

XITH EPP CONGRESS - BASIC DOCUMENT

(Madrid - 5 / 7 November 1995)

ABILITY TO ACT, DEMOCRACY AND TRANSPARENCY:

The European Union - the road to European integration

PROPOSALS AND OBJECTIVES

FOR THE 1996 INTERGOVERNMENTAL CONFERENCE

PRINCIPLES

The European Union points the way to a united Europe. Our aim is a Union built on the principles of federalism and subsidiarity which secures peace both internally and externally, strengthens democracy, and deals with the challenges of the future.

The Intergovernmental Conference which, under the terms of the Maastricht Treaty, has to be held in 1996, must result in a thorough reform of the structures of the European Union. The existing structures of the European Union are no longer adequate to serve a Community of fifteen states, with a population of some 370 million, and they will become even less so once additional states join.

Since 1991, the year when the Maastricht Treaty was concluded, profound global change, interdependence, and explosions of violence have been such that the Treaty has, in many respects, become more and more inadequate. Enlargement to new members can not take place to the detriment of the cohesion and deepening of EU integration.

Capacity to act, democracy, transparency and integration, subsidiarity and solidarity these are decisive criteria for the IGC. The EPP believes that European integration must be based not on intergovernmental cooperation but on Community action by the EU institutions. What is important for us is that the European Union concentrates on political issues which cannot be dealt with adequately at Member State level, and can in fact be handled better by the Union. The subsidiarity principle is of great importance for the development of Europe. Citizenship completes a sense of belonging to the county, to the region, and to the country and is complemented by European citizenship.

The result of the 1996 IGC must be a European Union which is capable of action, both internally and externally, and thanks to clearly distinct and adequate competencies acts efficiently, in a manner which is true to democratic principles, and which decision-making processes that are open and comprehensible to the citizens of the European Union. This is especially desirable at times when the Union is in crisis, and when the citizens express worries both its usefulness and its future. The Intergovernmental Conference is an opportunity to strengthen confidence in a European perspective, to make it clear that the peoples of Europe have a common future, and that in order to shape this future, more - not less - Europe is needed.

In order to prepare for and assist the IGC, we call for a comprehensive public debate, to ensure that the further development of the EU has the necessary consent of its citizens.

Like political parties, the trade unions, associations, and other associations - for instance the churches - have a particular significance in terms of creating European unity and for the political and social development of a common Europe. We encourage those initiatives which, both inside and outside the EPP, work for European integration and through their commitment contribute to the bringing together of European peoples (Article 288 of the Basic Programme).

DEMANDS

I. A CITIZENS' EUROPE FUNDAMENTAL AND OTHER HUMAN RIGHTS IN THE EUROPEAN UNION

1.

The Treaties establishing the European Union should be prefaced by a list of fundamental and other human rights. In this connection, the EU should join the Council of Europe's Convention on Human Rights.

The founding Treaties of EU must be preceded by the following paragraph on the principles of equality: Irrespective of differences of talent and ability, of origin, sex, race, age, nationality, religion, belief, social position, or state of health, everyone should have the right to develop him or herself in freedom and equality.

The European Union must solemnly undertake to observe a series of social rights such as the right to form a coalition, the right to strike, the right of association, the right to collective negotiation, and a ban on all discrimination, rights which are included in the European Social Charter of the Council of Europe and in the Community Charter of Workers' Basic Social Rights ratified in 1989 by eleven member states of the European Union.

As they stand, the Treaties do not contain any reference to human rights. While the European Court of Justice has developed principles through its case law, it would be in accordance with the principles of the European legal order and hence the legal order of the European Union for human rights to be explicitly codified. All citizens of the European Union should be able to invoke such common rights. The EU should also make use of the results of the work of the Council of Europe here. The minority rights of ethnic groups should be included among these rights, in accordance with the principles of coexistence and not of assimilation.

In order to ensure that all citizens of the Member States have equal rights and opportunities, every official language should maintain the status of an official EU language.

II. DEMOCRACY AND THE ABILITY OF THE EUROPEAN UNION TO ACT

2.

The European Union should have international legal personality. The legal personality should only apply in areas where the European Union has competence with the respect to community procedures.

The Union's present heritage must be preserved both for existing EU members and for future members.

At present the EU does not possess legal personality at international level. This means that it is not represented as such in international organizations.

THE EUROPEAN PARLIAMENT

3.

The European Parliament and the Council of Ministers should have equal rights in the legislative process. The various procedures which exist at present should be simplified to produce a single, improved and streamlined co-decision procedure, involving the Commission.

There should be an equilibrium between the European Parliament and the Council. The codecision procedure must therefore apply to all fields of European legislation, including agriculture, for example. At the same time this simplification would result in application of the principles of parliamentarianism and democracy, and would increase transparency for citizens. The EP would acquire equal rights with the Council.

3.b

The number of members in the European Parliament cannot increase indefinitely and should have an upper limit of 700.

4.

Amendments to the Treaties establishing the European Union should require the assent of the European Parliament.

At present Parliament has no legal influence over amendments to the Treaties establishing the European Union. This is contrary to the principles of European democracy, and is unacceptable. Theoretically, governments and national parliaments could abolish the European Union, and in law the European Parliament would be powerless to do anything about it. Amendments to the Treaties already require ratification by national parliaments; in addition, they should require ratification by the EP.

