

Demands of CDU Germany Concerning the Intergovernmental Conference (IGC) 2000 for Reforming the European Union

Resolution of the Party Conference of CDU Germany in Essen from the 9th to the 11th of April 2000 prepared by the two national committees of CDU Germany for European respectively Foreign and Security policies (chaired by Elmar Brok MEP and Dr. Friedbert Pflüger MP respectively)
(Courtesy Translation).

The governments of the EU-member states agreed in the annex No. 7 when concluding the EU-Treaty of Amsterdam, to carry out a comprehensive reform of the EU-institution in order to preserve a capacity to act of the European Union after the accessions of the Central and Eastern European states. The European Council of Cologne in June 1999 has recognised this need for reforms and has announced its willingness to call in an IGC 2000 of the EU which should primarily limit its tasks to solving the following issues:

- ? Largeness and composition of the European Commission;
- ? New voting weights in the Council inclusively double majority voting and blocking minority votes;
- ? Extension of majority voting in the Council.

In accordance with the report of the three wise men (Jean-Luc Dehaene, Richard von Weizsäcker, Davis Simon), the CDU Germany demands that those issues must not be treated in isolation. The transition to the starting line model at the accession negotiations requires a far reaching reform. According to the CDU, the reform should deepen European integration and help to achieve the capacity of the European Union to enlarge before long. To achieve this aim the comprehensive extension of majority voting in the Council is a necessary precondition; it is the most important measure for the success of the IGC 2000. The differentiation of the accession negotiations according to the reform successes must not lead to a delay of the enlargement by the most successful candidates. The enlargement is about nothing less than the reunification of Europe, i.e. peace, freedom, and prosperity for the whole of the European continent in the 21st century.

In the face of that challenge the CDU Germany recognises anxiously that it is hard to point out any head of state or government in the EU with a profile in favour of further developing the European Union. The profiles on the national level are rather to the disadvantage of the European Union.

The accession candidates should be kept involved in the negotiations about the institutional reforms informally, but more comprehensively than hitherto. To speed up the negotiations the European Council should order the European Commission to work out a draft of the new treaty at a base for the negotiations.

1. European Parliament

1.a. Extension of the co-decision procedure

The extension of majority voting in the Council requires unconditionally the extension of the co-decision procedure of the European Parliament in order to keep up democratic legitimacy.

The CDU therefore demands to introduce the co-decision procedure of the European Parliament in the first column of the EU (community policies) as a general rule which is high time with legislative acts in agriculture and fisheries.

1.b. Legislative wishes of the European Parliament

The European Commission has obliged to follow legislative wishes of the European Parliament in the accord between the European Parliament and the Commission on the eve of the confirmation vote of the Prodi team by the European Parliament.

The CDU therefore demands to oblige the European Commission in the EU-Treaty to follow up a legislative initiative motion of the European Parliament in the framework of limited judgement. The EU-directives and regulations should be (co-)signed by the president of the European Parliament as a symbolic revaluation of the European Parliament.

1.c. Redistribution of seats

The size problem of the European Parliament is solved by the treaty fixation to a maximum number of 700 MEPs, but the problem of different voting weights of the citizens in the single member states is not solved yet.

The CDU therefore demands to define in the treaty a new key of the numbers of the seats of the European Parliament that is more representative to the size of the population of the member states as up to now and that is at the same time meeting the interest of the small and medium sized countries, e.g. by five basic seats.

2. European Commission

2.a. Size of the European Commission

The capacity to act of a commission of more than 20 members threatens to get lost. On the other hand the acceptance of commission decisions would be endangered for quite a while yet in those member states that would not have an EU-commissioner.

The CDU therefore demands that the larger member states give up their second commissioner. If the number of the members of the commission is bigger than the number of sensible portfolios, junior commissioners should be introduced.

2.b. The role of the president of the European Commission

The resignation of the Santer Commission and the hearings of the Prodi commission have highlighted the necessity for a stronger role of the commission president.

