points which are just mere declarations.

We think that this is a further development of citizens' rights in Europe, so that we can implement this, with regard to the institutions of the European Union. Point 5 deals with the question of full regulation. There are parts, which are not yet completed, such as economic and social rights, but there are other parts, which have to be reworded, such as the rights of minorities in member states, which should not be excluded from a Charter of Fundamental Rights. I think that in an open discussion we should contribute to include the rights of minorities becoming the European Standard.

The third question is a rather thorny issue, a legal issue, that is the way in which the Luxembourg and Strasbourg Courts could get into a conflict, and which should take priority. That is of course a tricky issue. Some of our colleagues have already mentioned this, our Swedish colleague for instance, and I can agree with what was said. There are going to be rights worded in a similar way in the Human Rights Charter and in this Charter, and it would not be sensible to have parallel cases being brought to the European Court and the court in Strasbourg, and ending up perhaps with a different ruling from the two courts.

My personal opinion is that in case of a possible conflict, we should allow either one of the courts to decide first and then the other. If we are in a closer legal framework, we could have the Court of Justice deciding first, and then have the Human Rights Court subsequently, or we could have one court suspending its judgement, while the case is taken to the other court, so that we don't have two decisions taken which might be contradictory. So we the Austrians are looking forward to a discussion which will bring forward the issue of human rights in the form of this Charter within Europe. Thank you.

**Chairman:** Thank you. There are two more speakers before the coffee break. Matti Vanhanen from Finland, first of all.

**Matti Vanhanen** (Finland): President, this discussion has shown that this Convention is a very ambitious objective for us all. In Finland I think that we've done a lot of preparatory work, and for the drafting group we have designated a representative from a linguistic minority – and Finland was in favour of a declaration. We think that this Convention preparing the document should not decide on the type of declaration that is what the Council will do in good time.

In Finland, we think the EU should accede to the Human Rights Convention. This would mean that throughout Europe the same values would be recognised as being fundamental values. We would see this as a further strengthening of the Human Rights Convention. In the Charter we would anchor such principles and values that already exist, there are no plans to formulate new rights. This is an argument for the Charter to be a declaration. If we have a legally binding Charter of Basic Rights, that would from the very beginning mean that there would be two sets of legal practice. You would have Strasbourg and Luxembourg case law: two different forms of law and interpretations of rights.

In any event, the whole question of the mutual relationship between these courts must be decided upon. The Court of Justice in Luxembourg has now interpreted the Convention on Human Rights, but if we do not find a solution it will be difficult for the citizens of Europe to know where they should go when they take their cases to court, and that is something we have to avoid at the very least.

**Chairman:** Mr. Ciupaila, from Lithuania.

**Regimantas Ciupaila** (Lithuania): Thank you, Mr. Chairman. Mr Chairman, dear colleagues. A year after the summit in Cologne, the issue of the Charter on Fundamental Rights is still not a very simple issue. But a year on from Cologne, it is much easier to understand the determinations around and in the Charter.

First of all I would like to stress the differences between the Human Rights Convention of the Council of Europe and the draft Charter. First of all, as in many policies, in the policy of human rights the European Union performs its duties in some very prescribed territory and uses the application of institutional tools. This is a difference.

Secondly, in many legal acts of the European Union you may find issues on human rights and social guarantees. It is probably time to collect if not all of them, then most of them, and to make them more actual.

Thirdly, the European Union aspires to being more effective and more productive. But as we have heard this morning, not at any cost. And fourthly, the European Union should probably identify and describe its values more precisely so as not to be accused of the application of double standards.

Of course there is no doubt that the European Union has touched a very sensitive area, in which a lot of other European and international institutions have done a lot. This is why I think that the Union should be very accurate in trying to resolve the problems of the European Convention on Human Rights and revised Social Charter. And of course, in trying to identify the jurisdiction of the two courts namely the Strasbourg and Luxembourg courts. But I think this would be rather a process of legal implementation of the Charter.

One of the significant feature of the Charter of Fundamental Rights, as I understand it, is that we are very tempted to speak and to feel a lot about human rights, meaning citizenship rights, political and cultural rights, but this draft Charter touches all sorts of other fields, namely social and economic rights. This is why politicians and all public audiences in the countries of accession look at this Charter so carefully and especially in its binding aspect. Because as we have heard here, even member countries are not so easy in the way of adaptation the social requirements of this document.

We saw in Cologne that to the Copenhagen criteria there were added criteria of nuclear safety, and now we hear about the second level of additional requirements for accession: ratification of the Charter. And with regard to this, we are for the gradual aspect of the ratification of this document. I mean it should probably be taken by parts. And then, later on, it could be felt as a tool, as part of the Treaty of European Union.

And finally, I would like to recall our Italian colleague's proposals to make some kind of consultation of the candidate countries, whereby they can contribute to the Charter and of course to try to adopt it. Thank you, Chairman.

**Chairman:** Thank you. We're now going to have our coffee break, slightly longer than we had this morning, but before we do, could you perhaps bear with me? Towards the end of our meeting, I hope it will end about six fifteen, we've got nine speakers, including the ones who couldn't take the floor this morning. At the end of the meeting I would invite the heads of the delegations to remain in the room because I want to have a meeting with you, to study how we are going to present our contribution. The heads of delegations will have the opportunity to go back to their hotels half an hour after the other colleagues, so you will have transport. Let's resume again at five ten. And hope we'll be able to wrap up by six fifteen this evening.

**Chairman:** Let's start the last session of this afternoon. Before I give the floor to Maria Eduarda Azevedo who wants to address you, perhaps I could refresh your memories on something I said earlier. It is particularly important that the heads of delegations remain here, because we will be distributing a draft contribution that the presidency has drafted, bearing in mind all the other proposals for contributions that have come in. These contributions have a lot of different intentions. We won't have much time to discuss it, but I think it's very important that we have this little meeting with the heads of delegation in order to present them with this draft. Hopefully you have now got that draft contribution, and we shall have an opportunity to comment on it. We want to include as far as we can the heads of delegation from the candidate states, but the vote can only be taken, as you know, by the Union members. And in line with what has already been said and with the COSAC Helsinki rules of procedure, the European Parliament cannot vote in this area here. Having said that, I would like to invite heads of delegation, including heads of delegations from candidate countries. It's going to be a very brief meeting, they'll be no real discussion as it's simply a question of presenting this draft contribution, naturally it's open to alterations and amendments. What's important is that we get some sort of common ground for consensus to tackle this tomorrow.

About the next speakers: we'll be including all those that haven't had the opportunity to speak, there are nine speakers currently, and I'm going to have to conclude the speakers for the rest of the day, and hopefully within 45 minutes or an hour we will have concluded. So we'll be able to conclude today, apart from those heads of delegation who have to remain for another small meeting later. Having said that, I'd like to give the floor to Maria Eduarda Azevedo.

**Maria Eduarda Azevedo (Portugal):** Thank you, Chairman. Much has already been said about this Charter. If I may, I would like to focus on two main areas.

First of all, the kind of warning signs that have been raised on the content of the Charter. The Charter should not lead to a weakening of fundamental rights, the ones stemming from international conventions or national constitutions - the modern constitutions of our member states, which are an excellent example of strong constitutions, in terms of protecting fundamental rights.

But the Union, with a view to protecting fundamental rights, needs to accede to the Convention on Human Rights. That is something that is a recurrent issue; it is a permanent leftover, which reflects the lack of political will of the member states. They don't want to confer this power of the European Union. The Union needs to be very clear and transparent as regards its intentions, the underlying intentions of the Fundamental Charter. The Convention confers an innovative character on this process, and it is full of political symbolism, given its eminently parliamentary nature. Although this is not something that comes from a European constitution, or any thing like that, I think it is something that points in that direction. So far, so good.

The problem is that the Charter and the Union will start acquiring a political dimension. If the Charter aims to bring citizens closer to Europe, and bearing in mind the need for transparency etc., any proposal that is of a constitutional nature, which intends via the Charter to lead to a constitution is something that may well undermine the trust that citizens want to see in their relationship with the European Union. We don't want this to be done by the back door. Nobody wants to be deceived here.

The Union is keen to have a Charter, but they don't want to see coming through the back door a constitution. This is something, which the European citizen may see as a threat. We are moving towards greater political cohesion in Europe, and that can only be done if we draw on European public opinion and their concerns, and I think it would be a mistake for Europe if we don't take this opportunity, if we don't sound out the concerns of the European citizens. We want to make Europe closer to its citizens, we want this Europe of citizens, not a Europe of the elites.

Chairman: Thank you, I'd like to give the floor now to Maurice Ligot from France.

**Maurice Ligot** (Assemblée Nationale, France): Thank you, Chairman. The European Charter of Fundamental Rights is currently being drawn up, so I wouldn't want to comment on its content, which as we know is still being discussed. What I would like to say is something on its legal and political scope.

Who is it for? Who are the legal beneficiaries of this? And what will its force be? It is primarily aimed at affirming citizens' freedoms and rights in the EU states, therefore it expresses those values that characterise our types of societies, and it will be aimed at reinforcing an understanding, an attachment to the European Union. However, bearing in mind what already exists in the area of the protection of rights, it probably will not bring anything really new. However, it will be important as regards member states of the Union itself.

For the states and for the Union it will provide inspiration for their policies and a framework for their actions, both within the individual member countries, as regards their own citizens, and relations between member states themselves and between the Union and member states. So the political and ethical dimension will be built into this Charter. The authors will have to draw up a text, which expresses these fundamental values, which bring together the citizens of Europe, which identify Europe, and which, in straightforward and understandable terms, express that.

My second comment has to do with its political and legal ambit. Will this Charter have a binding legal nature? There is here an ongoing political discussion. We have already heard some speakers giving very different opinions on this. Are we going to content ourselves with a solemn declaration, or make this something, which has real legal force for citizens, quite apart from the rights they already enjoy in their individual countries? This legal force, would it be useful, practicable? I wonder. I don't know whether legal force here is absolutely vital. But as regards the Union member states, the simple existence of this Charter and the significance of its content will be enough to give it sufficient force, so that Europe will be seen worldwide as an expression of democracy, freedom and respect for individuals. The existence of the Charter alone I believe will exert some sort of constraint on the Union and its actions. What is important is that we have the existence of this Charter and its content.

What is going to be important is the solemn proclamation of this by the EU, and I don't know if the legal force will add much to the ethical and political content of this charter. Thank you.

**Chairman:** Maria Damanaki from Greece is the next speaker.

**Maria Damanaki** (Greece): Thank you, Chairman. The Greek committee on European Affairs has not yet decided what it's going to respond to the questionnaire; this is because we have recently had elections. But we have discussed it, and we do have a convergence of views on the matter, which I shall explain. The Greek parties agree on the need for this Charter of Rights.

We believe that this Charter can contribute to the strengthening of the political Union. Many colleagues have said, and I agree with them, that without these steps towards political Union, Europe will be pure economics. And I would add that in the light of the recent development in the area of the Euro, the political branch is even more necessary.

As far as the binding nature is concerned, generally we agree that the Charter should indeed be binding, but this dilemma does not really tackle the practical problems that we are faced with. What do we mean when we say that the Charter will be binding? A lot of colleagues have spoken about the effectiveness of the Charter, the possibility of it yielding real results. Apart from the added value that the Charter gives us, there is a need for us to have added value as far as the results are concerned.

So with that in mind, a discussion on the exact content, the conditions of implementation and so on, could go hand in hand with the legal discussion which will decide on the precise rights that we want to adopt. Only in that way are the citizens likely to expect anything more than the flags and signatures to which other colleagues have referred.

In my country, a great legislator used to live in Athens, perhaps the first legislator of Europe, who always felt that the most difficult law is a law which requires the application of all the other laws. So with that in mind, I think we need to start the discussion on precisely what the citizens of Europe can expect from the implementation of a charter like this.

However, Mr. Chairman, the very real difficulties should not lead us to abandon our attempt. Despite the fact that we have made progress, some of the delegations seem to be hinting at that. Difficulties should encourage us to look at the positive side and plan our conditions of implementation better.

As far as the content is concerned, I think that there is general agreement on it, and we would agree that the objective of the Charter is not to weaken the European Convention on Human Rights. So I would say that we need something more. The Convention is no longer enough. We need something more for two reasons. First of all because we have the *acquis communautaire* and that is linked to social rights which are not fully expressed in the current Charter. And secondly, recent topics have become more important, such as bioethics, biotechnology, environment in general, the consumer and so on, which were not dealt with sufficiently by the other charters. So apart from the actual text I think we will also be discussing these matters in the context of a political laboratory, which the European Union really needs in order to constantly revise these Treaties.

