

Thursday 31 May 2001

#### 4. The Treaty of Nice and the future of the European Union

A5-0168/2001

##### European Parliament resolution on the Treaty of Nice and the future of the European Union (2001/2022(INI))

*The European Parliament,*

- having regard to the Treaty signed in Nice on 26 February 2001,
  - having regard to its resolutions of 19 November 1997 on the Amsterdam Treaty <sup>(1)</sup>, 18 November 1999 on the preparation of the reform of the Treaties and the next IGC <sup>(2)</sup>, 3 February 2000 on the convening of the Intergovernmental Conference <sup>(3)</sup>, 13 April 2000 containing its proposals for the Intergovernmental Conference <sup>(4)</sup>, and 25 October 2000 on the constitutionalisation of the Treaties <sup>(5)</sup> and on closer cooperation <sup>(6)</sup>,
  - having regard to the conclusions of the Tampere, Helsinki, Feira, and Nice European Councils,
  - having regard to Rule 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, the Committee on Budgets, the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, the Committee on Industry, External Trade, Research and Energy, the Committee on Employment and Social Affairs, the Committee on Agriculture and Rural Development, the Committee on Fisheries, the Committee on Culture, Youth, Education, the Media and Sport, the Committee on Women's Rights and Equal Opportunities and the Committee on Petitions (A5-0168/2001),
- A. whereas the Intergovernmental Conference that concluded in Nice on 11 December 2000 had been given the task of carrying out the necessary reforms to the Treaties and of satisfactorily dealing with the matters which had been left in abeyance at Amsterdam, in order to prepare the Union for enlargement,
- B. having regard to Parliament's repeated calls for a reform of the Treaties as a whole in sufficient depth to satisfy the imperatives of democratising the institutions and improving their effectiveness in anticipation of enlargement,
- C. whereas because the end result of enlargement will make for a more diverse spectrum of national interests, effective institutions and decision-making procedures will need to be in place in order to avert the risk of paralysis in European integration,
- D. whereas responsibility for giving assent to accession treaties lies with Parliament,
- E. whereas once monetary union has finally been attained, a counterweight in the form of political union will be indispensable,
- F. whereas the Treaty of Nice failed to complete the process of political union set in motion by the Maastricht Treaty,
- G. having regard to Declaration 23 annexed to the Treaty on the future of the Union, which stipulates that a fresh reform will be undertaken in 2004; whereas the Declaration opens the way to a new method for reforming the Treaties,

<sup>(1)</sup> OJ C 371, 8.12.1997, p. 99.

<sup>(2)</sup> OJ C 189, 7.7.2000, p. 222.

<sup>(3)</sup> OJ C 309, 27.10.2000, p. 85.

<sup>(4)</sup> OJ C 40, 7.2.2001, p. 409.

<sup>(5)</sup> 'Texts Adopted', Item 7.

<sup>(6)</sup> 'Texts Adopted', Item 8.

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- H. having regard to the speeches on the reshaping of Europe which preceded the Intergovernmental Conference and which prompted the discussions on the future of the Union,
- I. having regard to the hearing with the national parliaments of the Member States and the candidate countries, held in Brussels on 20 March 2001,

1. Notes that the Treaty of Nice removes the last remaining formal obstacle to enlargement and reaffirms the strategic importance of EU enlargement as a step towards the unification of Europe and as a factor of peace and progress; realises that the Treaty has made improvements in certain areas but considers that a Union of 27 or more Member States requires more thoroughgoing reforms in order to guarantee democracy, effectiveness, transparency, clarity and governability;

2. Regrets profoundly that the Treaty of Nice has provided a half-hearted and in some cases inadequate response to the matters encompassed within the already modest Intergovernmental Conference agenda; hopes that the deficits and shortcomings with regard to the establishment of an effective and democratic European Union can be dealt with in the course of the post-Nice process;

3. Emphasises that it has consistently set two criteria as yardsticks for the success of the Intergovernmental Conference on institutional reform: the implementation of measures which fully guarantee the ability of an enlarged Union to take action, and a significant reduction in the democratic deficit; neither of these objectives was achieved in Nice;

4. Draws attention, amongst the most unsatisfactory aspects of the Intergovernmental Conference, to the fact that Union decision-making has become more confused and less transparent, that the principle of extending codecision to cover all the matters in which legislation is adopted by a qualified majority has not been followed and that the Charter of Fundamental Rights of the European Union has not been incorporated into the Treaties;

5. Considers that the preparations for and negotiations on the Treaty of Nice demonstrated, as in the case of the Amsterdam Treaty, that the purely intergovernmental method has outlived its usefulness for the purpose of revising the Treaties, as the governments eventually implicitly recognised when they adopted Declaration 23 (annexed to the Final Act of the Treaty);

6. Insists that the holding of a new IGC should be based on a radically different process which is transparent and open to participation by the European Parliament, the national parliaments and the Commission and which involves the citizens of the Member States and the candidate countries, as provided for in Declaration 23, and that the new IGC should initiate a constitutional development process;

