



A Constitution for a strong Europe

**Working Document decided by the EPP Political Bureau
of 7 March 2002 in Brussels**

(CK, 12-03-02)

index:

- I. Introduction
- II. Practical Subsidiarity: The distribution of competences between the European Union and the Member States
- III. Integration of the Charter of Fundamental Rights into the Constitution
- IV. Reforming the Institutions: New Solutions for more democracy, transparency and proximity to the citizens
- V. Our responsibility: Reforms Now

1 **I. Introduction**

2

3 01. "Conscious of its history and its spiritual and moral heritage, the Union is founded
4 on the indivisible, universal values of human dignity, freedom, equality and solidarity;
5 it is based on the principles of democracy and the rule of law. It places the individual
6 at the heart of its activities, by establishing the citizenship of the Union and by
7 creating an area of freedom, security and justice."¹

8

9 **02. We choose to act together in a European Union** as a result of our experiences
10 in history and as a response to the challenges of the future. Through the European
11 Union we intend to develop a society which – in the era of globalisation – combines
12 free economy with a society based on solidarity. This is our model of a social market
13 economy. The European Union has to commit itself to consolidate and stabilise
14 freedom and democracy, human rights, peace and prosperity throughout the
15 continent of Europe and contribute actively to more freedom and peace in the World.
16 The EPP calls for a sustainable model of societies, taking into account solidarity with
17 future generations. The peoples who joined the European integration process based
18 on their free decision, declare to create a close and federal European Union and to
19 join forces in order to achieve these values, which the EPP considers as constituent
20 for the European Union. Therefore it is our duty to create a European Union
21 deserving of its name – based on a European Constitution.

22

23 **03. Our Ideas for the future of the European Union** are based on the successful
24 history of European Integration over the last five decades. The European People's
25 Party feels obliged to carry on the historic achievements of its founders and of the
26 post-war generation Christian Democrats. Without Jean Monnet, Robert Schuman,
27 Alcide de Gasperi and Konrad Adenauer, Europe would be far different from what it
28 is today: A guarantor of freedom, peace and prosperity. The European Union, having
29 established the freedom of movement, the Single Market and the Economic and
30 Monetary Union, is the most successful political project ever undertaken in Europe.

31

32 **04. We must continue to build on this success.** The EPP is conscious of the
33 challenge that an enlarged Europe poses both to cohesion and to our institutions.
34 Uniting Europe, as the end of the continent's unnatural division is commonly
35 described, constitutes a unique event – not comparable with former enlargement

¹ Charter of Fundamental Rights of the European Union, Preamble

36 processes. Therefore, we now need extraordinary efforts to continue the success
37 story of European Integration. We know that there is a need for far-reaching reforms
38 in order to ensure in the future the achievement of the objectives of our founding
39 fathers.

40

41 **05. The success story of European integration** can only be continued, if we
42 address the citizens' worries and fears and fight scepticism with a decisive concept
43 for clear competences, greater transparency and democratic decision-making.
44 Therefore we need – as already laid down in the protocol of the Amsterdam Treaty in
45 1997 – a fundamental reform. In our view it is our duty to explain to the people what
46 they can expect of Europe in the future. The former method of step-by-step
47 integration without a clearly-defined aim has reached its limit. Europe needs to have
48 a clear understanding of itself and its current and future role.

49

50 **06. The discussion on the borders of Europe** is strongly linked with Europe's
51 understanding of itself. Europe long ago became more than a free-trade area simply
52 guaranteeing economic growth. The geographic expansion of the Union must not
53 outweigh its ability to integrate. Therefore we demand a defining of these boundaries
54 clearly but openly, i.e. by offering institutionalized co-operation to states which do not
55 want to, or cannot, eventually be accepted as members for the time being. The EPP
56 proposes the creation of a "European Partnership"- similar to the European
57 Economic Area – but including a political component. This would enable Europe to
58 strengthen its institutionalized relations with neighbouring countries of the Union and
59 consequently promote peace and stability throughout the continent.

60

61 **07. In a continuously growing Union** it is also necessary to state that the Member
62 States have joined the Union on a voluntary basis. But because the European Union
63 is much more than a free-trade area, constructive co-operation within the Union has
64 to be ensured in order to meet its objectives.

65

66 **08. In December 2000 in Nice the Heads of State and Government of the EU**
67 agreed on the "Declaration on the Future of the Union". This is intended as the
68 starting point for a deeper and broader discussion on the future of the EU which
69 should particularly reflect upon the following questions:

70

71 - the distribution of competences between the Member States and the EU in
72 accordance with the principle of subsidiarity

73 - the status of the Charter of Fundamental Rights

74 - the simplification of European Treaties in order to increase their transparency

75 - the role of national Parliaments in the European hierarchy

76

77 **09. The Agenda of this debate has to be designed in an open manner** so that the
78 deficits of Nice can be overcome and a more democratic and transparent Europe
79 with a greater capability to act, can emerge.