Finally, I would like to say that in order to overcome the differences that exist, the conflict between the role of charter and the role of the national legislative systems, perhaps we should draw up a better proposal for better participation by COSAC in the implementation procedure for the Charter, if we ever manage to get this Charter. Thank you, Chairman.

Chairman: Thank you. Edvins Inkens, from Latvia.

**Edvins Inkens** (Latvia): Thank you, Chairman. Formally today Latvia is a candidate country, and it is not in an official position to comment and discuss the Charter on Fundamental Rights. For one thing, it is an internal EU matter. Moreover, we do not yet have access to the text of the draft document. Nevertheless, we express our support for developing the Charter of Fundamental Rights.

We hope that the Charter will recognise the central role of the European Convention on Human Rights and its procedure in defending human rights throughout Europe. We want especially to emphasise this in view of the fact that in November of this year, Latvia will assume the presidency in the Council of Europe, during which the fiftieth anniversary of European Convention on Human Rights will be celebrated.

Certainly, we acknowledge that the Charter of Fundamental Rights is necessary for present-day Europe, which has undergone considerable changes in the course of fifty years since the adoption of the Convention. So we welcome the EU's desire to establish a constitutional basis for human rights, but at the same time it is extremely important that the Charter does not conflict with human rights legislation that has already been enacted, and that it does not lead to contradictions in courts and to problems in applying the Charter.

If the Charter of Fundamental Rights as a legally binding document is included in the EU rules, relations between the Strasbourg and Luxembourg courts could become complicated. Our opinion is that the Charter of Fundamental Rights depends on its legal status. The adoption of a legally binding document before the enlargement of the EU will further complicate the technical situation of the candidate countries. I stress technical and not political situation, because we are in the process of adopting the *acquis*.

As it is the European Commission already generates several thousand pages of narrative acts every year. Currently candidate countries are scrambling to catch up with a train, which keeps moving faster and faster. Therefore, it would not be desirable to change completely the *acquis* in the sphere of human rights during the enlargement process.

The Charter of Fundamental Rights deals with extremely important issues, which will be directly relevant to us after joining the EU. Therefore, we would like to speak about these issues as equal partners with the EU member states, because the questions will have an impact on the sovereignty of each state. Thank you.

**Chairman:** Thank you. Dolores Cristina from Malta.

**Dolores Cristina** (Malta): Thank you Mr. Chairman. I have to come back to this morning's discussion, my contribution is centred on the IGC, and I would like to put forward my country's viewpoint. We appreciate the fact that the prospects of the EU opening its doors to accommodate new members presents a formidable challenge, not least to guarantee that the next lap of the integration process is carried out to the benefit of existing and future members alike. And for this reason, I hardly need to emphasise that progress should not only be made by the candidate countries, in their harmonisation and adaptation processes, but likewise by the Union in the modification of its internal structures. It is imperative that outstanding institutional issues left unresolved from Amsterdam be conclusively and equitably settled to pave the way for a significantly modified Union, with anything up to double the present members in its fold.

Malta assumes that the negotiations on the chapters relating to institutional questions will apply all relevant conditions prevailing for current members of the Union to the prospective members, in a non-discriminatory manner. We are confident that the IGC will conduct its discussions and reach its conclusions in this spirit.

We share with all the member states and other candidate countries the wish to be part of an effective, transparent Union that is able to efficiently take the decisions that it needs to take for the benefit of all its citizens. We have therefore been following with great interest the discussions regarding the agenda and timeframe of the IGC, also sharing the general expectation that the Conference should conclude its business by the end of this year, thereby ensuring that the enlargement process can reach its own conclusion in the shortest possible timeframe.

In this light, whilst agreeing that all institutional aspects that have a bearing on enlargement should be dealt with in the current IGC, we strongly feel the primary focus of discussion should be the three leftovers from Amsterdam. And in this context, Malta believes that all member states should nominate a Commissioner of their nationality. It also supports an extension of qualified majority voting, with unanimity being retained on constitutional matters and in certain well-defined sensitive areas. We would also be ready to support the re-weighting of votes in the Council, in a way which better reflects member states' populations, as long as the principle of equality of all member states is maintained, and the interests of small states are safeguarded.

With the appropriate arrangements in place, designed to ensure that the achievements made to date are not jeopardised, the EU can look forward to consolidating the dynamics of its integration, while concurrently extending the reaches of its process eastwards and southwards. Thank you.

**Chairman:** Thank you. Tassos Papadopoulos from Cyprus.



**Tassos Papadopoulos** (Cyprus): Thank you, Chairman. I'm quite aware of the fact that as the meeting moves to its close today, you don't want to hear long speeches, so I will simply concentrate on one aspect.

I've heard the Secretary of State say that the Commission cannot fix the date for new members to join the EU because that would create false hopes that would perhaps not be fulfilled. The whole discussion has given me the impression that the enlargement issue is immediately dependent on the success of the IGC. We all know that the timetable says that by the end of the year the IGC should have been concluded, under the French presidency. But we all know also that the timetables are fixed in order to be violated. So that is why I'm worried. I'm worried about the commitment of the member states to this timetable and I'm also worried about whether the IGC will actually be concluded. I'm worried about whether the three main issues will be dealt with and I'm also worried about what many colleagues have been referring to this morning, that is whether real results will be achieved.

And I would like to add another aspect, which perhaps has not been sufficiently highlighted. Many of the candidate countries, if not all, have to make huge sacrifices and spend a lot of money in order to reach the level of harmonisation. In the case of the Cypriot Republic, my country has been excluded from any economic support and we have a huge burden to bear as a result. But we are still hoping that enlargement will start by 2003. You cannot start saying that the date is not yet certain. Because if it's not going to be in 2003, when will it be? 2004? 2014? Otherwise the sacrifices that we have made and the cost to the candidate countries may be beyond their capacity. They have to adjust their economy, their institutions, and they are hoping for advantages as a result of enlargement. And no reference has been made to that point. If I look at the text of the summit there is nothing at all on enlargement, and I think that is extremely worrying.

To conclude, I just want to say something on the Charter. In order for the Charter to be effective, it has to be binding. And if it is binding, that means that the citizens should have the right to bring individual cases. If that right is granted to them without the two courts being given powers, then I think there will be a major problem. Thank you.

**Chairman:** Portugal. Mr. Honório Novo.

**Honório Novo** (Portugal): At the level of the Portuguese Parliament, and indeed the various European universities and the Portuguese universities have been looking at this issue of fundamental rights. We haven't yet taken a definitive decision on this in our parliament, but perhaps I could just say a few things on this.

The discussions of the European Convention that is drafting the Charter of Fundamental Rights held to date seem to indicate that the content, the rights enshrined in this draft, are fairly reduced. In other words, it rather falls short of what is desirable. This Charter really should extend rather than restrict or be a carbon copy of the European Convention on Human Rights. Given that, and given the draft content, I think that that prompts two questions.

First of all, if the Charter is simply going to be what we already have in the European Convention on Human Rights or not much more, then what is the point? Question two is what will this Charter add? If all the constitutions of all the member states already include, quite rightly, individual rights which are protected, ones that will simply be reiterated in the Charter. So with such a content, the Charter's adding very little, I don't believe this sort of Charter is going to bring citizens closer to the European institutions. If the Charter does not include extended environmental rights, economic and social rights, the rights of individuals with regard to their public services, for instance, the new rights, the rights of minorities, it will be a pretty pointless charter.

So why are we insisting so much on this Charter, when at the end of the day it has such restricted contents? It just has political or formal rights, and all the constitutional texts already guarantee those rights. I think it's going to be a political instrument more than anything else. And via the binding nature of this Charter, although it's limited, via its

inclusion in the Treaty, it may be a first step towards a future European constitution, taking up what the German foreign minister said, a European government etc., if not a sort of European monarchy, because I know some states are monarchies, rather than republics.

Now some people say that such a Charter, although restricted in content, should be built into the Treaty and that its binding nature does not necessarily mean that we are moving towards a European constitution. But then there are lawyers who actually defend the opposite, they say that this could be the first step towards a European constitution.

You can't be over cautious here, in order to paraphrase a Portuguese proverb in a loose translation. It is terribly important that this is looked at from this angle, even though it's not a binding charter, let's not forget that even if it is declaratory it is going to be something which is of extremely great political importance not only for member states, but for the Union, and it may well have a real significance for the European citizens. Thank you.

**Chairman:** Thank you. Apostolidis from Greece is the next speaker. I hope that with this final speaker we've covered all the people who wanted to take the floor today.

**Loukas Apostolidis (Greece):** Thank you, Chairman. Ladies and gentlemen, colleagues. I'd like to make two or three general comments first of all on the Charter of Fundamental Rights. I think there is a historic dimension to my comments. The ideas on the state of law and social rights incorporating the values of equality, justice, freedom, respect for human dignity, social cohesion and security, solidarity, are highly topical, more topical than ever. This is true both today and tomorrow. Today we have to get beyond what many colleagues have referred to in the past, that is the impression we give to the European citizen, and vis-à-vis Europe's worldwide prestige, and also as we move towards a new epoch. The discussions we are having today tend to concentrate on the citizens' rights, and because of all this I think it is essential for us to turn towards the needs of the European citizens.

We are setting up this area of security and justice which guarantees Europe's position on a worldwide scale. We're also responding to the eurosceptics: a unified Europe is not just an economic unit that has the interests of the few, but that in fact guarantees the prosperity of all, and it's not just a Europe of social affairs and defence, it's a Europe of civilisation, a cultural Europe - our values which distinguish European civilisation and put a different stamp on it on a worldwide scale. So that is the background to the discussion.

A political discussion or a declaratory nature as well, which our Belgian colleague was talking about – are we doing something in the same way as the French Revolution, for example? No, we're doing something more than that, because we're raising the awareness of the population of Europe, we're responding on a worldwide level to all those movement that talk about human rights and freedom. They are very topical issues that will affect the future of our civilisation.

I'd like to come now to more fundamental issues. It is a fact that we have been faced with a dilemma of whether the text should be binding, or whether it should just be a declaration. That is of a very practical significance. It is one thing to have a binding text that will have immediate practical application and another if it is a mere declaration. We've heard a lot of views on this and I would like to make three practical proposals.

Firstly, the text on the European human rights of the social charter and the fundamental rights of workers, these are texts, which protect these values, which I have talked about, individually and as a community. The Charter of Fundamental Rights will therefore be a text with a more progressive content, which will reflect all trends, for example, the trend of the economy of knowledge, not just today but tomorrow. And that is why my practical approach would be to give a real message to the IGC and say we cannot do without a final text, even if it is not in its final version yet. We need a text on fundamental rights, because it's only then that we can give a clear message to the citizens of Europe.

The second point I would like to make refers to the content of the rights, which are to be consolidated. In my view, we need to integrate into the Charter all those rights, which strengthen the democratic state of law and the social character of the EU.

And thirdly, in conclusion, various positions expressed today have shown that you always have to overcome problems of the significance of the Charter, the character of the Charter – the character of the charter and the content, the way in which it is to be implemented. But I think that these discussions we have had are nonetheless extremely useful, and now we have to fill them out with practical content. Thank you.

**Chairman:** That brings us to the end of our meeting today. Before I conclude, at 19:40 the coaches will be waiting outside your hotels to take you to the Convento da Trindade, where the President of the Portuguese Parliament will be offering a banquet. So I would ask you all to be ready by 19:40 at your hotels so that you will have the transport to take you to the banquet. And as I said earlier, could the heads of the delegations stay with us just a little bit longer so we can exchange opinions on this draft contribution. Thank you.

#### 4. Contribution from COSAC

**Chairman:** Before we actually move into the agenda proper, lunch will be at one thirty. There's a coach that will be ready for you, to take you to your hotels, or to the boat trip on the Tejo. So we will have transport for those of you going on the boat trip and then back to your hotels.

Yesterday we submitted to the heads of delegation a draft contribution which tried to sound out delegations and their feelings as to whether this proposal could be approved by you or not. This is a wide-open proposal, we really wanted to try to get a broad a consensus as possible on our proposal. And the conclusions that I drew from the meeting yesterday are that there is still not a sufficient level of consensus here. I don't think we have objective conditions, which would enable us to approve this as it stands, particularly the one that I submitted, given its complexity.

So I have reworked my proposal, bearing in mind the comments and observations made. Quite a lot of delegations made comments and I tried to incorporate them. And I tried to isolate the parts in this draft contribution, which could not be seen as a contribution to the conference, but as a contribution to subsequent conferences, and that is the basis for the text that you have just received. We have had proposals for future COSAC meetings; we have had proposals from the Benelux states, and the Irish delegation, and during the conference itself the Italian delegation submitted a proposal. So if you could agree, ladies and gentlemen, we would start with the recommendations for future COSAC meetings. The text that we've got towards the end of the paper that you should have received in English and in French, I know that you'd all like to have it in your respective languages, but I've just got it in French and English. This attempts to be a summary of the proposals submitted by the Benelux states and during the conference by Italy.

