

COM.INST.AFF./021

Brussels, 20 November 2001

RESOLUTION

of the

Committee of the Regions

of 14 November 2001

on

The preparations for the Laeken European Council

and the further development of the European Union

in the context of the next intergovernmental conference in 2004

The Committee of the Regions

HAVING REGARD TO the Treaty of Nice approved by the Conference of Representatives of the Governments of the Member States at the European Council meeting of 7-11 December 2000 and to the Protocol on the Enlargement of the European Union, the Declaration on the Enlargement of the European Union and the Declaration on the Future of the Union to be included in the Final Act of the Conference, which are appended to the Treaty of Nice;

HAVING REGARD TO the European Parliament resolution of 31 May 2001 on the Treaty of Nice and the future of the European Union and the outcome of the European Council meeting in Nice on 7-11 December 2000 (A5-0168/2001);

HAVING REGARD TO its resolution of 4 April 2001 on the outcome of the 2000 intergovernmental conference and the discussion on the future of the European Union (CdR 430/2000 fin)¹;

HAVING REGARD TO the resolution adopted by the CoR on 20 September 2001 on the participation of the CoR in the convention responsible for preparing the next revision of the Treaties (CdR 320/2001 fin);

HAVING REGARD TO its opinion of 15 September 1999 on the institutional aspects of

enlargement - *Local and regional government at the heart of Europe* (CdR 52/99 fin)²;

HAVING REGARD TO its resolution of 3 June 1999 on the next intergovernmental conference (CdR 54/99 fin)³ and its opinion of 17 February 2000 on the 2000 intergovernmental conference (CdR 53/99 fin)⁴;

HAVING REGARD TO its resolution of 16 October 2000 *For a European constitutional framework* (CdR 144/200 fin)⁵;

HAVING REGARD TO its opinion of 16 February 2000 on the process of drawing up a Charter of Fundamental Rights of the European Union (CdR 327/99 fin)⁶, its resolution of 20 September 2000 on the Charter of Fundamental Rights of the European Union (CdR 140/2000 fin)⁷ and its resolution of 13 December 2000 on the approval of the Charter of Fundamental Rights of the European Union (CdR 381/2000 fin)⁸;

HAVING REGARD TO the decision of its Bureau of 12 June 2001, in accordance with the fifth paragraph of Article 265 of the Treaty establishing the European Community and Rule 42(2) of its Rules of Procedure, to draw up a resolution on the preparations for the Laeken European Council and the further development of the European Union in the context of the next intergovernmental conference in 2004 and to instruct the Commission for Institutional Affairs to prepare the resolution;

HAVING REGARD TO the draft resolution unanimously adopted by the Commission for Institutional Affairs at its meeting on 5 October 2001 (Rapporteur: **Edmund Stoiber** [D-PPE]),

unanimously adopted the following resolution at its 41st plenary session of 14 and 15 November 2001 (meeting of 14 November):

1. Introduction

The Committee of the Regions

1. welcomes the decision by the intergovernmental conference in Nice to convene a further such conference in 2004;
2. agrees with the aim of preparing for the next intergovernmental conference by organising a deeper and wider debate on the future of the European Union;
3. supports the intention to boost public support for the European Union with the help of the 2004 intergovernmental conference. Above all, there is to be clear division of political responsibilities, and the democratic legitimacy and transparency of the Union and its institutions are to be monitored in order to bring the European Union closer to the citizens of the Member States.