80

81 **10. The limits of the intergovernmental method** have been clearly revealed by the
82 preparation of, and the incidents during, the Nice Conference. The post-Nice process
83 therefore has to dwell upon the active participation of members of the European
84 Parliament and national parliaments as democratically elected representatives of the
85 citizens of the European Union, as well as the active involvement of the European
86 Commission, in the decision-making process.

87

88 **11. The EPP welcomes the decision of the European Council in Laeken** to install
89 a Convention on the Future of Europe. The result of this convention has to form the
90 basis for the decisions to be taken by the intergovernmental conference. The
91 Convention should have completed its work by the autumn of 2003 in order to serve
92 as a basis for an Intergovernmental Conference by the end of 2003 to finalise the
93 decision-making process. The Convention should be complemented with a clear
94 mandate, timetable and rules of procedure.

95

96 **12. The EPP will be the first European Party to submit a comprehensive**
97 **concept for a European Constitution** – as heirs of the Christian Democratic
98 founding fathers, this is both a challenge and an obligation. This Constitution should
99 – in a transparent and generally understandable way – divide competences between
100 the Union and the Member States as well as including Fundamental Rights and the
101 future structure of European institutions.

102

102 **II. Practical Subsidiarity: The distribution of competences between the**
103 **European Union and Member States**

104

105 **13. The discussion on reforming the European Union** is not a fight for influence
106 between the Member States and Union. In our view these two are not opposites – on
107 the contrary; in our globalised world, Europe and the Nation States are two sides of
108 the same coin. The Nation States are the basis for Europe’s development.

109

110 **14. Theoretical discussions on sovereignty lead us astray.** Already today the
111 Nation States individually have lost their ability to secure peace, external and interior
112 security, prosperity and growth in a globalised world. Sovereignty can only be
113 exercised on a larger scale. Therefore the question is rather not to give up
114 sovereignty but, on the contrary, to restore the capability to act in some areas of
115 politics. Because of demographic changes and the rapid development of other
116 regions in the world, this trend will increase. In many cases we will have only one
117 alternative: strength within a team or being alone and marginalised. Today,
118 competences in many areas are divided between Nation States and the European
119 Union. We call for a definition – on the basis of the principle of subsidiarity – of the
120 policy areas to be decided upon at European level. The European Union has to be
121 granted the means to exercise these competences in an efficient manner. This is the
122 only way to keep pace with the other developing global regions and to successfully
123 renew the “European model”.

124

125 **15. In the future the Member States will maintain responsibility for amending**
126 **European Treaties.** A European Constitution underlines the fact that the European
127 Union is a new form of co-operation, discussions on a state-like character of the
128 Union are misleading.

129

130 **16. Transparency and democracy are the guidelines for our European policy.**
131 The lack of transparency in the current distribution of competences between Europe
132 and the Nation States are among the reasons for a decreasing enthusiasm for the
133 integration process. The citizens have to be enabled to assess which level of
134 administration bears the responsibility for which decisions. That is why the
135 distribution of competences is paramount to any discussion on the future of Europe.

136 **17. The principle of subsidiarity has to play the central role in the distribution**
137 **of competences.** According to the principle of subsidiarity, only those competences
138 should be accorded to the European level which cannot sufficiently be dealt with at
139 the national level. Consequently, it is our task to define the Union's core
140 competences. The distribution of competences has to be periodically reviewed.

141

142 **18. The competences of the Union have to be laid down in the Constitution;**
143 those of the Member States do not need to be. In every case where no competence
144 has been allocated, Member States automatically bear this responsibility.

145

146 **19. The Union should have responsibilities** for the current Common Foreign,
147 Security, and Defense Policies, for the Single Market with free movement, functioning
148 competition, common external representation, a single currency and a reformed
149 agriculture policy. Additionally the Union should act in the areas of justice,
150 immigration, internal security, communication and infrastructure, research,
151 environmental and health policies, where transnational or supranational dimensions
152 are concerned. The Union should bear responsibility for safeguarding the
153 Fundamental Freedoms of the Constitution. This, however, does not signify a
154 competence for the Union for the entire areas in general.

155

156 **20. Those policies belonging to the traditions** of civilizations and culture and the
157 whole area of civil society should remain the responsibility of the Member States.
158 Particularly internal organisation of the Member State, family structures and social
159 security schemes as well as education, culture and sports should not be dealt with on
160 European level. Nevertheless, cooperation in those areas should be possible.