I think the best way of establishing if we've got a consensus here is to invite the people who are responsible for the initial proposals to present their draft contributions, and with that in mind I'd like to invite Colleague Fayot from Luxembourg to explain his proposal, and then I'll talk about the summary proposal that our presidency has submitted. So we are simply looking at the recommendations for future COSAC meetings.

So we'll be looking at these proposals and also at the summary that I have prepared, bearing in mind the comments made during the head of delegations meeting yesterday. Mr. Fayot from Luxembourg, you have the floor.

**Ben Fayot (Luxembourg):** Thank you, Mr. Chairman. I'd like to briefly recall the Benelux contribution. We have said that there is no point in COSAC repeating the discussions going on in other bodies, be it the European Parliament or other institutions. COSAC needs to find its own niche of action. We have identified two areas: the first is for COSAC to be a meeting of national MPs with members of the European Parliament, and to deal with the question of democracy in Europe, in other words the way in which democracy works at a European level. This concern with European democracy should be the subject of COSAC meetings every six months, and we could do this on the basis of a report to be presented by each presidency. For example, to see if the principle of subsidiarity is working as it should and also to see how the decision-making process is going, whether it's transparent, and overall how democracy is working. The second niche is one, which concerns intergovernmental policy. Of course it's the national parliaments, which will act as monitoring bodies because it's basically the third pillar: justice and police, and under that pillar COSAC must play a fundamental role.

Furthermore we've said that in relation to the first objective, democracy in Europe, and the way it works, we need to stipulate how every national parliament endeavours to deal with European policy. There are different methods of doing this, according to the different parliaments. The last issue takes us back to September 1998: a summary of all the specialised committees in the national parliaments. I think that this needs to be continuously updated, to

inform every parliament about what is being done, what monitoring is being done and what contributions are being made to discuss European affairs in the national parliaments.

And you asked whether the presidency text about the recommendations for future COSAC conferences could be accepted. Well, in the last indent, our proposal is already reflected. If I could make a drafting proposal, we could follow the plan of our contribution. First of all, the first niche, that is the state of democracy in Europe, underlining that in an initial sentence. The second sentence: the area of freedom, security and justice.

We haven't proposed working groups, you have. I don't have anything against working groups, as long as the work they do is valuable. That's basically my proposal, but you're quite right to include in this text two sentences, the two main points of our contribution. But summarised in this way, I'm afraid it might be a bit brief. Perhaps the first point in particular, it says, "assess the functioning of the institutions", but that's not really it. We have to assess the democratic functioning of the institutions. We're not assessing the overall way in which the institutions work, the point is to assess whether they're working democratically. That is what we need to underline in the text.

My proposal then is that part one should underline what we say in our part one, the state of democracy in Europe, that's what interest us as national MPs. Then part two, our contribution on the third pillar at the intergovernmental policy on security and justice. Thank you.

**Chairman:** Thank you for that intervention, Luxembourg. And I think those comments could be taken up in the final text. I'd now like to invite Mr. Bedin from Italy, also on the topic of future recommendations, taking into account the specific proposal Italy made.

**Tino Bedin** (Senato, Italy): One of the things that I feel is important, and our delegation feels is important, is that in future the COSAC meetings, when ending, should come up with conclusions that have some impact of a worthwhile nature on future COSAC meetings. The reality of the situation is that the members are all representative members of their respective parliaments, they're all experienced politicians, they all know what the wordings mean, and they all know also that in order to achieve something, they should come up with a conclusion that not everyone might be 100% in agreement with, but a conclusion that would have some far-reaching effect.

I think, in conclusion, one of the things that we also were concerned about, in relation to COSAC and in relation to the Treaty, is the fact that some member states, at a time when great discussion is being pursued in relation to expansion and enlargement of the community, some member states don't actually adhere to the principles of the Treaty that are already in place. And I think that is sad. And it is something that shouldn't go unchallenged. And particularly for the smaller countries, who allow the situation to progress, whereby some members states ignore some of the principles of the Treaty, I think it is sad, especially at this particular time of enlargement, with so much discussion-taking place.

If somebody wants to ignore some part of the Treaty then they should look for derogation. They shouldn't apply unofficial amendments in the hope that nobody will face up. So, we would say, and strongly recommend, that the principles encompassed in the Treaty and whatever conclusions emanate from the COSAC, there should be continuity, there should be a follow-on, they should merge and they should mean something. Thank you.

**Chairman:** Ferrari from Italy. You have the floor.

**Francesco Ferrari** (Camera dei Deputati, Italy): Thank you, President. The Chamber of Deputies is quite pleased with the proposal you have made to organise this meeting for an upcoming COSAC meeting. This working party is a good idea, because we think that when it comes to justice and other affairs, we think that is a welcome initiative, as proposed as well by President Roberti last December. I think it was initially his proposal, and I think that a lot applies to the desire of the Italian Parliament.

**Chairman:** Thank you, let's press on. Our Danish colleague, you wanted the floor. You have the floor. Denmark.

**Denmark:** A few comments on the submission for resolution, particularly on paragraph 5, where we think the text is creating some confusion. The text says: "to give citizens greater protection."

**Chairman:** What we are doing is simply looking at the part relating to the recommendations, and only later will we deal with the draft contribution. We wanted to get a consensus on the recommendation. I'll give you the floor later, Sir.

**Finland:** Mr. Chairman. First of all on behalf of the Finnish delegation, I would like to congratulate you. The draft contribution you have made seems to be a very good improvement if we compare it with yesterday's text. I suppose we could find a consensus on this. Concerning the recommendations for future COSAC meetings, there is a small improvement we would like to make. We would like to take away from the first sentence the words "regularly and systematically". There are three reasons for this.

First of all, we don't like to pre-load the future COSAC meetings with some specific items, although we see this is an important issue. Secondly, we think that having regularly certain items in COSAC meetings implies issues we have already mentioned in our rules. It's a bit strange to start changing our rules, to the effect that we should now include something to be discussed regularly at our meetings. The third point is the most important: we would like to allow the presidency to choose those issues that are most relevant for each COSAC meeting. That is why we don't want to pre-determine any specific items, which are not actually mentioned in our rules for the meetings. So the proposal from the Finnish delegation is that we should delete the words "regularly and systematically", otherwise we would support your proposal. Thank you.

**Chairman:** Thank you for that. Just taking up the final comment from our Finnish colleague. The recommendations we approve here won't remove the freedom that the presidency has to make further suggestions, in consultation with the troika. This is simply a recommendation. Recommendations, which have to do with issues, linked to justice, freedom, and security. So it is only a recommendation, nothing more.

Now, I know we haven't yet dealt with the draft contribution, but I think there is a degree of consensus on the recommendation. Perhaps I could tell you what I mean by that. According to the comments made by the Luxembourg delegation, we will shift two points, I think he said we should highlight the importance of the working of the European institutions in a democratic fashion. And then we would leave the second point dealing with an area of freedom and justice until later on. And then the setting up of the working group, which I think was the Italian suggestion, from Ferrari. And I think we could also accept the Finnish proposal, namely to remove the words "regularly and systematically". It's something that doesn't actually add much to the text. And it might even give rise to confusion.

If you can agree to those alterations, can I take it that there is now a consensus on these recommendations? Does anyone have any objections to them? No? Then I will take it that with those alterations, the presidency's draft recommendations have been approved.

Let's now move on to the draft contributions. As I said yesterday, and perhaps I wasn't very clear in the way I put this yesterday, we wanted a text that integrated a lot of contributions from different delegations, very interesting contributions. I think it would be useful if we started inviting the people who have submitted these draft contributions to take the floor. And then we will analyse, later on, whether we can get a consensus on the presidency's text, or indeed on any other.

Let's start with France, I'd like to give the floor to Alain Barrau, to introduce the draft contribution.

**Alain Barrau** (Assemblée Nationale, France): Thank you, Mr. Chairman. I'd like to apologise on behalf of my colleagues from the Senate, Hubert Haenel, Claude Estier and Pierre Fauchon, who have had to go back to the Senate for a debate on the priorities of the French presidency this afternoon. We organised one in the Assembly on May 9, but our colleagues from the Sénat wanted to be there. And Gérard Fuchs has also had to leave this morning. But Marie Tigour and myself are here to present the text of the contribution that I sent in application of article 10.2 of the rules of procedure that we adopted in Helsinki. This text was drafted by the delegation from the National Assembly but our colleagues from the Senate have also supported me in this text as far as employment is concerned. Anyone who is aware of the French political scene will understand the significance of that.

So, Mr. Chairman, as we were saying yesterday evening, I think it would be a good idea to look at the texts from the national delegations first, and then, if you think it's a good idea, we will look at the overall contribution. Personally, I think it's a good idea for each text to concentrate on a specific aspect. You can't cover everything, except in a communiqué from the presidency, which has a different status. You can't cover everything in the proposal made by our Italian friends and by us.

So first of all, debate, discussion and adoption of the national contributions, and then, if you so wish, we could have a debate and adoption of the presidency's contribution.

Now, our text. Everyone has received this text in French and English. The idea is to stress a period during which the Portuguese presidency has been particularly active, that is the economic reforms, social cohesion and employment, which was dealt with at the European Council, in March, in Lisbon.

The first paragraph of our contribution starts by congratulating the Portuguese presidency for taking the initiative to convene this special meeting of the European Council. Secondly, we would like to see COSAC adopting a clear position, consensus-based of course, giving full support to the intentions expressed during the Council in Lisbon, to boost employment, economic reform and social cohesion within the framework of a knowledge based economy and a new strategic objective of the European Union. The idea being that to say that over the last few years we've gone through an important phase, moving towards a common currency, and now the time has come to focus all European energies on this strategy for growth and employment.

Point three: we'd like to see COSAC adopt a clear position, hopefully a unanimous one as well, so that the efforts that we intend to make under the French presidency, in order to allow the Union to adopt a European Social Agenda, featuring an ambitious work programme for the next few years and focussed on an active employment policy, including the provision of education and vocational training, and a plan to combat all forms of social exclusion and discrimination. We would like that to be supported in COSAC too.

Point four: we called for a new impetus to be given to the launch of a European Research and Knowledge Area and the development of the information society, which are important prerequisites for economic and social modernisation.

And the last point, and the conclusion, which I mentioned in my oral contribution: we would like the Union to adopt a clear objective so that it can move – as we started in Luxembourg, and continued in Lisbon – and continue to make the same effort, as in the last few years, towards the adoption of the single currency. So that is our objective, very much centred on employment policy, growth policy, because there are lot of things we need to do and a lot of topics will need to deal with. But the people we represent will be shown a very clear line by MEPs and national MPs, that is that we intend to fight against unemployment and that we want to foster employment and growth.

That's the spirit of our text, we've tried to draft it in a way that will get as broad a consensus as possible. We do that sometimes too. We would be happy to receive any amendments as well. Thank you.

**Chairman:** Thank you. So we've had the presentation of this draft contribution, starting with the French delegation. So I would ask the Conference whether we should immediately discuss this proposal, or can I take it that people can agree on this proposal and we can approve it. So are there any comments on the French proposal presented by Alain Barrau? Patijn from the Netherlands, on the French proposal.

**Michiel Patijn** (Tweede Kamer, Netherlands): Thank you, Mr. Chairman. First of all I would like to thank you for submitting the presidency draft contribution which will help considerably with coming to some conclusion today. And secondly, I would like to thank the French delegation for their contribution and their elaboration on it.

I have some specific suggestions to make for the improvement of paragraph 3 of the draft. First of all – and this is a formality, but I would draw your attention to it – I think that according to the rules of the European Union, in particular the Treaty on the EEC, it's not the presidency which adopts an agenda, it's the Council which adopts an agenda for the Council, it's the Commission which has the initiative in the EEC Treaty that adopts an agenda for itself, and the European Parliament adopts its own agenda. So I would suggest that the phrase starts with the following sentence: "COSAC calls on the Commission, the Council and the European Parliament to adopt an European agenda."

Secondly, I miss in the French proposal, the link between paragraphs one and two, on the one hand, and paragraphs three on the other hand. In one and two the emphasis is on economic modernisation. That concept is lacking in paragraph three. So my second proposal is to adopt a European agenda for economic modernisation, which promotes economic growth. Because that is what was discussed in Lisbon, and it has been deleted. I suggest this, because otherwise one would think that we are thinking about a new impetus, all kinds of Keynesian measures to adopt economic growth, and that was not the spirit in which this whole subject was discussed in Lisbon. But this is a suggestion, it is not a very essential matter.