2. Procedure for preparing for the 2004 intergovernmental conference

The Committee of the Regions

1. refers to the task entrusted by the intergovernmental conference to the Laeken European Council, namely to specify the preparatory procedure and subject matter of the next intergovernmental conference; and calls for the involvement of the regions and local authorities in this process;
 2. stresses that the preparations for the next intergovernmental conference must ensure that broad public support for European integration is restored;
 3. in a bid to boost public support for integration, calls for
 - in particular, the organisation of a broad public debate on the reform options facing the next intergovernmental conference; such a debate must be backed by the European Parliament and national and regional parliaments, and by local and regional authorities; and
 - a discussion - as part of the public debate - of the European Union's objective, the importance of the subsidiarity and proportionality principles as the ground rule for a transparent division of powers, the resultant need for reform and the requisite Treaty amendments;
 4. stresses that the procedure to be used to prepare for the 2004 intergovernmental conference must take account of the position - under both the Treaty and constitutional law - of Member States' governments and parliaments in the further development of the Treaty. A procedure must therefore be selected which provides for close monitoring of the debate by the Member States and their parliaments and regional and local authorities. This requires that the debate be completely transparent. At the end of the preparatory phase, suggestions, recommendations and options should be drawn up on the basis of the proposals put forward, and submitted to the intergovernmental conference;
 5. advocates entrusting the procedural management and coordination of the preparations to a convention;
 6. proposes the establishment of a convention, which:
 - is made up of representatives of the Member States and the national parliaments, a representative of the European Commission, representatives of the European Parliament and of the candidate countries, and two full members of the Committee of the Regions; specialists should be responsible for dealing with technical issues;
 - submits interim results and options at fixed dates, which can then be discussed in the European Parliament and national and regional parliaments.
3. **Object of the 2004 intergovernmental conference**

The Committee of the Regions^{*}

1. supports the mandate issued at the Nice European Council stipulating that a further intergovernmental conference should address:
 - how to establish and monitor a more precise delimitation of powers between the European Union and the Member States, reflecting the principle of subsidiarity;
 - the status of the Charter of Fundamental Rights of the European Union, proclaimed in Nice, in accordance with the conclusions of the European Council in Cologne;
 - a simplification of the Treaties with a view to making them clearer and better understood without changing their meaning;
 - the role of national parliaments in the European architecture.
2. points out that the 2004 intergovernmental conference must adapt the division of responsibilities between the European Union and the Member States as defined by the Treaties, to the requirements of the 21st century, in particular the challenges of globalisation and enlargement;
3. draws attention to the fact that enlargement, and the almost doubling of the number of Member States, will considerably alter the nature of the European Union and that accession of the twelve candidate countries will increase the European Union's population by a third and its area by half;
4. points out that enlargement will considerably widen existing economic, social and territorial differences in the enlarged Union and make for much greater social and cultural diversity;
5. calls for a debate on what tasks an European Union of currently 15 and later more than 25 Member States is to, and can, perform jointly;
6. is convinced that European Union enlargement must go hand in hand with a concentration of the Union's tasks on genuinely European challenges for which the European Union is to be provided with the requisite set of tools;
7. nevertheless advocates broadening these four topics by including them within other, more open-ended, issues. The new intergovernmental conference cannot be framed without a clear vision of the aims to be pursued in an enlarged Europe, and of how the responsibilities which flow from them should be organised. The Laeken terms of reference should therefore include among the issues for discussion in the run-up to 2004 the question of how to promote a sustainable, solidarity-based development model which opens the way to further progress towards the goal of economic, social and territorial cohesion and establishes a more participatory model of governance;
8. highlights the following goals for the 2004 intergovernmental conference:

- in the light of the progress of the European project, to identify and clarify the policies to be implemented in order to ensure its success;
- to bring the European Union closer to the citizen^{*}. This means that the subsidiarity principle must serve as the yardstick for the redefinition of European Union tasks. In this connection, the principles governing apportionment of responsibilities and powers between central, regional and local government in the individual Member States must be respected. Wherever Community action is not absolutely essential, Member States, regions and local authorities should, as decision-making levels that are in touch with citizens' concerns, be reinvested with more political responsibility;
- to strengthen the Community's capacity to act in the field of foreign and security policy;
- to strengthen the principle of democracy in the European Union;
- to clearly allocate political responsibility e.g. by redefining the European Union's powers under the Treaty. Neither the transfer of further powers - nor the transfer back of powers - should be taboo in this context;
- to establish transparency in the decision-making processes of the European Union's legislative institutions, with appropriate public involvement;
- to maintain national, regional and local powers protected by the subsidiarity principle, as laid down in the Treaty, when applying open coordination and comitology.

