

Wednesday 12 January 2005

Article 6  
Implementation

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [...] <sup>(1)</sup> at the latest. They shall inform the Commission thereof forthwith.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication.

The methods of making such reference shall be laid down by Member States.

2. Member States may, in accordance with the Treaty, maintain or bring into force provisions which are more favourable to the injured party than the provisions necessary to comply with this Directive.

3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 7  
Entry into force

This Directive shall enter into force on the day of its publication in the Official Journal of the European Union.

Article 8  
Addressees

This Directive is addressed to the Member States.

Done at ..., on ...

For the European Parliament  
*The President*

For the Council  
*The President*

<sup>(1)</sup> 24 months after the date of entry into force of this Directive.

**P6\_TA(2005)0004**

## **Constitution for Europe**

### **European Parliament resolution on the Treaty establishing a Constitution for Europe (2004/2129 (INI))**

*The European Parliament,*

- having regard to the Treaty establishing a Constitution for Europe (hereinafter 'the Constitution'),
- having regard to the Treaty on European Union and the Treaty establishing the European Community as amended by the Single European Act and the Treaties of Maastricht, Amsterdam and Nice,
- having regard to the Charter of Fundamental Rights of the European Union <sup>(1)</sup>,
- having regard to the European Council's Laeken Declaration <sup>(2)</sup>,

<sup>(1)</sup> OJ C 364, 18.12.2000, p. 1.

<sup>(2)</sup> Laeken European Council, Laeken declaration on the future of the Union, SN 273/01, 15.12.2001.

Wednesday 12 January 2005

- having regard to its resolutions <sup>(1)</sup> paving the way towards a Constitution for Europe,
- having regard to its resolutions <sup>(2)</sup> preparing past intergovernmental conferences and its resolutions <sup>(3)</sup> assessing their outcome,
- having regard to the draft Treaty establishing a Constitution for Europe adopted by consensus by the European Convention on 13 June and 10 July 2003, as well as its resolutions <sup>(4)</sup> preparing and subsequently assessing the work of the Convention,
- having regard to the opinions on the Constitution delivered by the Committee of the Regions on 17 November 2004 <sup>(5)</sup> and the European Economic and Social Committee on 28 October 2004 <sup>(6)</sup> at the request of the European Parliament <sup>(7)</sup>,
- having regard to the views expressed by the representatives of regional associations, social partners and platforms of civil society at a public hearing convened on 25 November 2004,
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Foreign Affairs, the Committee on Development, the Committee on International Trade, the Committee on Budgets, the Committee on Budgetary Control, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on Regional Development, the Committee on Agriculture, the Committee on Fisheries, the Committee on Legal Affairs, the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Petitions (A6-0070/2004),

<sup>(1)</sup> Resolution of 14.2.1984 on the draft Treaty establishing the European Union (OJ C 77, 19.3.1984, p. 53, rapporteur: Altiero Spinelli, 1-1200/1983). Resolution of 11.7.1990 on the European Parliament's guidelines for a draft constitution for the European Union (OJ C 231, 17.9.1990, p. 91, rapporteur: Emilio Colombo, A3-0165/1990). Resolution of 12.12.1990 on the constitutional basis of European Union (OJ C 19, 28.1.1991, p. 65, rapporteur: Emilio Colombo, A3-0301/1990). Resolution of 10.2.1994 on the Constitution of the European Union (OJ C 61, 28.2.1994, p. 155, rapporteur: Fernand Herman, A3-0064/1994). Resolution of 25.10.2000 on the constitutionalisation of the Treaties (OJ C 197, 12.7.2001, p. 186, rapporteur: Olivier Duhamel, A5-0289/2000).

