

NOTE FROM THE EUROPEAN MOVEMENT ON THE FUTURE OF EUROPE

(AND HYPOTHESIS OF TWENTY 'A' TO 'S' PROPOSALS TO BE SUBMITTED TO THE EUROPEAN PARLIAMENT)

The Constitutional Affairs Committee of the European Parliament (EP) adopted on 25 October, with a majority of 19 votes in favour from the five groups that made up the Committee of Reporters (EPP, S&D, Liberals, Greens and Left), six against from the MEPs of the ECR and ID groups, and one abstention, the [draft report for the revision of the Lisbon Treaty](#) (TEU and TFEU) to follow up on the forty-nine recommendations of the Conference on the Future of Europe (COFE).

The draft report will be debated at the session that will take place in Strasbourg from 20 to 23 November 2023, the debate is currently scheduled for 23 November, but the Conference of Presidents is expected to adopt on Thursday 16 a proposal to amend the current [draft agenda](#) so that the debate can take place on 21 November and the vote on 22 November during the same plenary session. The deadline for amendments to both the resolution and the annex with treaty changes has been set for Wednesday 15 November.

On the basis of Art. 48 TEU, the report thus adopted will be sent to the Council, which must forward it to the European Council (and notify the national parliaments) whose President - if the European Council itself has taken a favourable decision by a simple majority (14/27) after consulting the EP and the Commission - has the power to convene a 'Convention' with a mandate to examine the proposals for revising the Treaties, to adopt, by consensus, a recommendation to an Intergovernmental Conference, the conclusions of which, approved by common agreement, will enter into force if they are ratified by all the Member States, or by parliamentary route with the vote of forty legislative assemblies, or by parliaments and referendums, popular consultation on international treaties being constitutionally or politically mandatory in thirteen Member States.

The same Article 48 specifies that, if 4/5 of the Member States (i.e. 22) have ratified them and one or more Member States have encountered difficulties in ratifying them within two years of the signing of the conclusions of the Intergovernmental Conference, the European Council will be seized of the matter.

According to an opinion of the Council's Legal Service, which, however, does not correspond to the letter of the TEU, the Council would have the right to discuss the report sent to it by the EP after examination by COREPER and to forward it, after a vote in the Council, by the same simple majority as for the convening of the possible and future Convention.

In contrast to the 'Convention on the Future of Europe' - where the government and parliamentary representatives of the then candidate countries were invited to participate in the work, including those of Turkey, ten of them signed the constitutional Treaty in Rome in the 'hermaphroditic' version adopted by the Intergovernmental Conference, and seven of them ratified it, i.e. even a majority of the thirteen that had adopted it before the negative referendums in France and the Netherlands - the TEU does not provide for the parliamentary and governmental representatives of the candidate countries to be invited to the possible future Convention, which could now be ten as it was in 2002.

A. INVOLVEMENT OF THE CANDIDATE COUNTRIES IN THE DEBATE ON THE FUTURE OF EUROPE

Similarly, the TEU makes no provision for any structured form of dialogue with civil society and no form of participatory democracy along the lines adopted in the 'Convention on the Future of Europe' and subsequently in the COFE, even though it is up to the President of the European Council to propose to the European Council the composition and working methods of the possible and future Convention, as was the case in December 2001 in the 'Leaked Declaration' on the inspiration of the then Belgian Prime Minister and President of the European Council, Guy Verhofstadt, and as was decided by the German government in December 1999 with the convening of the Convention on the Charter of Fundamental Rights.

B. INVOLVEMENT OF CIVIL SOCIETY IN THE DEBATE ON THE FUTURE OF EUROPE

The draft report adopted by the Constitutional Affairs Commission represents in our view a significant starting point but not an end point for the following three reasons that we intend to develop here:

1) From the point of view of method

The vast majority of governments felt that the recommendations of the COFE could be translated into constant treaties policies and decisions, and many governments are currently hostile to the convening of the convention and would like to opt either for a simplified revision procedure for internal policies and actions contained in the TFEU, which only provides for consultation of the EP and does not involve national parliaments except at the time of ratifications, or to introduce treaties revisions in future accession treaties on the basis of Art. 49 TEU.

In the framework of transnational democracy, the dimension of parliamentary representativeness is also essential from the point of view of the role of national parliaments and regions with legislative powers, which should not be limited to a 'green card' mechanism, but should provide for the institutionalisation of 'interparliamentary assemblies' that could be organised in the procedures for the drafting of the five-year financial framework, accession negotiations and treaties revisions.

C. INVOLVEMENT OF NATIONAL PARLIAMENTS AND REGIONS IN EUROPEAN DEMOCRACY

2) From the point of view of the content of the draft

The text adopted by the Commission for Constitutional Affairs contains many innovative elements on which the European Movement has repeatedly expressed itself positively, starting with the extension of the shared or exclusive competences of the EU through the extension of qualified majority voting (QMV) in the Council - although unanimous voting remains in some areas such as social policy (Art. 153 and 156: see below) and in fiscal policies it is proposed to introduce a new 'super-qualified majority' voting mode - the dimension of transnational democracy with the strengthening of the EP's legislative and budgetary powers, even though it would continue to be excluded from the adoption of the

broad economic policy guidelines, in the coordination of employment and social policies (Art. 5 TFEU) and from accession procedures.

