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## **REPORT**

on the roadmap for the Union's Constitutional Process  
(2007/2087(INI))

Committee on Constitutional Affairs

Rapporteurs: Enrique Barón Crespo, Elmar Brok

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the roadmap for the Union's Constitutional Process (2007/2087(INI))

*The European Parliament,*

- having regard to the Treaty establishing a Constitution for Europe signed in Rome on 29 October 2004 (the Constitutional Treaty),
- having regard to the Treaty on European Union and the Treaty establishing the European Community as amended by the Single European Act and the Maastricht, Amsterdam and Nice Treaties,
- having regard to the Laeken Declaration on the Future of the European Union of 15 December 2001<sup>1</sup>,
- having regard to the Treaty concerning the accession to the European Union of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic<sup>2</sup> and to the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union<sup>3</sup>,
- having regard to its resolution of 12 January 2005 on the Treaty establishing a Constitution for Europe<sup>4</sup>,
- having regard to its resolution of 19 January 2006 on the period of reflection: the structure, subjects and context for an assessment of the debate on the European Union<sup>5</sup>,
- having regard to its resolution of 14 June 2006 on the next steps for the period of reflection and analysis on the Future of Europe<sup>6</sup>,
- having regard to its resolution of 13 December 2006 on the institutional aspects of the European Union's capacity to integrate new Member States<sup>7</sup>,
- having regard to the conclusions of the European Council of 16-17 June 2005, 15-16 June 2006, 14-15 December 2006,
- having regard to the statement of the President of the European Council to Parliament on 17 January 2007,
- having regard to the resolution of 14 March 2007 to commemorate the 50th anniversary of the signing of the Treaties of Rome adopted by the European Economic and Social

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

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

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

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

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

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

<sup>7</sup> *Texts Adopted*, P6\_TA(2006)0569.

Committee,

- having regard to the declaration for Europe adopted by the Committee of the Regions in its session of the 23 March 2007,
- having regard to the Berlin Declaration on the occasion of the fiftieth anniversary of the signature of the Treaties of Rome of 25 March 2007,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs (A6-0000/2007),

Whereas:

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

- H. Many of the misgivings expressed related to the context, rather than the content; and whereas issues of major public concern, such as the Directive on services in the internal market<sup>1</sup> and the financial framework, have since been resolved.
- I. The European Council of 16-17 June 2005 decided to open a period of reflection following the referendums in France and the Netherlands, during which period six more Member States completed their ratifications, and the European Council of 15-16 June 2006 asked the Presidency to explore possible future ways of overcoming the constitutional crisis in anticipation of its meeting of 21-22 June 2007.
- J. The public debate launched during the reflection period has sufficiently showed that the problems and challenges facing the European Union, first outlined in the Declaration of Laeken and which the Constitutional Treaty sought to address, have not disappeared; on the contrary, they have become more evident and their resolution ever more pressing.
- K. The Parliamentary Meetings jointly organised by the European Parliament and the national parliaments have shown a general recognition that the Constitutional Treaty would provide the European Union with an appropriate framework to meet the challenges that it faces, as well as the realisation that it would be difficult if not impossible for a new IGC to agree proposals that were either radically different or superior to those agreed in 2004.
- L. There is a growing urgency to equip the enlarged European Union with instruments and means enabling it to function efficiently, to assert its role in the world and to meet the concerns of its citizens in the face of the challenges presented by, inter alia, globalisation, climate change, security of energy supply and an ageing population.
- M. The Berlin Declaration, marking the 50th anniversary of the signing of the Treaties of Rome of 25 March 2007 and signed by the presidents of the European Council, Parliament and Commission, laid down the objective of 'placing the European Union on a renewed common basis before the European Parliament elections in 2009'.
1. Reaffirms its endorsement of the content of the Constitutional Treaty, which aims, as a decisive step, at formally giving the European Union its inherent political dimension, and strengthens the efficiency of its action, enhances democratic control over its decision-making procedures, improves transparency and strengthens the rights of European Union citizens while representing a compromise, and which meets the needs of the European Union in its current stage;
  2. Emphasises that two-thirds of the Member States have already ratified the Constitutional Treaty and that four others have clearly expressed their commitment to the provisions it contains, as demonstrated by the recent meeting held in Madrid at the initiative of the governments of Spain and Luxembourg;
  3. Notes the concerns expressed by the people of France and of the Netherlands and the debate which has taken place in both of those countries;
  4. Notes that concerns have been raised in some other Member States too, but that the

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

governments concerned have expressed their support for finding a satisfactory solution that preserves the key reforms contained in the Constitutional Treaty;