But I have one particular amendment that I consider absolutely vital. Most issues addressed in paragraph three lie within 99% within the full competence of the member states, so I insist on having a sentence in between which reads as follows, after the word "Union": "while respecting the principle of subsidiarity". Because I don't want to have a wholesale shift of responsibilities from the member states in this department to the institutions of the Union.

So now I will give a full reading of my proposal for paragraph three: "COSAC calls on the Commission, the Council and the European Parliament of the Union, while respecting the principle of subsidiarity, to adopt an European agenda for economic modernisation which promotes, etc.". That would be my amendment.

**Chairman:** Thank you for that comment. May be we could get the actual wording written, just to get it quite clear, so could you send us something in writing, Sir? Just to make it understandable here.

**Alain Barrau** (Assemblée Nationale, France): Thank you, President. Well, of course. I see nothing standing in the way of the first and third amendment that have now been proposed by our colleague from the Netherlands. In fact, quite the opposite. They clarify the subject and are in line with the principle of subsidiarity. However, I am fairly keen on the form of words "social agenda" appearing in that paragraph. Why? Because in paragraph 2 I've gone into this mention of economic modernisation, and I think that subject ties in with Lisbon and is dealt with in that paragraph. And I would like the other point, from the summary record in Lisbon, asking those to take over responsibility to ensure that special responsibility will be addressed, so that we have an ambitious working plan for the European social agenda, with an active employment policy, improving education and vocational training, and a plan to combat all forms of social exclusion and discrimination. I would like to keep all of those ideas relating to the social agenda together.

So I'm all in favour of the need to recall the principle of subsidiarity, in fact I am particularly moved that this proposal has come from the Netherlands. But on the first point as well, referring to the different partners who can make a contribution towards that end, but I would



ask you to try to understand the meaning of the place where I've referred to the social agenda, which is complementary to paragraph 2, which focuses on economic reform.

If you'd be willing to accept that explanation, I would take two of your three amendments.

**Chairman:** What we're discussing has to do with the methodology used by our colleague Patijn from the Netherlands. He was concerned about the presidency draft paper, not so much the French contribution, I think he was directing his comments to the presidency paper. Without prejudice to what he said on the draft paper from the presidency, we are still discussing the French draft contribution, so I would like to invite Mr. Patijn to send his comments in writing, so that we can incorporate them in the French text, and if necessary in the presidency's text. On the comment made by Mr. Barrau, yes he did accept that comment, so that will be put into the French contribution. The Danish colleague.

**Denmark:** In commenting on the French proposal, in point 3, we do understand the intention behind this reference made by the French to the social agenda, and we agree when it comes to the objectives that are later referred to, which we think do pick up on Lisbon, but we in Denmark would refer to an European agenda instead of calling it a social agenda, because in that connection this would be seen as getting involved in internal matters: in social provisions and the social service systems that exists. So picking up on the Dutch text, we should refer to a European agenda. And then, the objectives described in the French proposal could continue after that.

**Chairman:** Thank you. Naturally we've tried to take into account that sort of consideration in the presidency proposal. We have a European agenda, not just a social agenda. Mr. Barrau, do you want to come back on this? Are you able to amend point 3?

**Alain Barrau** (Assemblée Nationale, France): Mr. President, it's not entirely a secondary point. Lisbon said the following, as far as I am aware: there are a certain number of measures that deal with the economic aspects in order to fight unemployment and boost employment and growth. And in the text that we submitted, we've put them in point 2, and in point 3 - in order to split the ideas up per paragraph - I've concentrated on the idea of the social agenda, which is also one of the points in the Lisbon text, which we have a lot of work to do on at the moment.

Our Dutch colleague wants to include a further precaution, which I respect, which is referring to subsidiarity. So to be frank, all those who don't want to go as far as others in the area of the social agenda have all the protection they need.

We've talked about fighting against exclusion, discrimination, improving the position of education and vocational training. That can be part of the social agenda, and incorporated over the next few months. It's not just a general social agenda, this is the social agenda, that is what the contents are going to be. But there's nothing here that contradicts points 2. It complements point 2. It would be useful to include the list of points to be included in the social agenda, which was approved in the text of the Lisbon Council in point 34.

**Chairman:** Thank you, Mr. Barrau. We're going to have to try to make some progress here and see whether we can get a consensus on this. We've got a lot of work ahead of us. I'd like to give the floor to Jimmy Hood from the UK.

**Jimmy Hood** (House of Commons, United Kingdom): Thank you, Mr. President. Can I, along with my other colleagues give our thanks on behalf of our delegation today, our thanks for the hospitality of the Portuguese presidency? Can I say, Mr. President, that you have set a new high in hospitality, and I look forward to the Paris COSAC following on from this event.

I suspect I have attended as many COSAC meetings as any member attending today. I may have been at 13 or 14. And I can remember the first COSAC meeting I ever attended, I was the president of the COSAC meeting by some quirk of fate. Believe it or not, the dig issue in 1992 at the London COSAC was our conclusions: should we make our decision, even if it's a majority decision, and make a statement of our deliberation? I can remember colleagues from

Portugal, the Netherlands, from Germany and Luxembourg supporting the argument that I supported then, and that I support now, that the strength of COSAC is in what we agree in unanimity and not in what we try to set down as hard and fast policy.

Now my committee in the UK may be different from many of our equivalents in other member states. We are not representatives, and we don't come here as representatives of our parliament. We come here as representatives of our scrutiny process in the House of Commons, and we are here to do what we can to guard, improve and enhance the role of the national parliaments in the Union. And it has always been my view, and it is today, that our strength is in our influence, and I would always argue that that is what we should concentrate on.

If I can just say one or two things. I did not try to speak yesterday, because it's difficult for everyone to have the chance, but I should make some explanation on the issue of human rights. We had an excellent contribution from our colleagues in the House of Lords, who have produced an excellent report. I understand that my staff has circulated my committee's IGC reports around delegations. And you will see that there is not just a difference of nuances in the two reports, there is a difference in the conclusions. Because the House of Commons scrutiny committee was not persuaded that enshrining the Charter of Rights in the European Treaty was necessarily the best way of dealing with human rights. And we were concerned about the confusion between the European Court of Human Rights and a new charter in the Treaty. That's clearly explained in the report and I would recommend you to look at that. That report is also on the Internet.

Having said that, coming back to your proposal, Mr. President, I am a bit concerned about the setting up of a working party. We seem to set up working parties all over the European Union and I don't necessarily think that it would be positive step to set up yet another working party, and indeed I am not just concerned about that. Such a working party reporting back every six months may consume future agendas of COSAC and I think that our agendas should be flexible and should remain in the hands of the presidency and the troika.

So having said those few words, Mr. President, and thanking you once again for your hospitality, I will close.

**Chairman:** Thank you. We have four further speakers on the French contribution, and let's not forget that we have to discuss the Italian contribution as well. Then the Portuguese one, the presidency one. To some extent the Portuguese presidency document has been touched on already by the comments made, but we still have two more contributions to deal with. Can I now ask whether there is consensus on the French contribution? Germany, you have the floor.

**Friedbert Pfluger (Germany):** Towards the end of the Conference, I would like to express some words of thanks for the wonderful hospitality yesterday evening, and the wonderful day here, that will remain in our memories for a long time.

As far as the document is concerned, our proposal is - quite apart from what the Dutch and French delegations have said, a very important point - that we should accept the presidency text in its current form. If we all start shifting things around, amending words here and there, then we'll be here all day. The concern of our Dutch colleague to accommodate subsidiarity has already been catered for in the third line from the bottom. And as to the proposal, wanting to talk about the social agenda, to demonstrate our social responsibility, we can of course do that - paragraph 1 already says that we want to fight against social exclusion and that we want to try to foster social cohesion.

In other words, we could have battles over principles, but I think that the Portuguese presidency has used the proposals that we made yesterday as heads of delegation, and has drawn up a reasonable text that we can live with and I think that we should avoid discussion on the details, unless somebody is really diametrically opposed to something.

So I think we should adopt this text, and I would like to thank the Portuguese presidency for this extremely constructive proposal.

**Chairman:** Thank you. Giorgio Napolitano from the European Parliament.

**Giorgio Napolitano** (European Parliament): President, just one comment that I would like to make in relation to the working method. I think that this is the first opportunity that we've had to experiment with the innovation of article 10 in the new rules of procedure for COSAC. So we're trying out to see how it works, and it's tough going.

We have proposed contributions coming in from national delegations giving rise to a debate, which is anything but easy. In the European Parliament, when we discussed the issues from Lisbon, and when it comes to the Charter of Fundamental Rights, we have had some experience of this – this is something we have been dealing with as an institution with fifteen countries represented. And on each of these resolutions, we have had very complicated procedures first of all in the committee responsible, then in plenary, and ultimately with hundreds of amendments being tabled, then to having it all boiled down to something that a majority can support, something that all the delegations from the fifteen countries can agree to, and as reflected in their different political groups.

And in article 10 of our rules of procedure, stating that COSAC contributions will be adopted unanimously – well everything becomes even trickier. I think, as we have seen in the European Parliament, that we pretty much agree on the thrust of the French document on growth, employment and innovation, and also with the positions coming from the other national delegations in their submissions. But if we defined unanimity on absolutely every word in all of these texts, it's going to be a very tough endeavour, and in the future I think that we might consider how article 10 of our conference should be used. It is fairly important that we have a draft contribution from the Portuguese presidency that does touch on these various points and, let's be honest, trying to reflect the lowest common denominator. That's a fact of life, isn't it? And I would agree with my colleagues, that when we refer to the Charter of Fundamental Rights in the European Union, we should recall that we expect that this will be dealt with on the agenda of the Intergovernmental Conference. We'll see what decision will follow at that time.

**Chairman:** Thank you for that clarification, Mr. Giorgio Napolitano. We have Mr. Fayot from Luxembourg who wants to take the floor. But Mr. Barrau, did you want to come back?

**Alain Barrau** (Assemblée Nationale, France): Thank you, Chairman. A point of order, really, rather than on the content. My understanding was that this morning we were going to discuss things in the following order: adopt the recommendations for future COSAC, which are in the presidency's paper, we've done that, we've adopted it. Secondly we would discuss the text that we sent you from the National Assembly on employment, and thirdly that we would discuss the Italian text. And fourthly, that we would discuss the presidency's text.

If I understood correctly the comments by Mr. Patijn, on point 3 of our text, with the amendment that he underlined, he was talking on the French text. That's how I understood his amendment. So I would suggest, Mr. Chairman, that we return to the discussion of the French text now. On Mr. Patijn's amendment, there were two that I thought I could accommodate, and I explained why I thought it was a good idea to separate paragraph 2 from paragraph 3 and keep in the politically significant social agenda, see if we can get a consensus on that, then move on to third point, the Italian text, and the fourth point, the presidency text. I think that this is how we need to clarify the debate.

**Chairman:** I don't know if there are any further speakers on this text, Mr. Fayot. Then I will suggest the procedures later to the conference.

**Ben Fayot** (Luxembourg): It's a bit difficult to speak in this discussion, because what I would point out to Mr. Barrau, is that the problem is due to fact that we're coming and going between the presidency's proposal and the French text. That's where the problem lies. Personally I have no problem with the French contribution, and I also support that paragraph

on the social agenda, I would also point out that the draft contribution from the Portuguese presidency seems perfectly adequate, but in the Portuguese contribution there is point 3 that might give rise to some problems for a number of delegations. Particularly as it refers to successive presidencies of the Union, in other words not just the French presidency, because it is the French delegation that would like COSAC to address the social agenda, whereas the contribution of the Portuguese presidency refers to successive presidencies.

I think that if we could slightly amend paragraph 3 of the Portuguese text, to refer not to successive presidencies but to the French presidency that might change quite a bit. In any event, the French contribution dealing with the social agenda is appropriate, and I'm willing to support it.

**Chairman:** One point raised by Mr. Fayot has already been dealt with, because the Portuguese presidency's paper has already accepted the Dutch point, replacing successive presidencies with a reference to the European Parliament and Council. So I think that particular concern is no longer valid, Luxembourg.

I think that is clear as to where we stand on the French proposal. The heart of the matter here is whether we should include the reference to the social agenda or not. Because that expression does not exist in the presidency's proposal, but I think my Dutch colleague wants to come back on this. Is it on a specific point, Netherlands? Let's not forget that we have a very important draft contribution from our Italian colleagues, so we do want to give them time as well. You have the floor, Netherlands.

**Michael Patjin** (Netherlands): Thank you, Mr. Chairman. I apologise for being subject to confusion, because the amendments that I proposed were directed at paragraph 3 of your proposed paper, and not the French paper, because there is a problem which I overlooked in the French contribution, the explicit mention of a social agenda is a new and significant feature of political debate and political direction for the institutions in Europe. That's what I understood from my colleague Barrau.