The elimination of unanimity voting also affects treaties revision procedures that also provide for the use of a pan-European referendum, which could also be applied in other important European decisions.

D. EXTENSION QMV

E. STRENGTHENING OF THE PE'S POWERS IN ECONOMIC AND SOCIAL MATTERS

A number of issues remain unresolved that we consider essential, the successful resolution of which would effectively pave the way towards a federal Europe.

These questions concern in particular the principle of the allocation of competences to the EU or the possibility of their being returned to the member States as provided for in Article 48.2 TEU.

F. ATTRIBUTION OF COMPETENCES

The question of the primacy of EU law is not definitively resolved, just as the principle that the two Treaties - namely the TEU and the TFEU - retain the same legal value remains, although the motion for a resolution of the Committee on Constitutional Affairs calls on the Convention to reflect on the division of issues between the two treaties (TEU and TFEU).

G. PRIMACY OF EU LAW

H. VALUE OF THE TWO TREATIES (TUE AND TFEU)

Within this framework, the external relations of the EU are then separated in the two Treaties, maintaining a confusion about the role of the EU as an international actor.

In accordance with the awarding of the Nobel Peace Prize to the EU in 2012, the preamble of the Treaty and Articles 3, 5, 21 and 42 TEU and in view of the unprecedented geopolitical challenges facing the EU, both the resolution accompanying the annex on treaties changes and the TEU itself should affirm the principle – which has been proposed in the 'Convention on the Future of Europe' - that "the European Union repudiates war as an instrument of offence against the freedom of other peoples and as a means of settling international disputes" within the framework of the UN Charter, which will have to be updated and strengthened for the defence of human dignity, justice and international democracy in a multiple world.

I. THE REPUDIATION OF WAR AND THE VALUE OF PEACE

The accession procedures remain unchanged with the unanimity in a system that marginalises both the EP and national parliaments and does not require candidate countries to clearly accept at the outset of accession negotiations the values of the EU, starting with

the Charter of Rights and respect for the rule of law. We support the introduction of a super-qualified majority for the accession treaties as it is the case for the fiscal policy.

J. ACCESSION PROCEDURES

It still seems to us inadequate and questionable how the EU tackles the issue of migration policies with an approach that prioritises monitoring, security and control of external borders while not emphasising respect for rights and the causes of migration flows (push factor).

K. MIGRATION POLICIES

More than twenty years after the entry into force of the area of freedom, justice and security, no real progress has been made and the development of these policies cannot be entrusted only to the strengthening of the role of the European Public Prosecutor and Europol.

L. THE AREA OF FREEDOM, JUSTICE AND SECURITY

In the social dimension, important areas remain subject to unanimity in the Council as in Articles 153.5 and 156 TFEU, and the whole of social policy must be updated in the logic of EU capable of guaranteeing shared prosperity, the development of economic democracy and public goods with a transnational dimension.

M. THE SOCIAL DIMENSION

As far as public goods are concerned, both in the resolution paving the way for further reflection in the possible and future Convention and in the proposed amendments themselves, the section on 'EU finances' from the point of view of revenue - including the size of the European public debt - should be strengthened, which should determine the size of expenditure, measures to reduce excessive economic and social imbalances between regions, financial programmes, the budgetary procedure and its implementation.

N. PUBLIC GOODS AND THE EU BUDGET

3) From the point of view of the agenda

We insist on the need for the EP to convene an extraordinary session of the Conference on the Future of Europe ('agora') involving citizens 'ambassadors of the EU', civil society networks and social partners.

O. AGORA

Within this framework and taking into account the call for the EP to be given the right of legislative initiative, the 'agora' should be an opportunity to discuss the strengthening of participatory democracy including the right of citizens to submit their initiatives (ECIs) to the EP and no longer to the Commission, as well as how to involve civil society in the future EU reform process.

P. ECI

We reiterate our conviction that, in the face of the possible immobility of governments or their willingness to follow the simplified revision procedure of the TFEU or to introduce adaptations to the decision-making mechanisms in the accession treaties, the EP elected next June should initiate a democratic constituent process by overcoming the obstacles of the intergovernmental method.

Q. CONSTITUENT PROCESS

We reiterate the necessity that the reform of the EU in order to initiate a process to fulfil its federal purpose must be adopted by means of a pan-European referendum prior to its enlargement, and that the framework of a European system of concentric circles must be defined in the event that some member States decide not to approve or postpone this reform.

R. CONCENTRIC CIRCLES

Two hundred days before the European elections that will take place from 6 to 9 June 2024, it is urgent and indispensable that the topic of EU reform becomes one of the priorities of the debate - starting with the European political parties to which the TEU attributes the mission of contributing "to the formation of European political awareness and to the expression of the will of the citizens of the Union" (Art. 10 TEU) - within the framework of a European public space that is still largely inadequate.

S. THE EUROPEAN PUBLIC SPACE

Rome-Warsaw, 13 November 2023