<sup>(2)</sup> Resolution of 14.3.1990 on the Intergovernmental Conference in the context of Parliament's strategy for European Union (OJ C 96, 17.4.1990, p. 114, rapporteur: David Martin, A3-0047/1990). Resolution of 11.7.1990 on the Intergovernmental Conference in the context of Parliament's strategy for European Union (OJ C 231, 17.9.1990, p. 97, rapporteur: David Martin, A3-0166/1990). Resolution of 22.11.1990 on the Intergovernmental Conferences in the context of Parliament's strategy for European Union (OJ C 324, 24.12.1990, p. 219, rapporteur: David Martin, A3-0270/1990). Resolution of 22.11.1990 embodying Parliament's opinion on the convening of the Intergovernmental Conferences on Economic and Monetary Union and on Political Union (OJ C 324, 24.12.1990, p. 238, rapporteur: David Martin, A3-0281/1990). Resolution of 17.5.1995 on the functioning of the Treaty on European Union with a view to the 1996 Intergovernmental Conference — Implementation and development of the Union (OJ C 151, 19.6.1995, p. 56, rapporteurs: Jean-Louis Bourlanges and David Martin, A4-0102/1995). Resolution of 13.3.1996 embodying (i) Parliament's opinion on the convening of the Intergovernmental Conference, and (ii) an evaluation of the work of the Reflection Group and a definition of the political priorities of the European Parliament with a view to the Intergovernmental Conference (OJ C 96, 1.4.1996, p. 77, rapporteurs: Raymonde Dury and Hanja Maij-Weggen, A4-0068/1996). Resolution of 18.11.1999 on the preparation of the reform of the Treaties and the next Intergovernmental Conference (OJ C 189, 7.7.2000, p. 222, rapporteurs: Giorgos Dimitrakopoulos and Jo Leinen, A5-0058/1999). Resolution of 3.2.2000 on the convening of the Intergovernmental Conference (OJ C 309, 27.10.2000, p. 85, rapporteurs: Giorgos Dimitrakopoulos and Jo Leinen, A5-0018/2000). Resolution of 16.3.2000 on the drafting of a European Union Charter of Fundamental Rights (OJ C 377, 29.12.2000, p. 329, rapporteurs: Andrew Duff and Johannes Voggenhuber, A5-0064/2000). Resolution of 13.4.2000 containing the European Parliament's proposals for the Intergovernmental Conference (OJ C 40, 7.2.2001, p. 409, rapporteurs: Giorgos Dimitrakopoulos and Jo Leinen, A5-0086/2000).

<sup>(3)</sup> Resolution of 16.1.1986 on the position of the European Parliament on the Single Act approved by the Intergovernmental Conference on 16 and 17 December 1985 (OJ C 36, 17.2.1986, p. 144, rapporteur: Altiero Spinelli, A2-0199/1985). Resolution of 11.12.1986 on the Single European Act (OJ C 7, 12.1.1987, p. 105, rapporteur: Luis Planas Puchades, A2-0169/1986). Resolution of 7.4.1992 on the results of the Intergovernmental Conferences (OJ C 125, 18.5.1992, p. 81, rapporteurs: David Martin and Fernand Herman, A3-0123/1992). Resolution of 19.11.1997 on the Amsterdam Treaty (OJ C 371, 8.12.1997, p. 99, rapporteurs: Iñigo Méndez de Vigo and Dimitris Tsatsos, A4-0347/1997). Resolution of 31.5.2001 on the Treaty of Nice and the future of the European Union (OJ C 47 E, 21.2.2002, p. 108, rapporteurs: Iñigo Méndez de Vigo and António José Seguro, A5-0168/2001).

<sup>(4)</sup> Resolution of 29.11.2001 on the constitutional process and the future of the Union (OJ C 153 E, 27.6.2002, p. 310, rapporteurs: Jo Leinen and Iñigo Méndez de Vigo, A5-0368/2001). Resolution of 24.9.2003 on the draft Treaty establishing a Constitution for Europe and the European Parliament's opinion on the convening of the Intergovernmental Conference (OJ C 77 E, 26.3.2004, p. 255, rapporteurs: José María Gil-Robles Gil-Delgado and Dimitris Tsatsos, A5-0299/2003).

<sup>(5)</sup> CdR 354/2003 fin, not yet published in the Official Journal.

<sup>(6)</sup> CESE 1416/2004, not yet published in the Official Journal.

<sup>(7)</sup> Items 8.2 and 8.3, P6\_PV(2004)09-14.

Wednesday 12 January 2005

Whereas:

- A. the European Union has, in the course of its history, played a substantial role in creating a continuously expanding area of peace and prosperity, democracy and freedom, justice and security,
  - B. the Constitution consolidates these achievements and brings about innovations which are essential to maintaining and enhancing the capacity of the Union of twenty-five and potentially more Member States to act effectively internally and externally,
  - C. the efforts to achieve a Constitution deployed by the European Parliament since its first direct election, have been crowned by the success of the Convention, which prepared the draft using a democratic, representative and transparent method that has fully proved its effectiveness, and which took account of the contributions of the citizens of Europe, resulting in a consensus which was left essentially unchanged by the Intergovernmental Conference,
  - D. the Constitution, as a compromise that had to be acceptable to all Member States, inevitably left out some proposals, notably of the European Parliament and of the Convention, that would have, in the view of their authors, brought further improvements to the Union, many of which remain possible in the future,
  - E. the agreement to the Constitution of every single national government in the European Union demonstrates that the elected governments of Member States all consider that this compromise is the basis on which they wish to work together in the future, and will require each of them to demonstrate maximum political commitment to ensuring ratification by 1 November 2006,
  - F. the Constitution has been the object of some criticism voiced in public debate that does not reflect the real content and legal consequences of its provisions, insofar as the Constitution will not lead to the creation of a centralised superstate, will strengthen rather than weaken the Union's social dimension and does not ignore the historical and spiritual roots of Europe since it refers to its cultural, religious and humanist inheritance,
1. Concludes that, taken as a whole, the Constitution is a good compromise and a vast improvement on the existing treaties, which will, once implemented, bring about visible benefits for citizens (and the European Parliament and the national parliaments as their democratic representation), the Member States (including their regions and local authorities) and the effective functioning of the European Union institutions, and thus for the Union as a whole;

***Greater clarity as to the Union's nature and objectives***

2. Welcomes the fact that the Constitution provides citizens with more clarity as to the Union's nature and objectives and as to the relations between the Union and the Member States, notably because:
- (a) the complex set of European treaties is replaced by a single more readable document spelling out the objectives of the Union, its powers and their limits, its policy instruments and its institutions;
  - (b) the Union's dual legitimacy is reaffirmed, and it is clarified that it is a Union of States and citizens;
  - (c) the canon of values common to all the Member States, on which the Union is founded and which creates a strong bond between the Union's citizens, is made explicit and widened;
  - (d) the objectives of the Union as well as the principles governing its action and its relations with Member States are clarified and better defined;
  - (e) economic, social and territorial cohesion is reaffirmed as an objective of the Union;

Wednesday 12 January 2005

- (f) there are new provisions of general application concerning a high level of employment, the promotion of equality between women and men, the elimination of all kinds of discriminations, the fight against social exclusion and the promotion of social justice, social protection, a high level of education, training and health, the protection of the consumer, the promotion of sustainable development and the respect of services of general interest;
- (g) the confusion between the 'European Community' and 'European Union' will end as the European Union becomes one single legal entity and structure;
- (h) European legal acts are simplified and their terminology is clarified, using more understandable vocabulary: 'European laws' and 'European framework laws' replace the existing multiple types of act (regulations, directives, decisions, framework decisions, etc.);
- (i) it provides guarantees that the Union will never be a centralised all-powerful 'superstate':
  - the strong emphasis on decentralisation inherent in 'united in diversity',
  - the obligation to 'respect the national identities of Member States, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government',
  - the principles of conferred powers (whereby the Union's only competences are those conferred on it by the Member States), subsidiarity and proportionality,
  - the participation of the Member States themselves in the Union's decision-making system and in agreeing any changes to it;
- (j) the inclusion of the symbols of the Union in the Constitution will improve awareness of the Union's institutions and their action;
- (k) a solidarity clause between Member States provides citizens with an expectation of receiving support from all parts of the Union in case of a terrorist attack or a natural or man-made disaster;

### ***Greater effectiveness and a strengthened role in the world***

3. Welcomes the fact that, with the entry into force of the Constitution, the Union's institutions will be able to carry out their tasks more effectively, notably because:

- (a) there is a significant increase in the areas in which the governments meeting in Council will decide by qualified majority voting rather than by unanimity, a vital factor if the Union of twenty-five Member States is to be able to function without being blocked by vetoes;
- (b) the European Council will have a two-and-a-half-year chair instead of a six-month rotating one;
- (c) there will, as of 2014, be a reduction in the number of members of the Commission based on an equal rotation between Member States;
- (d) there will be a significant enhancement of the Union's visibility and capacity as a global actor:
  - the European Union's Foreign policy High Representative and the Commissioner for External Relations — two posts causing duplication and confusion — will be merged into a single European Union Minister for Foreign Affairs, who will be a Vice President of the Commission and will chair the Foreign Affairs Council and be able to speak for the Union on those subjects where the latter has a common position,
  - there will be a single external action service which must be connected as closely as possible with the Commission and result in the strengthening of Europe as a community,
  - the conferral of legal personality, previously enjoyed by the European Community, on the Union will enhance its capacity to act in international relations and to be a party to international agreements,
  - the Union's capacity to develop common structures in the field of security and defence policy will be reinforced, while ensuring the necessary flexibility to cater for differing approaches of Member States to such matters;