161

162 **21. In the framework of the communitarised competences** the various forms of
163 action have to be listed and their content defined. For single competences,
164 permissible action and instruments need to be defined. The various forms of action
165 and the instruments have to be allocated to different categories of competences. In
166 the Treaty the unilateral responsibilities of the EU and the combined responsibilities
167 of the EU and the Member States have to be laid down. Legal objectives laid down in
168 the Treaty have to be considered against the background of the communitarised
169 competences without justifying any single competence for the Union. General

170 guidelines for common policies need to be reviewed and defined more precisely in
171 order to prevent an uncontrolled expansion of competences. In those areas which in
172 the future will be dealt with using the intergovernmental model, the EU will bear co-
173 ordinating responsibility. In this respect one will make greater use of the possibilities
174 of enhanced co-operation and flexibility. The Union's capability to act in this policy
175 area will have a decisive impact.

176

177 **22. European integration is based on solidarity among the Member States but**
178 **also on competition.** This has to be understood as we search for the most
179 appropriate methods and policies. Therefore, competition and solidarity are to be
180 seen as mutually dependent elements of the "European model". Rapid economic and
181 social change requires an appropriate form of flexibility within the Treaty. A
182 distribution of competences must not be understood as laying down the allocation in
183 stone, with no possibilities for further change. Moreover transparency should be
184 increased by more clearly defined competences and leading to an improvement in
185 the acceptance of politics in Europe.

186

187 **23. European Solidarity should remain a key element** of European integration.
188 However, in an enlarged European Union, the funding system should be reformed in
189 a way which creates more efficiency and safeguards at the same time help to the
190 less wealthy Member States.

191

192 **24. A Constitutional Court or a Constitutional Chamber of the European Court**
193 **of Justice should be created** to judge on litigation relating to the distribution of
194 competences.

195

195 **III. Inclusion of the Charter of Fundamental Rights into the Constitution**

196

197 **25. The Charter of Fundamental Rights has to become an integral part of the**

198 **European Constitution.** Currently the Charter is a political declaration of the

199 Commission, the Council and the European Parliament. In future it should lead to

200 legally binding decisions. A Charter of Fundamental Rights has to be an important

201 part of a Constitution because it is one of the basic elements clarifying the

202 relationship between the Union and its citizens. The integration of fundamental rights

203 into the Treaty underlines that the European Union is a 'Community of Values'. The

204 Charter has to be applicable for every decision taken by the Union and for Member

205 States in the cases where they act on behalf of the Union. The European Court of

206 Justice and the Court of First Instance have to be granted appropriate competences

207 in order to strengthen the Union and its relationship with the citizens.

208

209 **26. The Charter will make fundamental rights visible for everybody.** The

210 intention is not to introduce new rights but to assimilate the already recognized and

211 existing agreements into the Acquis Communautaire. The Charter of Fundamental

212 Rights will strengthen the EU as a Community of Values and at the same time

213 improve the protection of fundamental rights. A consistent interpretation of

214 fundamental rights by the European Court of Justice and the European Court of

215 Human Rights must be ensured. The EPP favours the EU becoming a party to the

216 European Convention on Human Rights.

217

217 **IV. Reforming the Institutions: New solutions for more Democracy,**
218 **Transparency and Proximity to the Citizens**

219

220 **27. Democratic control has to be exercised at all levels.** The Member States have
221 transferred competences to the European Union. We must ensure that the same
222 democratic rules are applied on both the European and the national levels. Due to
223 this fundamental conviction, the EPP defends its opinion that the Declaration on the
224 Future of the Union, agreed upon in Nice, has neglected the structure of the
225 institutions as a whole. The upcoming enlargement with the new Member States will
226 drastically increase the present problems in the decision-making procedures.
227 Interests will be more diverse, discussions will need more time and decisions will
228 become more and more difficult. The EPP stresses the need to overcome the
229 standstill in the reform process because the status quo simply will not work.

230

231 **28. National Parliaments have to be strengthened by a clearer division of**
232 **competences.** Each national Parliament should enhance its control function in
233 European affairs towards the government. A specific role for national parliaments
234 within the EU institutional framework will not contribute to our objectives: more
235 transparency, democracy and efficiency in the decision-making processes. This is
236 the reason why the EPP presents a comprehensive concept for the future of the
237 European Institutions. We are fully aware of the fact that these proposals go beyond
238 the Declaration of Nice. But, it is our opinion that now is the right time to tackle
239 comprehensive institutional reform.