5. Reminds the political responsibility of those Member States who signed but not ratified the Constitutional Treaty;
6. Reaffirms its commitment to achieving a settlement of the ongoing constitutional process of the European Union that is based on the content of the Constitutional Treaty, possibly under a different presentation, but takes into account the difficulties that have arisen in some Member States;
7. Supports, in light of this, the efforts of the German Presidency to obtain from the European Council of June 2007 a commitment to calling an Intergovernmental Conference (IGC) and the definition of a roadmap containing a procedure, a clear mandate and the objective of reaching an agreement before the end of this year;
8. Recalls the need to guarantee the decision-making capacity of the European Union, the effectiveness of its policies, and their full democratic legitimacy, towards which the Constitutional Treaty makes undeniable progress in terms of scrutiny, legislative and budgetary procedures, as well as the need to strengthen the Common Foreign and Security Policy and the role of the European Union in the world in order to allow it to influence the definition and the implementation of the responses to the pressing challenges which humanity is facing;
9. Insists on the preservation of all basic principles as contained in Part I of the Constitutional Treaty, including the double nature of the European Union as a union of states and of citizens, the primacy of the European law, the new typology of acts and procedures, the hierarchy of norms, and the legal personality of the European Union and stresses that the Constitutional Treaty also conveys other important improvements in matters such as the consolidation of the existing treaties and the merging of pillars, the express recognition of the values on which the European Union is based and of the legally binding force of the Charter of Fundamental Rights, as well as in enhancing the participation of citizens in the political life of the European Union, clarification of the respective competencies of the European Union and of the Member States, respect for the principle of subsidiarity and the role of national parliaments;
10. Stresses that any proposal for modification of the Constitutional Treaty needs to secure the same level of support as was obtained at an earlier date by the provision it seeks to replace;
11. States that it will reject any outcome of the negotiations which, if compared with the Constitutional Treaty, would lead to a diminution of the protection of the rights of citizens (insists in particular in maintaining the Charter of Fundamental Rights, especially its legally binding force) as well as to less democracy, transparency and efficiency in the functioning of the Union;
12. Recognises, in this context, the need to take into account major issues that have been raised during the reflection period and clarify others that have already been addressed in the Constitutional Treaty, such as:

- sustainable development, in particular the struggle against climate change,
  - European solidarity in the field of energy,
  - a coherent migration policy,
  - the European Social Model in the context of demographic change and globalisation,
  - terrorism,
  - the dialogue between civilisations,
  - effective common mechanisms for the coordination of economic policies in the euro-zone, while safeguarding the role of the European Central Bank in monetary policy in accordance with the Treaties,
  - the Union's criteria and procedures for enlargement;
13. Believes that , in view of the success of the Convention method which prepared the draft treaty, it is necessary to retain, in any solution to the constitutional process, the basic principles of parliamentary participation, association of civil society and full transparency;
  14. Recalls that Parliament, as the only institution of the European Union directly elected by the citizens, must be fully involved in the IGC at all levels, and to a greater extent than during the 2003-2004 IGC;
  15. Calls furthermore for the setting up, in parallel to the active participation of the representatives of the European Parliament in the IGC, of an interinstitutional conference inspired on the model followed during the elaboration of the treaty of Maastricht, in order to inform the European Parliament and bring an important contribution in building cross-party and trans-national consensus in the IGC;
  16. Reiterates its commitment to the Convention mechanism should the Heads of State or Government decide to embark on a substantial revision of the existing texts;
  17. Calls on the Commission to fully play its role in the upcoming negotiations and to prepare proposals to modernise the constitutional treaty with respect to the topics set out in paragraph 12;
  18. Emphasises the importance of dialogue between national parliaments and their respective governments through the IGC and expresses its willingness to maintain close contact with the national parliaments during the forthcoming negotiation phase, as well as with the Committee of the Regions and the European Economic and Social Committee, and with the European Social Partners, religious communities and with civil society;
  19. Calls for the conclusion of the ratification process of the new Treaty by the end of 2008, in order to allow the next Parliament, which will be elected in 2009, to start its mandate under the provisions of the new Treaty;
  20. Demands that all Member States coordinate their ratification procedures, in order to allow for the ratification process to be completed simultaneously;
  21. Emphasises that everything possible must be done to avoid the creation of a two-tier

Europe;

22. Intends to deliver an opinion on the convening of the IGC in accordance with Article 48 of the Treaty on European Union, in the light of the criteria set out in this resolution;
23. Instructs its President to forward this Resolution to the members of the European Council, the Council, the Commission, the national parliaments of the Member States, the Committee of the Regions and the European Economic and Social Committee.

## PROCEDURE

<b>Title</b>	The roadmap for the Union's Constitutional Process				
<b>Procedure number</b>	2007/2087(INI)				
<b>Committee responsible</b> Date authorisation announced in plenary	AFCO 26.4.2007				
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary					
<b>Not delivering opinion(s)</b> Date of decision					
<b>Enhanced cooperation</b> Date announced in plenary					
<b>Rapporteur(s)</b> Date appointed	Enrique Barón Crespo, Elmar Brok 1.3.2007				
<b>Previous rapporteur(s)</b>					
<b>Discussed in committee</b>	28.2.2007	19.3.2007	10.4.2007	2.5.2007	21.5.2007
<b>Date adopted</b>	21.5.2007				
<b>Result of final vote</b>	+ 20 - 2 0 0				
<b>Members present for the final vote</b>	Jim Allister, Enrique Barón Crespo, Jens-Peter Bonde, Richard Corbett, Konstantin Dimitrov, Andrew Duff, Bronisław Geremek, Anneli Jäätteenmäki, Sylvia-Yvonne Kaufmann, Jo Leinen, Iñigo Méndez de Vigo, Rihards Pīks, József Szájer, Riccardo Ventre, Johannes Voggenhuber				
<b>Substitute(s) present for the final vote</b>	Elmar Brok, Carlos Carnero González, Klaus Hänsch, Alexander Stubb, Mauro Zani				
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Emanuel Jardim Fernandes, Corien Wortmann-Kool				
<b>Date tabled</b>	22.5.2007				
<b>Comments</b> (available in one language only)					