Now, we have to address a question of a political setting and political priority in the European Union. I find it not entirely wise that under every presidency, for instance, the Finnish presidency had a fully-fledged ambitious agenda on internal security. The Portuguese presidency has had a fully-fledged and very ambitious agenda on modernisation of the economy and inclusion of information and communication technology.

Now the French presidency, although I understand the political reasoning behind it, comes forward with the concept of having a fully-fledged social agenda addressed at everything that is on the social agenda or has been on the social agenda for the last forty-five years. And I consider it at least up for debate whether the European debate should be based on an accumulation of very large and very wide agenda points, or should focus simply on issues. I would basically make a suggestion through Mr. Barrau to the French presidency. I would suggest that the French presidency concentrates on three issues. First, the issue of enlargement, which requires a new political direction and new political definition of what we want and what kind of times scale we want. Secondly, the issue of the Charter on human rights which has to be finalised and formulated during the French presidency. And thirdly, it is the very successful conclusion of the IGC.

So I am not totally convinced that it is wise to call on the French presidency to contemplate opening a complete new debate. So my suggestion would be to use the French text and focus in order to elaborate on the Portuguese agenda on the modernisation of the economy. So at least we can reduce the three agenda points to two.

I put this up for debate. I think there's an underlying question of the setting of political priorities, which I give to my colleagues for discussion.

**Chairman:** The last speaker, Barrau, because we don't have much more time to deal with the other contributions. Can you be brief? And then I'd like to ask the conference whether they could approve the French proposal.

**Alain Barrau** (Assemblée Nationale, France): Well, President, I think that this discussion is becoming very focussed and interesting on this question. I thank Mr. Patijn for his recommendations for the French presidency. Rest assured that the thrust of our text is to continue what happened at the European Council in Lisbon.

But I'd like to turn the question around. Today, in COSAC, does the Dutch delegation say that it cannot agree for this political will to be expressed, as has been expressed by many national parliaments and the European parliament? Do you disagree that we should organise a European social agenda in the months to come? Do you not recognise that as being a fact? Knowing the debate that has taken place in the Netherlands on the subject, and I know what tremendous contribution the Netherlands has made, it would strike me as being paradoxical that on that very point we would experience any difficulty between us. Because it was the Netherlands after all that has done a great deal of work on the social agenda. It's the subject we've been working on for forty years. So perhaps we're arriving late in an old world, but if, following the work in Lisbon, that focussed more on the economic aspect of things, if we can complete the picture, dealing with a whole series of segments of our population that are left out, the problem of exclusion, discrimination, and education and training – couldn't we focus on that in the social agenda?

Quite honestly, I think that's something on which we have a comfortable consensus. And I think we should, Mr. President, if you agree, be able to find an agreement between our delegations, because this is part of the concerns of our citizens. Thank you.

**Chairman:** Finland, and then I'll go back to my earlier point.

**Finland:** Mr. Chairman, we recognise that this is the first time that we are talking about the contributions in our COSAC meetings, and I think that it would be very useful for us to learn some basic manoeuvres for doing this. Now we have the draft contribution made by the presidency, and I think that it is a quite good summary of those basic issues, which have been mentioned, in the French proposal, and even, in the Italian one. I would like to remind you of the proposal made by Germany, that we should accept the presidency draft contribution and recognise that the basic elements of both the Italian and French proposals are there already. So my proposal is that we should take as the basis of our decision the draft contribution made by the presidency. Thank you.

**Chairman:** Thank you. I think, bearing in mind the German point, that is something that will help us in our work. I would like to move on immediately to the Italian draft contribution, and at the end of this I'll see whether we can get a consensus on the Portuguese presidency paper. I have introduced the alterations that I thought were necessary, and taken the best from the French and the Italian proposals. So instead of putting this to the conference now, we have the French paper – let's not overlook that – in fact I think there has been a very meaningful debate on the French paper, and I think it got quite a lot of support. This is a bit of an experimental session, as Giorgio Napolitano said, to see how this new mechanism is going to work, and taking up the Finnish point and the German point, we will conclude our discussion on the French proposal, and I would like to invite our colleague from the Italian Senate to take the floor, and introduce their draft contribution.

**Tino Bedin**, (Senato, Italy): President, coming back to the question of working method, we in our delegation cannot agree to discuss the text presented by the presidency, because we think that the method to be followed is the one proposed by the French delegation: discussing the French contributions and voting on them. We therefore also think that our contribution should be discussed, amended and then considered by our colleagues. Of course we're working ourselves into a new system, and I think that it is wrong to refer only to the Portuguese text. This was not drafted pursuant to article 10.5 of the new rules of procedure, in that there was no draft based on article 10.4. Yesterday evening, when the Italian delegation formally raised the question of this sort of meeting, and receiving the reply that it was an informal meeting, in fact we did not even have translation in the official languages of the European Union. We did not participate in the work, and therefore we should say that the

procedure laid out in the new rules of procedure was not adhered to. For procedural reasons therefore we think that it would be useful to go along with the French proposal.

Now, on the substance of the draft contribution presented by the Italian Parliament, both Chamber of Deputies and Senate, this is based on a document which takes account of the debate which took place in the European Parliament, for example, and it occurred to me, given the debate we had yesterday, there are a number of ideas that other parliaments have referred to that are covered in this. There are two essential points, and President Napolitano referred to one point, that the Charter of Fundamental Rights should be included on the agenda for the Intergovernmental Conference. And the second point that is essential, is that we adopt provisions aimed at ensuring the binding nature of these fundamental rights in the Charter. And in our proposed contribution we also agree that there is a need to agree on mechanisms for recourse, and ensure that the two courts in Luxembourg and Strasbourg will not find themselves in a conflict of competence, but that we should do everything possible in order to make it possible for citizens to take their grievances to the courts in the European Union. Those primarily are the most salient points in our draft resolution.

There is another subject that we did not deal with yesterday, which is related to the possibility of reaching a consensus where the Italian parliament thinks that the Charter of Fundamental Rights should be included in the Treaties. I repeat, there is no consensus on that, and we are perfectly willing to withdraw that part of our proposal, but we do have to maintain the possibility for this to be dealt with on the IGC agenda, leaving up to the IGC to decide what conclusion they may reach, following the discussion on the Charter.

One point in particular, not really a political point, but more of an organisational point that we would like to stress: participation of the candidate countries in the activities in the drafting of the Charter. When the Italian delegation refers to candidate countries it does not only refer to the government of these countries, we believe that the possibility of a contribution should refer also to the parliaments of the candidate countries. We should not just make a blanket statement referring to the countries.

In the course of the debate yesterday, we heard a lot of the substance of this document expressed, and the procedure that we should adhere to is to consider, as we did with the French document, the Italian contribution, and we're perfectly willing to make changes to it, so it will find a consensus. And to conclude, we think that it is insufficient to consider the summary from the Portuguese presidency.

**Chairman:** Let's continue with our discussion of the draft contribution from the Italian delegation. There are already some people who want to address that contribution. And then we will conclude our discussion on this, because we are a little behind on schedule, and I would like you then to vote on the French and Italian proposals. If they are approved, then we don't need to look at the presidency's proposal, because to some extent it is only secondary to the French and Italian one. If they're not approved then we will resume our discussion on the presidency proposal, and hopefully wrap up our work on that. I'm going to have to fix a speaking time here, three minutes maximum, because we are talking about whether we should support the Italian draft contribution, and get a consensus on it.

**Lord Tordoff** (House of Lords, United Kingdom): Mr. President, the only real contribution I have to make is to say that the discussion of the Italian paper and the French paper are totally out of order according to the rules. We should be considering the presidency's conclusions, which can be drawn up in conjunction with other delegations, but we should not at this stage of a COSAC be having a sort of Dutch option.

We seem to have got ourselves into a blind alley, and we're not really going to come to a sensible conclusion unless we take one text, and I would suggest that like our friends from Luxembourg, and like our friends from Germany, that we should take the presidency text, because that's what the rules say in article 10. So this is the first time that we've put this set of rules into operation, and I think it would be far better to do it according to the rules rather than have a free-for-all. Thank you.

**Chairman:** Thank you. Denmark.

**Denmark:** I agree one hundred percent with my British colleague. If we can agree on anything at all, it is definitely the presidency text that we should stick to and not go into the details of the Italian text. In any event, in point 5 of the presidency submission, there I would suggest that we look at the tasks for the Charter and try to make more visible the protection of fundamental rights for the European Union institutions. In the text it says that we should give greater protection. This could create confusion as to what sort of protection that means and instead of saying the European Union, we should say the institutions. My proposal would be that we change the text in this sense.

**Chairman:** Belgium.

**Belgium:** I support the UK on the working method. If you read our rules, you will see that it talks about one contribution. Logically speaking then, the Portuguese presidency contribution, which is already a summary of the national contributions, should be the basis for our working method. And if other delegations, which have submitted their own contributions, want to make changes, then they should submit those parts of their own texts as amendments. Otherwise we'll never get to the end of this and we'll also be breaking our own rules.

**Chairman:** Yes, I agree with that. But I think we're close to the end anyway. Spain.

**Spain:** Thank you, Chairman. I simply wanted to echo the concerns expressed already, that we should use the presidency text as the basis for our discussions. I think it's a balanced text and it summarises pretty well all the different positions already expressed. And as was said by the representative of the European Parliament, it might be the bottom line, but it's something, which can generate consensus, bearing in mind that potential amendments can be put to it. So we should go through the Portuguese presidency text point by point and try to get agreement on that.

**Chairman:** Germany.

**Germany:** President, as we're now discussing the Italian proposal, I'd like to explain why we support the presidency's proposal. I said before that in the German delegation we find the Italian text very good, and we could support it, but in the discussion that we had yesterday amongst the delegation leaders, we saw that points B, C and D of the Italian proposal were taken on in the presidency proposal. This has only partly been done.

Nonetheless, I believe that the two paragraphs in the Italian proposal, the binding nature of the fundamental rights and inclusion on the IGC agenda – those two points have now found their way into paragraph 5, or you can interpret them as being there, as greater protection for citizens is only possible if you have binding proposals, and if the IGC actually acts on that idea. Therefore I would suggest that on that understanding we take the presidency proposal, approve it and when it comes to the discussion with our French colleagues, I got the impression that we would be able to agree if we could take the content of the French concept into the presidency proposal, in paragraph 3. In brackets after the "European agenda" - we'll make it clear that this is a French project that it has been very clearly spelled out, or in inverted commas if you will - the French concept of social agenda. If we could integrate that into the presidency text, it is clear that we support the project, and we won't fight about words or what we call things.

**Chairman:** Thank you. I think I have to take up some of the points raised on methodology here. As I see it, we've got a clear idea of what the delegations think about this. I think most people feel that the Portuguese proposal is a minimal one. I adopted a slightly different methodology in order to provoke discussion. I don't know whether I was successful. In my own academic experience I'm perhaps not overly concerned with rules of procedure etc. so it was perhaps a rather controversial option, but I did want to try to get as broad a consensus as possible.

**Alain Barrau** (Assemblée Nationale, France): Well, you've just said that we're going to vote on the French and the Italian proposals, and then we're going to vote on the presidency proposal. Just to say to our British friends that there are rules, and rule 10.2 states that – "every national delegation can propose that COSAC adopts a proposal". That is precise. It was adopted in Helsinki, and it's the first time we're using it. If every time a national delegation proposed a contribution, we're going to drown those ideas in a text coming from the presidency, fine. Let's stipulate that that will happen. But that's not what we decided in Helsinki. We sent it in time, we sent it in English and in French to everyone and to the Portuguese presidency, to pass onto everyone else, and it says that national contributions can be taken on board.

Anyway, I'll leave it up to you. Either you say that henceforth COSAC will only adopt presidency texts, fine, that's an opinion you may have, but it's not what we adopted in Helsinki, or we can have national texts submitted for a consensus which will adopt it or not, and a presidency text as well. I haven't got anything against the presidency text, I'm simply saying we can adopt both of them. There's nothing wrong with that, there's nothing scandalous if a point that is discussed among us and if we make progress as a concrete result. Mr. Patijn has just said that as far as the social agenda is concerned that as long as subsidiarity is mentioned, the Dutch delegation can support that point.

So I don't know why that step forward is too great to be accepted by everyone. But I'll leave it entirely up to you, and we'll do whatever you suggest, Chairman.

**Chairman:** Colleagues that is exactly what I'm going to do. If there is agreement on the French and Italian texts, we won't even look at the presidency text, which is why at this stage we have to see if the French text or the Italian text can generate the consensus that we need under the rules of procedure. If it does then fine, no problem, we won't even have to look at the presidency contribution. If there is no consensus, we'll have to move on.