7. Recognises that the Treaty of Nice marks the end of a progression that began in Maastricht and continued in Amsterdam and demands the opening of a constitutional development process culminating in the adoption of a European Union Constitution;

### ***Fundamental rights***

8. Notes the fact that the Charter of Fundamental Rights of the European Union, drawn up by the Convention comprising representatives of the governments, the national parliaments, the European Parliament, and the Commission was solemnly proclaimed in Nice; renews<sup>(1)</sup> its commitment to upholding the rights and freedoms recognised in the Charter; notes with satisfaction that the Commission and the Court of Justice of the European Communities have already declared that they will do likewise, and calls on the other Union institutions and bodies to give an undertaking to the same effect;

9. Renews its call for the Charter to be incorporated in the Treaties in a legally binding manner so that the rights which it grants to each and every individual may be fully guaranteed, and calls on the Union institutions to respect as of now in their activities the rights and freedoms acknowledged in the Charter;

10. Applauds the prevention and 'alarm' system now incorporated in Article 7 of the EU Treaty, which cements the Union's commitment to the values of democracy, freedom, human rights and the rule of law; welcomes the fact that, over and above the right of initiative, Parliament has to give its assent;

<sup>(1)</sup> Decision of 14 November 2000 approving the draft Charter of Fundamental Rights ('Texts Adopted', Item 3).

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### ***Institutional reform***

11. Notes that the new qualified-majority voting system in the Council stems from a power-sharing agreement among the fifteen Member States which formally opens the door to enlargement but which, as regards the efficiency and the transparency of the decision-making process, is no improvement on the present system, a fact which gives cause for serious anxieties as to how it might operate in a Union of 27 Member States;
12. Regrets that no step has been taken to make Council proceedings more transparent, in particular when the Council is acting as legislator, and calls on the Council to meet in public when adopting legislation;
13. Considers the agreement on the composition of the Commission to be acceptable because it will enable the Commission to be constituted according to the needs of the enlargement process;
14. Welcomes both the introduction of qualified-majority voting for the designation and appointment of members of the Commission and the fact that the powers of the Commission President are strengthened, thereby emphasising the supranational and independent nature of the Commission;
15. Deplores the fact that the proposed make-up of the European Parliament does not follow any clear logic; expresses its surprise at the decision to exceed the limit of 700 Members laid down at Amsterdam; warns of the risks that might ensue if its membership were to rise too high during the transitional period, and calls on the Council to pay careful heed to those risks when it lays down the accession timetable;
16. Calls, when the respective accession treaties are negotiated, for the number of representatives in the European Parliament specified for Hungary and the Czech Republic to be corrected to match the 22 seats allocated to Belgium and Portugal (countries with a similar population) and for this already to be taken as an opportunity to make the decision-making procedures more transparent, more effective and more democratic;
17. Regrets the fact that the pillar structure of the treaty has been retained and that, above all in the sphere of the CFSP, unnecessary duplicate structures have been established; calls for the tasks of the Commissioner with responsibility for external relations and the High Representative for the CFSP to be placed in the hands of a Commission Vice-President with specific obligations vis-à-vis the Council;
18. Notes the transitional system provided for in Declaration 20 on the enlargement of the European Union (annexed to the Final Act of the Treaty) to enable the institutions gradually to be adapted while the accessions are taking place; declares its intention of keeping those adjustments under careful review and taking them into account when it delivers its binding decision on the accession treaties;
19. Welcomes the fact that, under Article 230 of the EC Treaty, it is entitled to bring actions on its own initiative for review of the legality of acts adopted by the other institutions;
20. Expresses its satisfaction at the substantial reforms to the structure, operation and powers of the Court of Justice and the Court of First Instance which are intended to expedite the administration of justice in the Union and preserve the unity of Community law, thus consolidating the Union's judicial role;
21. Deplores the fact that the members of the courts will continue to be appointed by common accord of the Member States and that their case therefore constitutes the only exception to the general rule established by the Treaty of Nice whereby appointments are made by decision of the Council on the basis of a qualified-majority vote;
22. Considers that the provisions relating to the Court of Auditors will enable it to perform its role more easily and calls on its President swiftly to set up a contact committee in collaboration with the chairmen of the national audit institutions (as provided for in Declaration 18 annexed to the Final Act of the Treaty) in order to improve cooperation between the Court and those bodies;
23. Reiterates its view that a European public prosecutor should be appointed with the task of combating fraud against the Union's financial interests;

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24. Applauds the provisions relating to the Economic and Social Committee, which make it more representative of the various sectors of society, and to the Committee of the Regions, the democratic legitimacy of whose members is strengthened;

25. Welcomes the fact that the Treaty incorporates a legal basis that will enable a statute for European political parties and rules governing their funding to be adopted under the co-decision procedure;

26. Recognises that progress has been made in the change from unanimity to the use of decision making by qualified-majority vote to adopt the statute for MEPs, but deplores the fact that the latter rule has not been extended to cover tax matters;

### ***Decision making***

27. Notes the change whereby decisions under 35 legal bases are to be taken by qualified-majority vote; expresses its dissatisfaction at the fact that many vital issues will remain subject to the unanimity rule, which will impair the consolidation of the enlarged Union;