The CDU therefore demands to give the commission president the right to appoint the members of the commission and to dismiss them when they committed any wrongdoing. He should also get the power to organise, co-ordinate, and direct the work of the commission.

2.c. Strengthening of the democratic legitimacy of the commission president

The president of the European Commission requires an even stronger legitimacy for a stronger role.

The CDU therefore demands that the president of the European Commission should be elected in future by the European Parliament proposed by a qualified majority of the European Council. The Commission President should be able to choose the other members of the Commission himself (following the principle that each member state is represented by one commissioner or one junior commissioner).

3. Council

3.a. Redistribution of votes in the Council

The council among all EU-institutions needs reforms most urgently. The accession of numerous small and medium-sized countries would be of disadvantage to the big member states, if the present distribution of votes would be kept in the council. Therefore a redistribution of votes in the council must be achieved in favour of the big member states.

The CDU therefore demands the introduction of a double majority (weight of the number of votes and of population). Thus, a majority of the population represented by the member states is required in addition to the present weight of votes. The hitherto share of votes for qualified majority voting is to be preserved.

3.b. Extension of majority voting and separation of powers

The report of the "Three wise men" highlights the dangers of a blockade in an enlarged European Union, if the requirement of unanimity is to be kept.

The CDU therefore demands that in the first column of the European Union (Community policies) the requirement of unanimity is to be limited to decisions that have a constitutional character (changes of the treaty, accessions, decisions on financing EU policies, elections procedures). Majority voting is even sensible with decisions on harmonising the indirect taxes. A clear separation of powers among the European, national, regional, and community level facilitates essentially the transition to majority voting. The federal government of Germany should order independent institutes to present proposals on separating the powers particularly in the field of finance, tax, and social policies. Article 308 (General Clause for the creation of new powers) should be eliminated without compensation.

3.c. Organisation of the council and its work

The Trumpf-Biris report on the working procedures of the council has revealed the deficiencies of the organisation of the council. Solutions for the ever more complex and ever more political issues within the European Union cannot be prepared and advanced decisively by one member state within half a year. This problem will become even more acute after enlargement.

The CDU therefore demands to reshape the council from scratch. The principle of division of powers must be valid in the European Union, too. The Council is therefore to be developed into a second chamber of the legislative power. As long as it carries out executive powers especially in the Common Foreign and Security policy (CFSP), these activities have to be clearly separated from its legislative work. The rotation of the presidency every half a year should only be kept in the European Council as well as in the General Council, if it is doing legislative work. Different member states should take the presidency for five years in the portfolio councils of ministers that should increasingly adopt the character of committees of the legislative council.

The General Council should be a body with its permanent seat in Brussels and whose members should have the European portfolio as ministers of the national governments. Thus the work of the Council could be made more steady and European politics could be better integrated into national politics.

4. Committee of Regions (CoR)

The CoR has hitherto only limited legitimacy, because its members are not all elected representatives and because the CoR can not even file a complaint at the European Court of Justice.

The CDU therefore demands that the CoR should have only elected members in the future and should receive the right to file a complaint before the European Court of Justice regarding its own rights.

5. Separation of the treaties into two parts and the Flexibility Clause

The European Charter of Fundamental Rights that is worked at present is of high importance in order to raise transparency and to strengthen the legitimacy of the European Union as it is demanded by the constitutional court of Germany.

The CDU therefore demands to split the present text of the EU treaties into two separates parts according to an idea of the “Three wise men”.

- ? The basic treaty would compile the aims and principles of the European Union, the separation of powers, the civil rights, e.g. the Charter of Fundamental Rights, and the institutional framework. It could only be changed by ratification by the EU member states and the European Parliament.
- ? A second part of the EU treaty would comprise the other regulations of the present treaties. There should be an easier mechanism to change that part of the treaty.

The Flexibility Clause introduced by the EU Treaty of Amsterdam that should allow a majority of member states to advance in the integration process without to wait for the “slowest boat”, is linked to conditions that make its application almost impossible.