Now, I quite frankly don't see any other way out of this. I think this is the only way we can deal with this, because the people who have proposed the texts are not going to give up on them. You're sticking to your texts, are you not? Mr. Barrau and Italy as well? Yes. So I need to know, from the Conference, whether there is approval of these texts or consensus on these contributions. If there is approval then we don't have to deal with the presidency text, or it may well be that nothing even emerges from the COSAC conference. We're not duty bound to approve a contribution, are we?

It's rather difficult not to give the floor, but I really cannot give the floor any more, I'm sorry. So, please let me know what are your feelings about the French paper. Can you agree, all fifteen, or are there any objections to the French contribution? Any objections? UK, Sweden, Denmark, Finland and Ireland as well. So according to the rules of procedure it cannot be adopted because we haven't had consensus on the French proposal.

What about the Italian one? Any objections? UK, Ireland, Denmark, Sweden, Netherlands, Finland and Germany. So the Italian proposal also falls because it doesn't have consensus. These are the rules of procedure. They've generated a highly interesting discussion. I am sure they'll have implications in the future life of COSAC.

So, all that is left over is the Portuguese presidency proposal. Irrespective or not of whether it complies with the rules of procedure, I would like to know whether we have some basis to work on with this Portuguese proposal, whether it could be a sort of minimum contribution. Before I actually put it to the vote, I'd like to give the floor to Sweden. I know Sweden has made a suggestion and you wanted to add something to this proposal. And then Finland. But first Sweden, could you introduce your point?

**Sweden:** Thank you, President. We think that the Portuguese proposal is of course minimalist, but I think it is something that we can all agree on. Therefore we suggest an addition: one topical issue that has been raised at the IGC, and dealing with the enlargement of the Union. And therefore we would propose the following addition, which I shall now read out in English: "COSAC expresses its strong support to the enlargement process of the



European Union and urge the governments participating in the IGC to proceed their work in order to make it possible to start the ratification procedures of Treaty amendments early next year.” That is the proposal that we would submit to complete the Portuguese proposal.

**Chairman:** Finland.

**Finland:** We support your proposal, including the addition made by the Danish delegation for point 5, that the first sentence would read in the last words “protection in relation to the European Union institutions”.

We are for this point 5, but not with the interpretation made of this issue. This is already minimalist in its approach, in a way that we can also accept. We cannot accept that the Charter of Fundamental Rights be binding by characteristics, or that we should include it in the Treaties, as the German delegation interpreted it. But these haven’t been mentioned there, we can accept the formula, as it stands, but not with the interpretation you made.

**Chairman:** Before I give the floor to the next speaker, I just want to say the following. Naturally I understand the German proposal, but I wasn’t going to accept it as propose of the presidency text, because I knew that this could be rather contentious.

Denmark, again, I know you also have a proposed alteration of point 5. So you have the floor, Denmark.

**Denmark:** My problem is that I had a comment on the presidency text, but I really don’t know when it’s coming up. I submitted a text to the presidency, amending the first sentence in paragraph 5 which states “COSAC considers that the Charter on fundamental rights constitutes a fundamental instrument making visible the fundamental rights for citizens dealing with the EU institutions”.

**Chairman:** OK, the Italian delegation.

**Italy:** Thank you, President. I think at least one point in the proposal from the Danish delegation could be agreed to. We suggest that we add to the Portuguese text an amendment stating that COSAC invites the institutions of the European Union to ensure that the IGC includes on its agenda a procedure on adopting the Charter produced by the Convention. This amendment I think would be the only contribution by our meeting to the discussion of the Charter of Fundamental Rights, and is the minimum that we can do. The Portuguese text is a really minimalist text as it merely observes that Cologne had its conclusions a year ago. It repeats a number of the ideas expressed then. If there’s one thing we can highlight, i.e. the difficulties that exist in the relationship between the court in Luxembourg and the one in Strasbourg, apparently, perhaps even deliberately, this gives an opportunity for those to be against the Charter. The text as it is cannot be accepted unless that amendment is agreed to.

About point 6 then. We suggest that after the words in the French text, the opinion of applicant countries, after those words we add in “and their parliaments”. So the text would read “to take the opinion of applicant countries and their parliaments”. Thank you.

**Chairman:** We just have Mr. Fayot to take the floor again. Giorgio Napolitano also wants to take the floor. After these two speakers –or three I should say, as we’ve got Germany – we will have a coffee break, so that the presidency can absorb all these observation and comments that have been made. And then we will adopt or not adopt the text. Giorgio Napolitano, you have the floor.

**Giorgio Napolitano (European Parliament):** I’m sorry, President. But as we are now coming close to a conclusion on this draft contribution presented by the Portuguese presidency, I would like to draw your attention to the fact that it might be well advised to take in stock the votes that we have already gone through on the French and Italian texts. I think that pursuant to article 10.5 of the rules of procedure, we need to double check that it was not possible to adopt unanimously. Well if we were to have a vote, if this was seen as a refusal of the two proposals, if we were to word it that way, I think this would be rather unfortunate. If we say

instead of refused, we could say we're unable to reach unanimity, which I think is more in line with the spirit of article 10.5 of the rules of procedure.

**Chairman:** Thank you, Napolitano. That's exactly how I see it as well. But we can't really have a consensus on the vote, I think that was a very pertinent and important comment for future methodology for COSAC meetings and how we carry out our decision-making procedures. Mr. Fayot from Luxembourg is the next speaker.

**Ben Fayot (Luxembourg):** Briefly, first of all, I agree with the proposal from my Italian colleague to include the sentence on the IGC. I think the member states must at some point address the issue of what they're going to do with the Charter. So it is the very minimum to ask that the work on the Charter be included in the IGC. Second remark: I think that the text of the Portuguese presidency should be left as it is. I disagree with the amendment, which makes this very minimalist proposal even more so. And when we talk about greater protection vis-à-vis the institutions, we should bear in mind that protection is also for the citizens vis-à-vis the member states when applying and transposing community law. A final comment on the sixth indent. It looks good but I think that the Convention has already got a date for consultation with the parliaments of the candidate countries. So we are insisting on something that is already accepted. But I think that the minimalist proposal of the Portuguese presidency should remain as it is, and we cannot agree to dilute this minimalist proposal further.

**Chairman:** Mr. Meyer.

**Meyer (Bundestag, Germany):** President. Later on we'll be taking the proposed amendment from the Italian delegation and the Danish delegation and vote on them. Therefore, on behalf of the German delegation, I would accept both the Italian amendments, that is to place the Charter on the IGC agenda and secondly the proposal that goes without saying, that parliaments of the candidate countries be consulted as well.

When it comes to the Danish proposal, we will reject that. I think the previous speaker was quite right, it is minimalist, and only aims at referring to the transparency of the Charter but not strengthening the protection of citizens in their rights.

Perhaps these amendments will not be unanimously approved, and therefore I would make an appeal to all of us, wherever possible, when it comes to the possibility that we have concluded in the rules of procedure, in article 10.5 it says specifically that abstention will not stand in the way of adoption. This is constructive abstention, as we all know. I find it very disappointing, partly also for the Portuguese presidency, if nothing can be agreed at all. We do agree, and on many points there is a convergence of views. The proposal from the presidency is minimalist, but I think that we can at least agree on it, and part of the consensus that we will have achieved can thus be expressed.

Therefore, my appeal to those colleagues who are even more unhappy than me, is that, please, consider constructive abstention as a real option, so that we can adopt this, rather than adopting nothing at all. That would be my heartfelt appeal to consider this during the coffee break, when we discuss it.

**Chairman:** The next speaker will be from Poland. But first we will have a coffee break and then we will resume our work. The presidency will submit a text which will incorporate all the alterations made, which have generated consensus, and separately those amendments that don't seem to have absolute consensus, which perhaps could be approved as part of this constructive abstention as mentioned by Meyer. So, we'll have our coffee break now, and we'll be back at ten to twelve.

**Chairman:** Can we get back to work, ladies and gentlemen? I suggest that the working methodology be as follows. Bearing in mind the discussions we had on the draft contributions, the presidency and its staff are currently reworking a proposal, it is not yet ready, because it is still being prepared. So in order to make up for the lost time, I suggest we deal with item four on the agenda, and as of twelve thirty we hope to have the new

presidency proposal that will be circulated then. And in the final half-hour of our work, we can discuss it and hopefully approve it. But before we move into item 4, we have the speaker from Poland, Mr. Mazowiecki who is going to take the floor now. So you have the floor now, Poland. And immediately after, we will have the reporter on this item from the Portuguese delegation and then we will have the normal speaking list.

**Tadeusz Mazowiecki** (Poland): First of all, as the other delegations have already had the opportunity to do, I would like to thank you for your wonderful Portuguese hospitality. I asked to take the floor because in COSAC we are not entitled to vote, and it is a bit of a problem taking the floor. And I've been waiting since the beginning to have this opportunity to express our opinion.

The Portuguese proposal strikes me as being very good, with one exception. There is absolute silence on the question of enlargement. This is a bad sign for societies in the candidate countries. And if in the contribution paper there is absolutely no reference to enlargement, I do agree with the proposal made by the Swedish delegation on enlargement and refer to that specifically. But we had thought that an additional sentence might be added stating that enlargement will give more results to the citizens in Europe. Yesterday we discussed some of the big problems in Oskar Fischer's speech etc., but we should not lose sight of the fact that today the biggest problem is the division of Europe dating back from Yalta, that must be overcome and we cannot afford to be silent on enlargement. Thank you, President.

**Chairman:** Thank you. I just want to inform our Polish colleague that this particular problem I believe has been solved, because we have a Swedish proposal that refers to enlargement. So the final part of the new presidency proposal will refer to enlargement. We'll now move on to the last agenda item, before we discuss the final draft contribution, I'd like to give the floor to Mr. Novo to introduce this point.

## **5. Relations between members of national parliaments and members of the European parliament**

**Honório Novo** (Portugal): Thank you, Chairman. I'm responsible for introducing the conclusions from the questionnaire on the relations between national MPs and MEPs. Since I've got the floor I'd like to give you some introduction to this.

Now, what kind of conclusions can we draw from these relations? Of course, this is not something innovative, but I would like to enlarge on the three main conclusions. First of all, it seems that there are closer links between MEPs and national MPs, as part of their respective parties, and these contacts are probably deeper and closer when certain discussion of obvious national interest is at stake.

The second conclusion is that there are institutional contacts between MEPs and national MPs, particularly as part of their respective European Affairs committees, although not exclusively. It is a more occasional, less frequent form of contact. Generally speaking, the levels are slightly lower than the levels of contact held between those working in the inter-party sector, by that I mean those working inside the respective national parties.

A third conclusion, which is not really a conclusion, just really taking stock of what already exists, is that MEPs are elected as part of a national party. And on the basis of these conclusions perhaps I could say something about my own interpretation of these conclusions. First of all, national parties elect MEPs nationally. And this is self-evident, and as I see it is something that in practice runs against the idea that we can create a European constituency. This idea as you all know, is some thing that was mentioned in a recent parliamentary Resolution in the Leinen and Dimitrakopoulos report.

As I see it, the creation of such a European-wide constituency would not contribute to bringing together the elected and the voters – quite the opposite, it would distance them. And it may provoke greater distortion in the current balance between European Parliament representativity and national representativity. It is something that would emphasise too much the population level also, and may undo the current balance that we have.

Now we're not talking about this European Union alone, the existing one, and I just wonder when we have our discussions on qualified majority voting, or weighting of votes, and this dual weighting of votes which I think is unacceptable, the idea of whether we should extend co-decision procedures, or indeed maintaining national representativity in the Commission - as I see it, it is absolutely vital that the European Union must keep as its foundation this intergovernmental balance.

A second point I'd like to mention, which is linked to the fact that MEPs are elected as part of their national parties, I think that other ideas that are beginning to emerge, and especially the ones that were mentioned in the Leinen and Dimitrakopoulos report, need to be somewhat restricted. I do not believe that we can restrict or do away with party groupings and rights, and in the European Parliament they may be currently the minority rights in these groups – we need to preserve their rights as well as the bigger European groupings. Naturally, this is something that is a result of freedom of association. The existence of these European parties cannot force others to organise themselves or be associated in a similar fashion. If not, there is going to be obvious discrimination.

These tendencies are assaults on the rights of national parties. It is very important that they are able to have equal footing here, and of course this is something that is quite serious in democratic terms. This is something that is quite against what the citizens want, what individuals want, the fact that they wish to be free in their own decisions, and we cannot of course restrict their freedom to choose. This is extremely serious and anti-democratic, and it borders on the intolerable.

**Chairman:** Thank you very much. That was an introduction to the final point of our agenda, the relations between national MPs and MEPs. So the next speaker is Justinas Karosas from Lithuania.