28. Draws attention, in this connection, to the pressing need for it to be more closely involved — as a factor for democratic participation and scrutiny — in the common trade and external economic relations policy, as regards both the framing of policy and the negotiation and conclusion of agreements; takes the view that its involvement is essential now that the national parliaments no longer have any powers in the sphere of EU trade policy;

29. Reiterates its view that wider use of decision making by qualified-majority vote, going hand in hand with codecision, is essential in order to achieve a genuine interinstitutional balance and is the key to the success of enlargement, and considers, therefore, that the changes brought about by the Treaty of Nice have fallen some way short of the desirable outcome; states once again that qualified-majority voting must, as regards legislation, go hand in hand with codecision involving the European Parliament as a fundamental guarantee of the democratic nature of the legislative process;

30. Deplores the fact that the Intergovernmental Conference did not extend the co-decision procedure to cover those legal bases already providing (before and since Nice) for legislation to be adopted by qualified-majority vote; believes that the new Treaty has given insufficient recognition to the co-decision procedure, as set out in Article 251 of the EC Treaty, as the general rule governing Union decision-making;

31. Expresses its disquiet at the complications that the Treaty of Nice brings to many legal bases under which decisions are to be taken by qualified-majority vote and calls on the Council, before the accessions are completed, to pursue the opportunities for a change to qualified-majority voting and codecision under some of the amended articles, especially in Title IV of the EC Treaty;

### ***Enhanced cooperation***

32. Supports the changes relating to enhanced cooperation, made at its request and at that of the Commission, especially the abolition of the veto on grounds of national interest, and welcomes the fact that enhanced cooperation is to be regarded as a means to be employed as a last resort to advance European integration and the communitarisation of the areas concerned;

33. Considers the role assigned to it to be insufficient and undemocratic where authorisation of enhanced cooperation is concerned, especially in the vital areas in the first pillar where unanimity is retained in the Council;

34. Regrets that the intergovernmental method typically employed under the second pillar has also been laid down for enhanced foreign and security policy cooperation and that, consequently, a Member State may use its veto, its own role is reduced to a right to be informed and the Commission can do no more than express an opinion;

35. Deplores the fact that common strategies and defence policy are excluded from the scope of enhanced cooperation;

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***Declaration on the future of Europe***

36. Endorses Declaration 23 on the future of the Union because it constitutes an innovation in the procedure for a reform of the Treaties based on efficient shared preparations and preceded by wide-ranging and thorough public debate;

37. Believes that the debate should take place at both European and national level; considers that the national governments and parliaments will be responsible for carrying on the debate and assessing the outcome, in particular at national level; recommends that Member States and candidate countries alike should each set up a committee consisting of government and parliamentary representatives and Members of the European Parliament to set the direction of and foster the public debate;

38. Takes the view that the debate must be open to society as a whole and must be accompanied by an appropriate information campaign in order to explain to Europeans what is at stake and to encourage them to participate actively in the debate; hopes that the debate will produce practical results, that all contributions will be taken into account in the preparations for the reform of the Treaties and that the debate will continue until the Intergovernmental Conference has ended, which means that the necessary budgetary funding will have to be made available in the 2002 and 2003 financial years;

39. Is of the opinion that the ultimate outcome of the next reform of the Treaties will depend crucially on the preparations; for this reason, recommends the establishment of a Convention (to start work at the beginning of 2002), with a similar remit and configuration to the Convention which drew up the Charter of Fundamental Rights, comprising members of the national parliaments, the European Parliament, the Commission and the governments, the task of which would be to submit to the IGC a constitutional proposal based on the outcome of an extensive public debate and intended to serve as a basis for the IGC's work;

40. Takes the view that the accession countries should be involved in the Convention as observers until the accession treaties have been signed and as full members thereafter;

41. Takes note of the fact that the four subjects specified in Declaration 23 are not exclusive and maintains that a debate on the future of Europe cannot be limited, for which reason it will submit practical proposals in preparation for the Laeken European Council; will take due account of the issues which have already been raised by its specialist committees in the opinions which they drew up for the purposes of this resolution and which are appended to the report by the Committee on Constitutional Affairs (A5-0168/2001);

42. Believes that the IGC should be convened to meet in the second half of 2003 so as to enable the new treaty to be adopted in December of that year, thereby ensuring that, in 2004, the European elections can act as a democratic fillip to European integration and that it, together with the Commission, will be able to play its part in that process under the best possible conditions;

43. Believes that the future operation of the Union will depend on the outcome of the next reform and will take that factor into account when it is called upon to give its assent to the accession treaties;

44. Calls on the national parliaments, when expressing their views on the Treaty of Nice, to manifest their firm commitment to the convening of a Convention;

45. States that the Treaty of Nice will be seen in the light of the results of the Laeken European Council, which could open a possibility for overcoming its weaknesses; decides, furthermore, to take into account the results of Laeken when it is asked for its opinion on the opening of the next IGC;

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46. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States and candidate countries.

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