

European Convention and the Future of Europe

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I would like to concentrate on "model 3 integration" and I would like to talk about the present state and the aims of the Convention. The constitutional process of the EU that we have at the moment is as a part of a preparation for enlargement, but also because of the weaknesses EU has even without enlargement in these constitutional questions. Therefore, I think we have to give answers to questions like effectiveness, transparency, including democracy and the rule of law. But we must also have in mind what are the political aims of the European Union.

First of all, we have to give credibility and effectiveness to the European Union after the enlargement as a broader zone of stability, compared to the present situation. And we have to remind ourselves how this zone of stability invested in Europe was achieved, and what should have normally been achieved to Central and Eastern Europe?

I think the point is very easy, but very seldom discussed. It's a question that EU is based on a common legal order, and that this is a way to solve conflicts between states and peoples, as we used to do it before in states via parliaments, via laws, via common court. The Monet system is the system to solve conflicts between states. And I think this is a difference with all other alliances in the history of mankind. Via this system we have achieved peace among EU members. It is not just a question of a threat from outside. But to keep peace among members as a result of our historical experience. We have learnt that to achieve our interests we have to be together, because every one of us is too small to achieve these interests alone in today's globalised world. I want to repeat what Prime Minister of Luxembourg Jean-Claude Juncker once said: "Though I am coming from a small country, but from the view from Washington all European countries are small". The smaller countries understand that quickly, bigger ones need more time to find that out, but they are in the same situation. Therefore, it is important to have constitutional framework to be able to pool our strengths for sovereignty in order to go for a common interest worldwide. And I think this is the main goal of the Convention, where the candidate countries are playing already a full role. This is a Laeken mechanism - a formula which says that they cannot destroy the consensus, but in this Convention it is never a vote and the participants of the candidate countries have the same rights and influences as all other members. It is very important that candidate countries can play the role in order to find the result that can work for this broader zone of stability. And that the result is accepted afterwards. Because anyway the result has to be ratified in candidate countries. And therefore the full political participation should follow in IGC. I believe that this might be the basis to have ratification of this IGC, which is to be finished at the end of 2003, that a new Constitution to be in power from the January 2005, just a few months after the enlargement became effective.

In my opinion, it is very clear that this Convention would go for a full-fledged Constitution. There will be no options. The Convention will give to the Heads of States a foil-fledged Constitution in order to diminish the possibilities for changes. And because in this Convention there are many members of National Parliaments - [they are the biggest group in this Convention - this result will have a legitimacy, which would make it very difficult for government to come to major changes. And I have to say that I know much more positive and optimistic about the outcome, I twice took part as a representative of European Parliament in the conferences or Amsterdam, and Nice. And the question that we debated for months and months, and years and years, we were not able to solve in these diplomatic conferences. We have solved these questions in the first part of the Constitution already. It is absolutely understandable that the EU should have a single legal personality. And that the pillar structure should be abolished. It is absolutely clear as a consensus that a Charter of Fundamental Rights should be part of the Constitution legally binding. It is absolutely clear that the co-decision mechanism between the Council and the Parliament is a law-making procedure for every legislation. And that the Qualified majority voting and the new system of voting within the Council is better than the Nice one should be the end product. It is nearly revolutionary of what is going on in the system. And even Tony Blair said two days ago in his speech that the Council as legislator is to meet public to become the real second Chamber. And with this altogether of what is already known, or at least agreed, we have made a major progress. Further, we have an agreement of the strengthening of the subsidiary system and the possibility that not only national governments but also national parliaments

