

Alternative Report

THE EUROPE OF DEMOCRACIES

Laeken's Lost Missions

As members of the Convention, we cannot endorse the draft European Constitution. It does not meet the requirements of the Laeken Declaration of December 2001.

Laeken says "**the Union must be brought closer to its citizens**".

The transfer of more decision making from member states to the Union, concerning criminal justice matters and new areas of domestic policy, will make the Union more remote.

Laeken adds that "**the division of competences be made more transparent**".

But the new category of 'shared competences' gives no assurance about how power is to be shared, particularly as member states will be forbidden to legislate in these areas if the Union decides to act.

The EU court in Luxembourg will decide on any doubt.

Laeken describes the Union as "**behaving too bureaucratically**".

The draft Constitution fails to address the 97,000 accumulated pages of the *acquis communautaire*, and proposes a new legal instrument, the 'Non Legislative Act', whereby the non-elected Commission can pass binding laws.

Laeken calls for the "**European institutions to be less unwieldy and rigid**".

But the Constitution gives more power to all the existing EU institutions and creates a Europe of Presidents, with more jobs for politicians and less influence for the people.

Laeken highlights the importance of national parliaments, and the Nice Treaty "**stressed the need to examine their role in European integration**".

National Parliaments lose influence relative to the Commission, the European Parliament and the European Council. Their proposed new role in 'ensuring' compliance with the subsidiarity principle is in reality no more than a request which the Commission can ignore. Not one competence will be returned to member states.

Laeken calls for "**more transparency and efficiency**" in the Union.

The Constitution concentrates more executive and budgetary power in the very EU institutions which have been the subject of repeated and continuing scandals over mismanagement, waste and fraud.

Laeken suggests the possibility of a constitution: "**The question ultimately arises as to whether this simplification and reorganisation might not lead in the long run to the adoption of a constitutional text of the Union**".

The suggestion that the existing intergovernmental Treaties be transformed into a new European Constitution was rapidly seized upon, but without any study of either the alternatives on offer or the long-term consequences of such an act.

Lastly, Laeken's overriding aim was a **Democratic Europe**.

The draft Constitution creates a new centralised European state, more powerful, more remote, with more politicians, more bureaucracy, and a wider gap between the rulers and the ruled.

The EURATOM treaty was brought into the Constitution in the last moment without any working group having the time to revise it.

The draft EU constitution was never drafted through normal democratic methods

- The applicant countries were treated as observers in the Praesidium and had no real say
- Only 3 political families were represented in the powerful Praesidium which drafted the tunnel vision text.
- The members were refused the right to have their amendments translated, distributed, discussed and voted upon
- The Convention had no Members for that half of the population, which rejected the Maastricht treaty in France or the Nice treaty in Ireland.
- Not one single Eurosceptic or Eurorealist person was allowed to observe or participate in the work in the Praesidium, nor any of its assisting secretariats.

Giscard did not allow democracy and normal voting in the Convention. The draft constitution runs counter to all democratic principles. We want a new draft from a much more representative convention, democratic in content and democratic in procedures.

We hereby submit the following 15 points to the consideration for our Prime ministers and the other following citizens.

1. EUROPE OF DEMOCRACIES. The European Union (EU) shall not have a constitution. Instead, Europe should be organised on an interparliamentary basis by means of a Treaty on European Cooperation. This will create a Europe of Democracies (ED) in place of the existing EU. If the EU should have a new name it should be Europe of Democracies.
2. A SLIMLINE TREATY. The present 97,000 pages of the *acquis communautaire* covering the EU and EEA must be radically simplified. Instead, focus shall be placed on cross-frontier issues where national parliaments cannot effectively act by themselves. Decisions on subsidiarity shall be resolved by the national parliaments.
3. OPEN TO ALL DEMOCRACIES. Membership of the ED shall be open to any democratic European state which is a signatory of, and respects fully, the European Convention on Human Rights.
4. SIMPLIFIED DECISION-MAKING. The present 30 different ways of making decisions in the EU shall be reduced to two: laws and recommendations. Where qualified majority voting applies, the proposal in question shall require 75 % of the votes to be cast in favour, unless otherwise stated.
5. A VETO ON VITAL ISSUES. Laws shall be valid only if they have been passed by national parliaments. A national parliament shall have a veto on an issue it deems important.
6. THE COMMON CORE ISSUES. Laws shall deal with the rules for the Common Market and certain common minimum standards to protect employees, consumers, health, safety and the environment. In other areas the ED shall have the power to issue recommendations for Member States, which are always free to adopt higher standards.
7. FLEXIBLE COOPERATION. The ED may unanimously approve flexible cooperation for those nations that want to take part in closer cooperation. The ED shall also recognise and support other pan-European organisations, such as the Council of Europe.
8. OPENNESS AND TRANSPARENCY. The decision-making process and relevant documents shall be open and accessible, unless a reasonable cause for exception is confirmed by qualified majority.
9. STRAIGHTFORWARD COUNCIL VOTING. A simplified voting system shall operate in the Council, which may comprise each Member State possessing one vote in the ED Council. A decision by qualified majority shall require the support of countries with more than half the total ED population.

10. NATIONAL PARLIAMENTS ELECT THE COMMISSION. Every national parliament should elect its own member of the Commission. The Commissioner shall attend the European Scrutiny Committees of the national parliament concerned. National parliaments shall have the power to dismiss their Commissioner. The President of the Commission shall be elected by the national parliaments. National parliaments shall decide on the annual legislative programme and the Commission shall correspondingly act as a secretariat for the Council and the national parliaments.
11. NO LEGISLATION BY THE COURT. Legal activism by the European Court in Luxembourg shall be curbed, and the Court shall respect the European Convention on Human Rights.
12. PARTNERSHIP AGREEMENTS. The Member States and the ED may enter into partnership agreements of mutual interest with states or groups of states. The ED shall respect the parliamentary democracy of its partners and may assist poorer ones with a financial aid, while fostering free trade agreements.
13. BETTER SCRUTINY. The European Ombudsman, the Court of Auditors and the Budget Control Committees of the European and national parliaments shall have access to all documents and all financial accounts.
14. EQUALITY OF LANGUAGES. When legislating, all official ED languages shall be treated equally.
15. UNITED NATIONS. The ED shall not have its own army. Peacekeeping and peacemaking should be mandated by the United Nations and the Organisation for Security and Cooperation in Europe. Member States shall decide themselves whether they opt for a common defence through NATO, independent defence, or follow a neutrality policy.

Contribution by Convention members:

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