240

241 **29. The European Union is neither a federation in the classical sense, nor a**
242 **state.** This fact should not stop us changing non-democratic and non-transparent
243 procedures. The citizens and their ability to exercise democratic control are at the
244 centre of our ideas for reforming the European Institutions. For this reason, legislative
245 and executive competences have to be delineated more clearly in order to build a
246 Union which is transparent and respects basic democratic principles. Moreover, the
247 European Union has to be accorded a full juridical personality. EU citizens have a
248 right to a transparent process of legislation and decision-making.

249

249 **European Parliament:**

250

251 30. The European Parliament has to become an equal legislative organ to the
252 European Council. This includes budgetary competence. The last decade has seen a
253 significant increase of power for the European Parliament. This has not been
254 translated into an appropriate influence on public opinion in Europe. In future,
255 European Political Parties must also play an important role in this field.

256

257 31. The composition of the Parliament should reflect the distribution of the population
258 in a manner which is as proportional as possible while safeguarding a minimum
259 representation of the smaller Member States.

260

261 32. The number of European Parliamentarians must not exceed 700 deputies in
262 order to ensure its ability to function. The deputies should be elected on the basis of
263 common principles of European electoral law, such as proportional representation,
264 regional constituencies and a preference vote, whereas political parties should
265 democratically select their candidates for European Elections.

266

267 33. Parliament and Council should – in those cases where the Council decides by
268 majority – be equal actors in the decision-making process.

269

270 **European Council:**

271

272 34. Reform of the Council is long overdue: a lack of co-ordination between the
273 various departmental Councils, complicated and non-transparent decision-making
274 procedures as well as inefficient debates, are the main reasons for the lack of
275 transparency and efficiency. Furthermore, the Council is overloaded with countless
276 administrative questions. For this reason, the entire role of the Council has to be
277 reviewed. This is also true for its role within the institutional framework. We propose
278 that:

279

280 35. The decision-making procedures within the Council must be more democratic,
281 transparent and efficient. When exercising its legislative function, the Council should
282 meet in public and the protocols should be published.

283 36. The Council has to concentrate – together with the European Parliament – on its
284 legislative role. Executive functions should no longer be exercised by the Council.

285

286 37. The role of the Council should be one of a chamber representing the Member
287 States and legislating together with the European Parliament.

288

289 38. As a general rule, the Council should decide by majority vote. Only in the
290 domains of amendments to the Treaty, accession of new Member States and
291 decision on own resources as well as on a significant redistribution of financial
292 transfers, unanimity should remain.

293

294 39. There have to be less departmental Councils. Transparency and coherent
295 decisions can best be reached by pooling the work into one single Council.

296

297 **European Commission:**

298

299 40. The Commission has to be developed into the real Executive of the Union.
300 Furthermore, democratic control by the European Parliament has to be enhanced
301 and the responsibility of individual Commissioners clearly laid down.

302

303 41. In future, the President of the European Commission should in be elected by the
304 European Parliament. The Council must confirm this election by majority voting. This
305 would give to European Parties the opportunity to present their own candidates to the
306 European Parliament in an election campaign. This would lead to a more
307 personalised election campaign and would increase the democratic control and
308 support of the Commission.

309

310 42. The President of the Commission should be granted the right to select members
311 of the European Commission in accordance with needs. The Commission as a whole
312 has to be elected by the European Parliament and confirmed by the Council by
313 majority vote.

314

315 43. The executive functions of the Union have to be exercised by the Commission.
316 The creation of additional authorities and representatives must be avoided. The
317 tasks of the Secretariat of the Council should be exercised by the Commission.
318

318 **V. Our responsibility: Reforms Now**

319

320 **44. The EPP more than ever remains committed to the visions of the founding**
321 **fathers** of today's Europe. Visionary reform steps in Europe have been carried out
322 when our political family carried the political responsibility. We want to take the lead
323 in presenting a clear and coherent concept for the Future of the European Union in
324 order to continue the success of European integration and create a Europe which
325 works – for us and for future generations.

326

327 **45. Our concept is visionary – but it is not utopian.** Our reform proposals are
328 concrete and can realistically become reality until 2004. In order to achieve this, we
329 propose a concrete timeframe connected with a clear and transparent procedure.

330

331 **46. This is our contribution** to build a Europe which is more democratic,
332 transparent and efficient. Our goal is a Europe which is able to face the challenges of
333 a globalised world and to give the appropriate answers to the questions our citizens
334 are concerned with.

335

336 **47. Institutional reforms are not objectives in themselves,** but they are necessary
337 in order to construct an enlarged Europe which is capable of acting and of
338 safeguarding freedom and democracy, human rights, peace and prosperity for all
339 citizens.