should have a right of "early" warning, and when the Commission comes out with a legal proposal and national parliaments can say: "no we cannot accept it, and we have to consider it". And if the legislation is done, exposed also national parliament can go to the Court of Justice in order to check whether this directive is threatening or violating the principle of subsidiarity. So it is very important that national parliaments can have a feeling that they have a foot on the brake if they believe that the EU goes over its competencies. And that means that we are discussing how regions should play a role in this process. This would mean a progress for national parliaments. But we also understand ... (*inaudible*) to set up new bodies, like political subsidiarity body, or third Chamber, or something like that. We do not want to have new bodies, but we want to have a clear order of competencies, we want to have a clear-cut understanding, who is responsible for what, and we want not to mix up levels. But this would mean that national parliament must be strengthened in their role of controlling a government as a member of the Council. This can only be done partly on the European level. And mostly it is the responsibility of the constitutional settings of every member country. But especially a lot of countries in the Baltic area give a positive sign of how this aim can be achieved. And if I hear from one or two countries that a special body must be set up on European level, I must say that in these countries national parliaments control the governments in the European affairs in every role, and I understand such governments to put them on the European level to keep them away from home. But I think that this situation, which is sometimes the anglo-franco problem, is detected and will not have results at the end of the day. And then we have an agreement on competence order. There will be not written in the Constitution which competencies a nation state has, because every competence that is not given to the EU is automatically a competence of a member state. And it is very important that a member state is a basis of everything in this question. And on the European level, we have three types of competencies: the own competence, the shared competence, and the supplementary competence. And in the supplementary competence, the EU has no right of harmonisation. Education, culture, which should in principle be national competencies, but where the EU could be in complimentary help. Then we have the real problems - which institution should do what. And I think, the main battle will be the question of the Presidents. Will there be on the Council side an executive President? This would be a final stroke in favour of the intergovernmentality. Or will there be a clear-cut situation that the administration, executive responsibility for the Union, is within the Commission. My political family has decided for the second part. So, very-broad majority, And I have a feeling that many members of the Convention are on that side.

My prediction is that the President of the Commission will be strengthened; and I can believe, that proposed by the Council and approved by the European Parliament or the other way around - this is not yet decided - there might be a compromise at the end of the day - the President of the Commission is a Chairman of the General Council for example. Everything is done in the mechanism of the Commission in the way of approving, dismissal and accountability. If such compromise is to come around, it might be helpful in the present debate and in the Hanna group on foreign policy shows already this direction, and I think that the next week there will be an official proposal that there will be a double hat Foreign Relations Commissioner High Representative, someone who is in the Commission but has also the hat of High Representative. The fight will be not around this type of merger. The fight will be that for the first day on all the operative administration, part of the Commission or not. There is a question between effectiveness and realism. It is one of the seldom debates that will be used as an argument realism is not effective. Everybody understands that. In this discussion it is a little bit fun, but if we have only one Administration and not the competition between administrations, we can come to positive results. There always should come to result that we do not have competing administrations on different sides, and I believe that at the end of the day the need of effectiveness will bring us to the positive results. If we achieve this on the level of foreign policy, I think there will be already to 50 per cent decision for an overall mechanism, which will mean that it is a strengthening of the present system to be more effective and have on the Council's side better mechanisms for continuity. This is not a question just for foreign affairs. The question is for economic governance. The present situation is ridiculous. The EU in economic affairs is not a council but it is run by the committee which does not exist legally, and sometimes is run by the president of such a council which cannot be a council under the formulas of the community because the active president is not the member of the monetary union. And I think that this present system is not acceptable in a way of effectiveness and accountability. And I also think this will be part of the overall battle of the so called pillar questions.

Let me conclude with one word. When we have the decision of the 11th of December to enlarge the EU by 10 member countries, and I believe because of the opportunistic and other reasons that there will be a rendezvous clause is Turkey despite the lack of fulfilling the criteria of Copenhagen. We will have a very broad debate in our populations about the future borders of Europe. And we have to find an answer to that, that our people would not run away from the European idea because they cannot see how far it will go. And therefore we have to consider whether something is possible like it was European Economic Area. EEA plus external and internal security for countries that for a moment cannot become members of the EU, should not or do not want to do so. And I think that partly is an answer to the countries like Moldova, Ukraine, some of the Balkan states - be a part of the multilateral relations to the EU, so that the full membership is not the only option EU has to give to its neighbours. And I believe that perhaps Turkey could be also part of that, but that must be answered by high authorities.