4. **Delimitation of powers**

The Committee of the Regions

1. considers it necessary in this context to clarify which tasks must and can be carried out jointly by a considerably enlarged Union. It should be made clear which European Union interests can only be acted on jointly, and the enlarged Union's tasks should be concentrated on those areas. However, this re-examination may, in certain areas, lead to a transfer back - or to an extension - of European Union powers;
2. advocates clarification of which Treaty reforms are required for the European Union tasks thus defined;
3. calls for the concentrated and reformed tasks of the European Union to be set out

clearly in the Treaty. However, the European Union should also continue to be able to react flexibly to the growing challenges;

4. in the interests of a more citizen-centred approach, calls for greater transparency as to those tasks for which the European Union bears political responsibility. The European public also needs to be able to recognise which political player does what. This is a prerequisite for securing the necessary public support for integration and enlargement and making a significant improvement in the European Union's democratic legitimacy;
5. warns against confining the delimitation of powers to a purely technical revision of the Treaty;
6. supports the European Commission in its annual review of the European Union's set of tasks in the light of the subsidiarity principle.

5. **Charter of Fundamental Rights**

The Committee of the Regions

1. regards the Charter of Fundamental Rights as a key contribution to European integration which makes it clear that the European Union is a community of values;
2. advocates the incorporation of the Charter of Fundamental Rights of the European Union proclaimed at the Nice summit into the Treaty revised in line with the points that have been made.

6. **Role of the Committee of the Regions**

The Committee of the Regions

1. calls for recognition of its institutional legitimacy, its special status as representative of local and regional players and its political role in the debate on the future of the Union, and thus asks that it be given the explicit right to take part as a full member in the proceedings of the convention tasked to prepare the 2004 intergovernmental conference;
2. proposes a reassessment of the role of the Committee of the Regions and regional and local authorities in the future architecture of Europe in the light of the subsidiarity principle;
3. considers that, in order to boost its influence in the European decision-making process, the Committee of the Regions should be given more comprehensive powers, which extend beyond a consultative remit;
4. considers that the Committee of the Regions must be granted institutional status and the right to institute proceedings in the Court of Justice of the European Communities in order to defend its rights and in cases where the subsidiarity principle has been infringed;
5. asks that the European Commission and the Council be required to explain how

Committee of the Regions opinions have been taken into account or, if not, why not;

6. urges that the Committee of the Regions be empowered to address written and oral questions to the European Commission in its own right;
7. thinks that local and regional authorities should be more involved in European-level decision-making at the Council as part of national delegations.

7. Role of national parliaments

The Committee of the Regions

1. calls for the greater informal involvement of Member State parliaments in the framing of Treaty amendments and the preparation of European Union projects designed to strengthen debate on European policy in the Member States;
2. considers that the establishment of a new European Union institution made up of representatives of national parliaments is neither advisable nor necessary; but thinks that, if a further chamber is set up nonetheless alongside the European Parliament and the Council, it should consist of representatives of local and regional authorities, and evolve from the Committee of the Regions.

8. Simplification of the Treaties

The Committee of the Regions

1. calls for Treaty law to be made clearer and more readily understandable; and in this respect advocates a constitutional process to consolidate all the Treaties into a single text comprising a core part and a separate part governing European Union policies. A simplified procedure could be applied to modifications to this latter part. This proposal also reflects the views of the European Parliament;
2. stresses that the right to determine the European Union's tasks must remain a matter for the Member States;
3. opposes proposals for procedures enabling Treaty revisions to be made by the Community in its own right, and especially proposals to abolish the required ratification by the national parliaments.

9. Conclusion

The Committee of the Regions

1. calls on the Laeken European Council to take account of this opinion in its declaration on initiatives relating to the preparation and organisation of the 2004 intergovernmental conference;
2. instructs its President to forward this resolution to the President of the European

Parliament, the President of the Council, the President of the European Commission and the heads of state or government of the Member States of the European Union.

Brussels, 14 November 2001

The President

The Secretary-General

of the

of the

Committee of the Regions

Committee of the Regions

Jos Chabert

Vincenzo Falcone

¹ OJ C 253, 12.9.2001, p. 25

² OJ C 374, 23.12.1999, p. 15

³ OJ C 293, 13.10.1999, p.74

⁴ OJ C 156, 6.6.2000, p.6

⁵ OJ C 22, 24.1.2001, p. 4

⁶ OJ C 156, 6.6.2000 p. 1

⁷ OJ C 22, 24.1.2001, p.1

⁸ OJ C 144, 16.5.2001, p. 42

* The indents recapitulate the issues raised by the heads of government at the Nice European Council in the Declaration on the Future of the Union.

* Cf.: the Committee of the Regions' report on proximity, CdR 436/2000.

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