**Wednesday 12 January 2005**

- (e) the number of the Union's legislative instruments and the procedures for their adoption will be reduced; the distinction between legislative and executive instruments will be clarified;
- (f) action in the area of justice and home affairs will be subject to more effective procedures, promising tangible progress with regard to justice, security and immigration issues;
- (g) for a number of other matters, it will become easier to apply the successful Community method as soon as there is the political will to do so;
- (h) there is more room for flexible arrangements when not all Member States are willing or able to go ahead with certain policies at the same time;

***More democratic accountability***

4. Welcomes the fact that citizens will have greater control over the European Union's action by increased democratic accountability, notably due to the following improvements:

- (a) the adoption of all European Union legislation will be subject to the prior scrutiny of national parliaments and, with a few exceptions, the dual approval of both national governments (in the Council) and the directly elected European Parliament — a level of parliamentary scrutiny that exists in no other supranational or international structure;
- (b) national parliaments will receive all European Union proposals in good time to discuss them with their ministers before the Council adopts a position and will also gain the right to object to draft legislation if they feel it goes beyond the European Union's remit;
- (c) the European Parliament will as a rule decide on an equal footing with the Council on the Union's legislation;
- (d) the President of the Commission will be elected by the European Parliament, thereby establishing a link to the results of European elections;
- (e) the Union Minister for Foreign Affairs, appointed by the European Council in agreement with the Commission's President, will be accountable both to the European Parliament and to the European Council;
- (f) a new budgetary procedure will require the approval of both the Council and the European Parliament for all European Union expenditure, without exception, thus bringing all expenditure under full democratic control;
- (g) the exercise of delegated legislative powers by the Commission will be brought under a new system of supervision by the European Parliament and the Council, enabling each of them to call back Commission decisions to which they object;
- (h) agencies, notably Europol, will be subject to greater parliamentary scrutiny;
- (i) the Council will meet in public when debating and adopting Union legislation;
- (j) the role of the Committee of the Regions is reinforced;
- (k) with regard to future revisions of the Constitution, the European Parliament, too, will have the power to submit proposals, and the scrutiny of any proposed revision must be carried out by a Convention unless Parliament agrees that this is not necessary;

***More rights for citizens***

5. Welcomes the fact that the rights of citizens will be strengthened as a result of the following improvements:

- (a) the incorporation of the EU Charter of Fundamental Rights in Part II of the Constitution, which means that all provisions of European Union law and all action taken by the EU institutions or based on EU law will have to comply with those standards;
- (b) the Union is to accede to the European Convention on Human Rights, thereby making the Union subject to the same external review as its Member States;

Wednesday 12 January 2005

- (c) new provisions will facilitate participation by citizens, the social partners, representative associations and civil society in the deliberations of the Union;
- (d) the introduction of a European citizens' initiative, which will enable citizens to submit proposals on matters where they consider that a legal act of the Union is required in order to implement the Constitution;
- (e) individuals will have greater access to justice in connection with European Union law;

**Conclusions**

- 6. Endorses the Constitutional Treaty and wholeheartedly supports its ratification;
  - 7. Believes that this Constitution will provide a stable and lasting framework for the future development of the European Union that will allow for further enlargement while providing mechanisms for its revision when needed;
  - 8. Announces its intention of using the new right of initiative conferred upon it by the Constitution to propose improvements to the Constitution;
  - 9. Hopes that all Member States of the European Union will be in a position to achieve ratification by mid-2006;
  - 10. Reiterates its request that all possible efforts be deployed in order to inform European citizens clearly and objectively about the content of the Constitution; therefore invites the European institutions and the Member States, when distributing the text of the constitutional Treaty to citizens (in unabridged or summary versions), to make a clear distinction between the elements already in force in the existing treaties and new provisions introduced by the Constitution, with a view to educating the public and informing the debate; invites them also to recognise the role of civil society organisations within the ratification debates and to make available sufficient support to enable such organisations to engage their constituencies in these debates across the EU in order to promote the active involvement of citizens in the discussions on ratification;
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- 11. Instructs its President to forward this resolution and the report of the Committee on Constitutional Affairs to the national parliaments of the Member States, the Council, the Commission and the former Members of the European Convention, and to ensure that Parliament's services, including its Information Offices, provide ample information about the Constitution and Parliament's position on it.
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