The CDU therefore demands to replace the veto of a member state by a majority of 75 per cent of the votes in the Council in order to achieve a more intensive co-operation leading to deeper integration. The Flexibility Clause should especially be extended to the Common Foreign and Security Policy (CFSP).

6. Common Foreign and Security Policy (CFSP)

There are problems of presentation and efficiency in the long run with the parallel situation of the intergovernmental co-operation of CFSP under the leadership of the High Representative of the CFSP, Javier Solana, and the parallel, but part of the community policies in the sphere of external relation under the leadership of the EU-Commissioner Chris Patten responsible for co-ordinating foreign relations.

The CDU therefore demands

- ? The High Representative of CFSP must be strengthened in his position towards the Council. The High Representative of the CFSP and the EU commissioner

responsible for co-ordinating the foreign policy must in the long run represent the European Union towards third parties.

- ? Inclusion of an evolutionary clause for the CFSP into the EU treaty that allows the transition of CFSP to a community policy later on.
- ? In order to further institutional co-operation between the EU and NATO, the High Representative of the EU for foreign policy should be able to take part in sessions of the NATO council, the NATO General Secretary should be able to take part in sessions of the Council of the EU Foreign Ministers.

7. Common European Defence

The strengthening of the European pillar of NATO is based on demands of the USA for a stronger burden sharing in the alliance for years and on the resolution on the "Combined-Joint-Task-Force-Concept" of the NATO summit in Berlin in June 1996. NATO must not diminish in its important role for the collective defence of Europe by strengthening European defence.

The European Council of Cologne in June 1999 has decided to integrate the tasks of the Western European Union (WEU) into the European Union. The date that has been planned for the complete realisation of this declaration is the same than for concluding the IGC, the European Council in December 2000 under French presidency.

The CDU therefore demands

- ? a complete integration of WEU into the existing institutional framework of the European Union (no new column!).
- ? Adoption of the automatic defence assistance clause according to Article 5 of the WEU-treaty as an annex to the EU treaty for those EU countries that are ready and able to do so.
- ? The defence capabilities of Europe must be extended especially by the creation of transport and intelligence capacities. The planned cuts of the German defence budget by the Federal Government of Germany in the coming years by 18 billion DM (9 billion Euros) would torpedo the establishment of European defence capacities. The technical gap between the USA and Europe would increase, too.

8. Home and Justice Affairs

The European Council of Tampere in October 1999 has passed a working programme in this policy field that becomes ever more important for the citizens.

The CDU demands furthermore the following points to be put on the agenda of the IGC 2000:

- ? The introduction of the co-decision procedure of the European Parliament and qualified majority voting in the council of ministers possibly before 2004 with all measures concerning controls of the external borders of the EU, asylum seekers and refugees, immigration and co-operation in justice affairs of civil law (first column).
- ? Five years after going into force of the future EU treaty, the procedure of co-decision of the European Parliament should be introduced together with majority voting in the Council combined with the sole initiative right of the Commission with measures in the sphere of the co-operation of the national police forces and of the co-operation in justice affairs of the penal law (transfer of the third column into the first column).
- ? Introduction of a European prosecution authority that has the power to initiate procedures of investigating in all cases defined by the EU treaties.
- ? Regulation of strong guaranties protecting the citizens' right as well as a strengthening of the European parliament's control of Europol and Eurojust.

9. Uniform External Representation

The different representation of the European Union (circulation of goods by the Community; trade in services and currency affairs by the European Union) do no longer match the requirements of the necessity of a coherent policy in the age of globalisation.

The CDU therefore demands to transfer the power for representing the European Union in the outside work in all economic questions to the community. By doing so the European Union and the European Community could be joined together into one single judicial body.

10. European Development Fund

The two separate divisions of development policy activities of the Community and of the European Development Fund administered by the European Commission can no longer be justified.

The CDU therefore demands the integration of the European Development Fund into the budget of the Community.