**Justinas Karosas (Lithuania):** I would like to thank you for your hospitality, and in my brief statement I would like to raise a problem to do with inter-parliamentary co-operation between parties. I will start with the following comments.

The post-Communist states, including Lithuania, often have a negative opinion of political parties. The western states have a long tradition, and it's a phenomenon, which is not well known. We have lived with totalitarianism for over fifty years and that has left its mark. Citizens have lived under the one-party system and they have a psychological rejection of political parties. We know that political parties are a natural part of a democratic society, but we are faced with the problem of the negative opinion of our citizens.

Lithuania has introduced a mixed parliamentary system, the aim being to validate political parties in the public eye. With a view to political maturity and in order to promote political parties we adopted a law on the funding of political parties from the Republic's budget. But some politicians have tried to influence the population by talking about direct election, rather than mixed elections. We don't think that direct elections are a bad thing, but we think we should construct our democratic system first. We need to do that to contribute to the strengthening of democracy.

I have mentioned this as one of the problems of my country. I would like to appeal to the chairmen of the political parties of the European Parliament, national parliaments and the members of the political parties to foster political relations with the political parties of Lithuania. That would be a way of integrating them into the European and international party system. I am convinced that there is an interest for everyone in doing this, for the EU countries and for the candidate countries. Thank you.

**Chairman:** Thank you. Senator Tino Bedin from Italy.

**Tino Bedin (Senato, Italy):** President, I was going to discuss the very same subject that Justinas Karosas raised, that is European electoral law and the European dimension of parties. But since that's already been covered, I will not repeat what he has said, because I agree entirely. However, I would like to add one further consideration. Considering the problem that was raised and to which we need to give further thought, which is how we can harmonise the work between the European Parliament and contacts in national parliaments. It's just the place of work that is different, because the subject covered is exactly what we discussed at the national parliament when it comes to environmental policy, employment or enlargement of the European Union – the same subject is discussed in different fora.

And the problem arises in three respects. There's the practical problem of how to allow these two sides of the same coin to work. There's the problem of the Members of the European Parliament and their parties, and what we have seen in the questionnaire, all members of the European Parliament are also members of their national party. Practically all of them. And I think that we have now approved these rules of procedure in COSAC, that give a new impetus for the way we can work, once we have worked ourselves through the initial stages. And I think that in the European Parliament we have to consider how members can better seek contacts with parliamentarians in their own country. In the reporter's proposal, he focuses on the fact that the European Parliament and the national parliaments need to be in constant touch, finding a way to reach a synergy and symbiosis. Also, ensuring that the political positions adopted are the same as in national parliaments, in the various parties, in the various countries, and I think that these contacts can be created by ensuring that in all national parliaments - if they could organise their institutional affairs committees or their European affairs committees (it goes by different names in the different countries) – but if they could organise in an entire day a meeting between the members of Committees on European affairs and the members of the European Parliament of the same nationality as well, that have responsibilities within the parliament, or within one of the committees of the European Parliament. I think that you have many that are chairmen or vice-chairmen of the

committee, and within the presidency we have a number of people with important posts. If our European Affairs Committee could have one meeting organised for joint thinking on how to harmonise our different positions on given issues, not just in the European Parliament, but also in national parliaments, that probably would be of great help in harmonising our positions. Aside from the fact that it would be very useful in trying to ensure that we could get a better transposition of community legislation into national legislation.

**Guido Podestá (European Parliament):** Thank you, President. This subject before us today is one that will have a great influence on how European institutions evolve and in the relations between our European Parliament and national parliaments.

We've seen three phases in that relationship. The first phase where the national parliaments and the European Parliament basically pretended that the other didn't exist. A second phase where there was a sort of competition – they seemed to be rushing into the same breach. And in the third phase, which has started a couple of years ago, both sides realised that in building this new Europe we need a well organised set of rules on the relationship between national parliaments and the European Parliament, and we need to develop it along different lines. And in particular, we need to highlight, as was proposed by Dimitrakopoulos, the possibility for some of the seats of the European Parliament to be attributed on the basis of European constituencies. And this idea has been launched, with the idea of submitting it for debate – I don't think we've come to the end of that debate yet.

But as to what Senator Bedin said – I have about ten years' experience with the European Parliament and of how European institutions work – and I think that when it comes to the possibility of joint work between national parliaments and the European Parliament, at the last meeting of the national parliaments' speakers with the European parliament, we were able to ensure better integration, and particularly when it comes to data base access for everybody. Sometimes people were producing information, and not being aware of what others had done, while they were at work on the same subject.

So in the various national parliaments and in the European Parliament, if we could have available all of the studies that have been made relating to the work of their various institutions, and to seek to improve the relationship based on the subjects that do come up from time to time. Our Italian experience has been that we have over the past four years tried to organise a joint working meetings, in relation to specific subjects, either the competence of the national parliament or the competence of the European Parliament, and we think that useful suggestions can be made. And one of the possible changes that we might contemplate for the future in the European Union, in a federal structure – and I have my own thinking on that – we might have more in-depth thinking on that subject. No doubt, we cannot solve this problem by making little of it, with blanket statements, but I think we can work on the working committees and see how it is possible to keep in touch on a more permanent basis.

Given the experience that we've seen in a number of countries, we can also consider the relationship with the regions, the Länder and the federal states, and to try to see that this sort of relationship, which should not just be between the European Parliament and the parliaments of the member states, but also with the specific regional assemblies, where they exist. In many cases we would stand to gain a great deal from the common work that we have already seen in this direction.

**Chairman:** Thank you. Nazaré Pereira from the Portuguese delegation.

**António Nazaré Pereira (Portugal):** Chairman, delegates. Since May 89, on the decision of the member states of the Community, the meetings of COSAC have been a vital link in the building of Europe. COSAC brings people closer to Europe and to European institutions. It allows them to participate indirectly in the construction of Europe. This Coal and Steel Community that was then turned into the European Economic Communities never really made any progress in an area, which I think is absolutely vital. Some sort of collegiate body that is able to monitor, and govern, and indeed have legislative powers. In other words, corresponding to what each of us have in our respective member states, namely our parliaments. National parliaments play a vital role in the building of Europe: the ratification

of treaties, the monitoring of government actions, and in some cases, as for example in the case of the Portuguese Parliament, after the constitutional review, we are able to transpose community legislation into national law.

Europe was born as a union of states and increasingly, as we move to deeper union, it is becoming a union of citizens. Therefore, states need to be cautious but also secure in the path they take. Of course, national parliaments and states have their own prestigious history, some are more alert to European sensibilities than others. National parliaments in that regard are forums for reflection and debate that must not be sidelined. In terms of discussing policies, launching ideas on the Europe of the future and how far we can contribute to a better union, I think it is absolutely vital that we start thinking about what is to be the role of our national parliaments in this European enterprise.

I would be so bold as to suggest that the first indication has come from COSAC. In all European Union states the national parliaments have their Committees on European affairs. It is not by chance that the enlargement countries also have started to create their own committees, or the foreign affairs committees also deal with this and have MPs specialised in European affairs. Having said that perhaps our roles are not as great as they could be.

In addition to the European Parliament, without wanting to usurp the role of the European Parliament, rather being complementary in our action, I think it is now the time to wonder whether the national parliaments, via COSAC - could be the future embryo of another European chamber, closer to the citizen, a chamber that would have a new structure, broadly based on the structures of individual member states. The role of national parliaments, via COSAC, in the construction of Europe was something that was recognised in a protocol to the Amsterdam Treaty. There was a wide-ranging debate on our role in the future of the European institutions, and the advantages of deepening Europe. And bearing that in mind we need to question the role of national parliamentarians in this enterprise. And I believe that it is something that needs to be strengthened if we are to strengthen cohesion in Europe.

## 6. Contribution from COSAC (continuation)

**Chairman:** Thank you for that. I'd like to know if anyone else who hasn't taken the floor yet wants to take the floor on this issue. Nobody else? So that agenda item is now closed. Which means ladies and gentlemen, that we can go back to the draft contribution that has been reworked and that the Portuguese presidency is resubmitting.

Before I discuss this with you – because we have tried our best to take on board all the comments made, during this intense discussion we had this morning – I wonder if the next troika could think a bit in the interpretation of the rules of procedure for future meetings. Personally, I would go along with the interpretation given by Giorgio Napolitano from the European Parliament, namely - and this is my own interpretation of the rules of procedure, and which did generate some healthy controversy – that national contributions can be looked at a first stage, but move towards the following, that the presidency would then submit a proposal, in order to generate consensus. We heard from Italy and France this morning, but this is something I'd like to sound out for the future, I think we need to get clear in our minds how we interpret paragraph 10 of our rules of procedure, especially points 2, 4 and 5.

Having said that, I think it was very useful for us to have that wide-ranging debate this morning, I felt was the best way of working, so to allow us to get a draft contribution, that is not only a fairly dense one, with lots of information, but also to generate consensus. By the way, I think we need to deal with this topic so that when we have the next COSAC meeting in Versailles it will be clear in our minds where we stand on how we should understand the role of the contributions. This was something mentioned yesterday. The troika could perhaps meet in July and not September. That may be a good idea, because the sooner they meet, perhaps the clearer our methodology will be.

On the draft itself, you should have it in English and French. But there's a mistake in English, which is something that has to do with typing, just a problem with a computer. In point five of the English version, the European Union, it should say legal order that was something that was mentioned in point 5 of the French version and also of the Portuguese version. I don't want to circulate any more papers, but could you perhaps take into account that small alteration, introducing legal order in the third line, straight after European Union.

Point three was reworded, at the proposal of our Dutch colleague. Economic modernisation was put in, also from our Dutch colleague, as a suggestion. In point 5 we talk about "the fundamental rights more visible to the citizens of the Union". That's taking up the Danish comment. We also add point 6, which I felt we could put in, prompted by the Italian suggestion. I think it preserves the spirit of the Italian contribution, it invites the European institutions and the IGC to take into account the efforts of the Convention responsible for drawing up the Charter of Fundamental Rights. Point 7 was added, again from Italy. The opinion of the applicant countries should be taken into account, and their parliaments. So I hope that's not going to be controversial – that was something mentioned by our Luxembourg colleague. And finally, we're adding a point 8, the Swedish proposal, which also ties to cater for the Polish point.

Well, this is what it has been possible for us to do here, we really cannot repeat a great discussion on this again. So I would ask you to bear with me. The alternative is having this text or nothing at all. And of course we would transfer to the presidency conclusions, the principles that are fixed here. So I think it's very important in terms of COSAC's own affirmation that we can provide a draft contribution. For that we need a minimum consensus, using the methodology, if necessary, of constructive abstentions, as suggested by Mr. Meyer.

Now, I don't want to restrict your speaking time, but I think that it's important that you give us a general comment on this. I'd like to start by inviting Barrau from the French delegation to comment on this.



**Alain Barrau** (Assemblée Nationale, France): Thank you, Chairman. Just a few very quick, precise points. First of all, I still think that the interpretation of the Italian and the French delegation of the regulations adopted in Helsinki is correct. Point 10.2 starts by saying, “every national delegation may propose that COSAC adopts a contribution”. So I cannot accept people claiming that we have failed to respect the rules in submitting a contribution.

Secondly, I have noted that when we vote on employment and the social agenda, five delegations – Denmark, Ireland, UK, Sweden and Germany – were against. I noted that we didn’t get a consensus. Politically I regret that on the behalf of the French delegation, because it means that as far as the European Council is concerned, that mentioned this social agenda, the representatives of the national parliaments are not going as far as the governments, which are accepting that text. But I accept that, despite the fact that you appealed for constructive abstentions.

And thirdly, in the text that the Portuguese presidency is proposing, and I imagine that you’re under a certain degree of pressure from those same countries, there is no reference to the social agenda. And I regret that, particularly as we developed the concept of the social agenda, responding in some detail to the question asked by our Dutch colleagues.

So as far as the progress on the Helsinki COSAC is concerned, where the rules invited national contributions, or contributions from the European Parliament, I think that we have not made any progress at all.

Mr. Chairman, paying tribute to the Portuguese presidency as a whole, and the Portuguese Assembly, which has hosted this meeting, over the last few days, and as a tribute to the considerable work that you’ve done over the last two days, our delegation will not oppose the adoption of the Portuguese presidency text, on the basis of a consensus.

**Chairman:** Denmark.

**Denmark:** I’ll try to be brief. I think that the text before us now is a bit more problematic than the first text we had, before the break. And I would ask the President to clarify the addition, we want to understand it, and also as to paragraph 6 when it comes to the interpretation of what this means. What are we saying, in saying that the IGC should take into account the efforts of the Convention responsible for drawing up the Charter of Fundamental Rights?

**Chairman:** Mr. Fayot.

**Ben Fayot** (Luxembourg): Thank you, Chairman. Three brief comments. First of all, we can accept the draft contribution from the Portuguese presidency as it stands. My second comment: it’s bit of a shame and I’m pretty sure my delegation regrets that the social agenda no longer appears here. Third comment: I agree with our French colleagues on the social agenda, but I don’t share their interpretation of the rules of procedure. I think that the rules of procedure allow each member of COSAC to propose a contribution, to be adopted by COSAC, and then subsequently (this is in the rules of procedure), within COSAC, within the troika, within the presidency, they then have to draw up their contributions, which will then be submitted to the general assembly.

**Chairman:** Thank you. Barros Moura from Portugal.

**Barros Moura** (Portugal): Chairman, colleagues. I do have to state my view of this draft contribution from the Portuguese presidency – and I know they tried to get a consensus, and I would like to pay tribute to that but I have serious differences of opinion because of the minimalist nature of this. It’s such a shame that we have struck off mention of the social agenda. It is a great shame that as regards the Charter of Fundamental Rights, it’s apparently been necessary to say so little. And that is why I have to say how much I regret that in this meeting we are falling short of what the European Council itself, the summits in Tampere and in Cologne, decided on regarding the Convention.

So, it is only and purely because that I am prepared to adopt constructive abstention that I am not objecting to this text, because I want to make it perfectly clear that a major effort is being made by the Portuguese presidency in order to get consensus and conclusions.

Finally, if I may, on the working methods of our COSAC. Now, if we have this practice of approving contributions, and if that is going to lead to such minimalist solutions, then frankly Chairman, I think it would be far better for COSAC, to leave to a final communiqué what happened here so that the public opinion can know what is going on. But that's just a personal opinion, it's very important that we get some sort of agreement, I appreciate that. But this agreement, Chairman, - I'm speaking personally, is a very weak agreement, certainly bearing in mind that there was an express political will coming from our European leaders and our public opinion wants more than this. Mr. Chairman, thank you very much.

**Chairman:** Netherlands.

**Michael Patijn** (Tweede Kamer, Netherlands): Thank you, Mr. President. First of all, I take the opportunity to thank you for all your work and the leadership you have shown in the last two days, and especially for the hospitality as we come to the end of this meeting. I want to be explicit on the record that we very much appreciate the Portuguese hospitality.

Secondly, I fully respect the wisdom of your draft contribution of 12 o'clock this afternoon. We can basically live with it as it is. But I have a question to the Swedish delegation, because they came forward with a proposal on which I was unable to express myself. That's about the wisdom of the wording which indicates a specific timeframe, which I consider to be unrealistic.

The Swedish proposal in paragraph 8 says "the governments and the IGC to proceed with their work, in order to make it possible to start the ratification procedure of the Treaty amendments early next year". I consider this rather unrealistic, and I would suggest that we not give any impression that we are an unrealistic body, so my suggestion would be, and I submit it to the Swedish delegation. If they accept it, we may have agreement, if they don't accept it, I'll leave it at rest. Therefore I'll read aloud that final sentence, "... The governments participating should proceed with their work, in order to make as early start on ratification procedures on the treaty amendments as possible". That would be my proposal.

**Chairman:** Thank you. I wouldn't wish to re-discuss this. In fact, the expression used is to initiate, start the ratification procedures, it's only an indication, so I think that answers your question, Netherlands. Because it just talks about starting the ratification procedures. So we could say "as soon as possible" rather than to start the ratification procedures. Italy has the floor.

**Italy:** President, colleagues. We can't say that this is a very glorious day for COSAC this morning. I think what we're witnessing now is an emerging picture of constructive abstention, but I mean picture only because it is abstention full stop.

I mean it is involving substance, it's a lack of courage, that Members of Parliament are not able to show more. We're very aware of the efforts made by the Portuguese presidency in office to try to produce a minimum text, and of the appeal made by the German delegate, Meyer, asking us to say something. And we should say something. However, we're saying nothing more than what our governments have already agreed.

And from the point of view of the so-called representatives of the people, that is a serious state of affairs. I think that we need to realise the nature of the parliaments we represent. We need to see to it that the problems of this new century, that is to identify these fundamental rights, and to make a proposal as a model for the world, a set of values to be respected – I think that it is a very valid task for us, and is a matter of shouldering our responsibility in pointing out to the governments that this is what we parliamentarians expect.

The inclusion of the clause that we have proposed seems to cover that. At least it says to the governments, this is our thinking, this is what the people want and we ask you to work on

acceptance of that. We have the courage to do that. I must say that the Italian delegation has no intention whatsoever of holding up the work of the conference and to say something, although it will not be to our credit. It will not be honourable to say so little.

But I think in this draft contribution we've papered over the cracks in a formal sense, but we haven't addressed the responsibilities that I think are implied by the very word contribution. We agree with our French and Portuguese colleagues. We're not going to stop this document from being released, hoping that it will be in the form of a declaration.

And one final comment on the working method: we would thank the Portuguese presidency and the Parliament of Portugal for their very warm and kind reception. We're going to see whether we leave in the same lofty spirit. But you know, when you break in a new car, it takes some time, and the car will run more smoothly if you break it in, but respecting the rules. That applies to the rules we have approved. And the Italian delegation asked twice to convene the chairmen of the committees to produce a common position on a number of problems that we knew were going to be difficult. The fact that this was a new proposal was perhaps why that meeting could not be organised, but we think that as of now, in any event, we should stick to the letter of the rules of procedure. Not just in a bureaucratic sense, but to ensure that our work in the future can help to avoid this sort of impasse that we seem to have reached today.

**Chairman:** Thank you, I think that's a good suggestion. In fact, it followed up my own suggestion that the troika should try to get to grips with this problem. Finland – and then I will be putting the draft contribution to your approval.

**Finland:** Mr. Chairman, thank you on behalf of the Finnish delegation for the hospitality of the Portuguese delegation here. But particularly I would like to thank you for the intelligent way you have conducted the drafting process concerning this resolution. This is a very well made compromise, and I propose that we accept it, as it is, that we don't touch any elements there. It's wholeness, it's totality.

I take up for example the question concerning this Swedish point on the IGC and the ratification process. Of course, number 8 is a complement to the number 6, which is very controversial from our point of view, where the Convention on the Charter of Fundamental Rights is an issue which, based on this resolution, the IGC should take into account. The issue here is what is the agenda for the IGC: either short or long. And obviously number 6 is indicating that the agenda might be long, but number 8, as a conclusion, implies that we are for a short agenda in order to facilitate the enlargement process. So please, don't touch on this good compromise, which obviously has all the elements that the different delegations have expressed here. Thank you.

**Chairman:** Final speaker. Because I myself wanted to say a few words, maybe just five minutes or so, but the Swedish delegation wanted the floor, so Sweden, you have the floor.

**Sweden:** Thank you, President. I in turn would also like to extend a word of thanks to the Portuguese presidency for the tremendous effort that has been made to come up with a proper compromise. We think we do need to have a resolution and I think it's a worthwhile step forward for our co-operation.

But when it comes to the question to the question that was put to the Swedish delegation by the Dutch delegation, all I would say is that we're very pleased that enlargement has been included as a separate paragraph, and the way it is written now, it is no longer just a Swedish proposal, it is actually a Portuguese proposal, but we have no objections whatsoever when it comes to the exact form of words. Not at all. What counts for us is that we do raise this in paragraph 8 and it has been well done and we're most grateful for that. And presidency, if you are willing to make further changes when it comes to the reference to the point in time, we perfectly open to that.

I would also, in line with what our Finnish colleague was saying, point out that paragraph 6 actually raises a lot of difficulties for the Swedish delegation as well. However, in the interest

of broad consensus, we are not going to stand in the way or express opposition. I would like to emphasise that preferably we would have liked to have stuck to our opinion, that we would have a brief agenda for the IGC, and try to make rapid progress, particularly on the subject of enlargement. Thank you, President.

**Chairman:** Thank you. Bearing in mind the Finnish proposal, I would like to invite and ask the conference, bearing that in mind, whether you can approve this draft presidency contribution. Is any body against this presidency draft contribution? Any objections? No, it's been adopted. Thank you very much.

**Denmark:** I would just like to say to my Swedish colleague that point 6 is something that we would abstain on.

**Sweden:** We would just like to make the point that the same applies to the Swedish delegation.

**Chairman:** Fine, so two abstentions there. Well, I was saying that the time has come to conclude our work. I would like to give the floor to Mr. Barrau from France, to say a few words about the upcoming COSAC meeting in France. Before I do, the conclusions that I have reached, which of course are our responsibility in the presidency, are the following, and I read them out:

“The twenty second COSAC meeting held in Lisbon on 29 and 30 May 2000, started by examining the question of the Portuguese presidency, presented by the Secretary of State for European Affairs, Francisco Seixas da Costa. At this point of business the meeting looked mainly at the enlargement of the Union, employment and the IGC. The conference continued by considering three fundamental questions: the extension of qualified majority voting, the Charter of Fundamental Rights and the relations between MEPs and national deputies.

In relation to the extension of qualified majority voting, the responses to the questionnaires sent to the national parliaments and the speeches made during the conference, showed that the majority of national parliaments have accompanied this Intergovernmental Conference. Many of them have already issued reports of passed resolutions on the subject, and others are preparing to pronounce on the matter, including some applicant countries, which is to be welcomed. Most national parliaments are in favour of the extension of qualified majority voting some make this depend on the re-weighting of votes or the introduction of a double majority. Others believe that the question can only be posed as part of an overall package for negotiations. There is no consensus as to which matters should be subject to qualified majority voting, but the tendency is for a distinction to be made between fundamental, constitutional questions and questions of lesser importance.

There is also no consensus on the widening of co-decision of the European Parliament. Most of the parliaments are in favour of increased co-operation, only as a last resort, calling for greater flexibility in the use of this.

On the second question of the order of business, the Charter of Fundamental Rights, most national parliaments have not yet expressed their opinion, but intent to do so. Most see the charter as a tool for minimising the distance between citizens and community institutions, and to exercise greater control over these institutions. Only a small majority wants a charter that is binding on other states.

Questions of compatibility between the Charter and the European Convention on Human Rights and the case law of the Luxembourg and Strasbourg courts were raised. A number of solutions were suggested in order for the Charter to have added value over the Convention.

Finally, there was unanimity with respect to the applicability of Charter to the citizens of third countries who reside legally in the European Union, albeit with some restrictions.

With regard to relations between MEPs and national deputies, it was found that close contacts existed both within parties and at institutional level. These contacts tend to be more

intense when questions of national interest are at stake. In the absence of public European domain, MEPs are elected from national parties, although they represent all the interests of European citizens. MEPs and national deputies are therefore not competitors, but rather partners, acting only at different levels of representation.

Our next contribution was approved, and indeed the recommendations for the upcoming COSAC.”

The conclusions of the presidency are going to be distributed, as well as the contribution approved. So I would like to ask Mr. Barrau, whether you have any information on the next COSAC meeting in Versailles, dates and the draft agenda, etc.. So you have the floor, sir, for that.

**Alain Barrau** (Assemblée Nationale, France): Thank you, Chairman. As I did on behalf of my colleagues last night, I'd like to thank you and your team made up of members of parliament and administrative staff. I'd like to congratulate you on the success of COSAC in Lisbon and the warm welcome you've given us, you and the President of the Assembly at the evening events.

I'd also like to congratulate you having heard this communication that you've just read out. I think it sums up our work over the last two days. We can all express our appreciation of the nature of this declaration.

And so we'll see you all again on the 16<sup>th</sup> and 17<sup>th</sup> of October, this year in Versailles, probably. Why Versailles? Not because the French presidency wants to adopt the behaviour that is often criticised by some of my compatriots, but because we have a congress room in the Senate where we meet to ratify constitutional amendments. So it's an accessible room, it's a big room, there's plenty of room for interpretation booths, and it's free for the Assembly. So that'll mean the budget will cater for that point. So hopefully it will still be good weather in Versailles. You're all very welcome, and as we said yesterday evening, together with you, our Swedish colleagues and our friends from the European Parliament, we'll be organising a preparatory troika meeting in July, for the Versailles COSAC, to give ourselves time to act by applying or derogating from the rules adopted in Helsinki.

Thank you very much, Chairman, and thank you very warmly for the role you've played in COSAC and I'll see you all in Versailles.

**Chairman:** Thank you. Before I actually close the meeting, a couple of comments. I think our COSAC Internet has been a great success. It's had a lot of hits, and we have been able to get a very interesting Webster. I'd also like to thank the interpreters for their good work. And I'd particularly like to thank all of you MPs who have take part in this wonderful conference. I do apologise if there have been any problems conducting the work, but I think that the success of this meeting cannot of course be credited to me, it all boils down to your co-operation.