5.

Judges at the European Court of Justice should be appointed by national governments after the European Parliament has delivered an opinion.

It is no longer acceptable that judges should be appointed to the European Court of Justice by national governments without any involvement of the European Parliament. In accordance with democratic principles, the European Parliament should be involved in the appointment process, for which purpose it should deliver a consistent opinion.

THE COUNCIL OF THE UNION (COUNCIL OF MINISTERS)

6.

The Council of the Union should meet in public when adopting legislation.

The decision-making procedures hitherto adhered to by the Council - reminiscent of the secret policy-making of cabinets in the 18th and 19th century rather than the principles of democratic public life close to the citizen - are outdated. The Council of the Union and the European Parliament should have equal rights in the legislative process. Committees of the Council of the Union should be closed to the public. Plenary meetings of the Council, at which decisions are taken and reasons given for them, should be public, and the Council's decision-making procedures should be simplified.

7.

If the Union is to remain capable of acting, the legislative decisions of the Council of the Union must in principle be taken by majority.

During a transitional period, decisions concerning Treaty modifications, enlargements or increases of own resources should be adopted unanimously.

Majority decision making makes it possible for the enlarged European Union to function today, and will become even more necessary once the accession of further member states in the Mediterranean region and Central and Eastern Europe has been negotiated. The co-decision procedure must be organised in such a manner that smaller states are not dominated but democracy is ensured. Adjustments are therefore needed in the weighting of votes in the Council; either of the following options, or a combination of the two, would be possible :

- a revised weighting of the votes of the Member States with the largest populations;
- a double majority (ie a majority of both States and of the population of the EU) could be required for decisions on certain sensitive issues.

The size of each country's population should also, and above all, be reflected in the number of members elected to the European Parliament. Decisions in particularly sensitive areas can then be adopted by a doubly qualified majority, especially for example in the field of the Third Pillar (Justice and Internal Affairs) or regarding the

application of Article 235 of the Treaty on European Union (eg 3/5 of Member States or 4/5 of the population).

8.

The system of six-month presidencies of the Council and of the European Council should be reformed. The aim should be to achieve continuity and effective action.

Experience of the relatively brief six-month presidencies shows that continuity and effectiveness of action are inadequately guaranteed by it. This problem is aggravated when a presidency coincides with national elections. A more flexible procedure, which promises to be more effective, should be sought.

THE COMMISSION

9.

The President of the Commission could be nominated by the European Council after consulting the European Parliament.

After a vote of confidence, the European Parliament would approve the nomination. The Commission as a whole would be approved after individual hearings by all appropriate European Parliament committees and after an expression of confidence in plenary.

Parliament would have the power to reject the President of the Commission and individual candidates for posts as Commissioners.

The new procedure of hearing members of the Commission and taking a confidence vote is still not satisfactory, as Parliament still does not have the power to reject an individual candidacy.

THE PARLIAMENTS OF THE MEMBER STATES

10.

The national parliaments should be systematically and promptly consulted by their own governments in preparing legislation before each legislative decision by the Council of the Union. National parliaments must be systematically linked to one another. The European Commission must also send its legislative proposals to the national parliaments for information.

European integration must not entail any regression with regard to democratic participation and control. In addition to the European Parliament, the national parliaments have an important role to play here. It is essential, therefore, that their own governments should involve them promptly and comprehensively before decisions are adopted by the Council of the Union. National parliaments are responsible for bringing

influence to bear on their own governments and monitoring what they do in the process of European integration.

A CLEAR DEMARCATION OF POWERS

11.

The subsidiarity principle must be more effectively applied in future. In this connection it is vital to make quite clear that an action by the Union can only be considered if the aims of a measure under consideration cannot be attained in any other way. The principle of subsidiarity is also valid in Union relations with local and regional authorities. The subsidiarity principle in Article 3b para. 2 TEU should, in order to make matters entirely clear, read: The subsidiarity principle means that the Union will only act if and when the aims of the intended measures cannot be adequately effected at the level of member states, or that of regional and local authorities which have jurisdiction in the relevant area under the internal laws of the member states.

The respective powers of the Union, Member States and regions should be demarcated clearly by drawing up a list of powers. The Union must as a priority adopt and subsequently respect a hierarchy of judicial acts. A distinction must be made between fields in which sole competence is vested in the Union and those where powers are shared and the subsidiarity principle has to be applied. The principle also applies between the Union and local and regional authorities.

On the one hand it is appropriate to strengthen the "acquis communautaire" and on the other hand to give the principle of subsidiarity a dynamic and positive endorsement. The principle of subsidiarity is in effect a means of obtaining efficiency, and not a pretext for undermining the powers of the Commission an renationalising common policies.

The respect and safeguarding of cultural and linguistic diversity must be reformulated to clarify them and guarantees in the clause on culture (Art. 128 of the TEU).

A clear demarcation of powers between the Union and Member States will increase transparency and hence improve acceptance of European decisions. The competency to determine competency remains at member states level.

SIMPLIFICATION OF THE TREATIES

12.

The EC Treaty, the Euratom Treaty and the ECSC Treaty should be combined into a single treaty.

Combining all the treaties on which the European Union is based into a single treaty would simplify the law of the European Union and render it more manageable. This should be done in conjunction with the incorporation of the amendments to the treaties

resulting from the decisions adopted at the 1996 Intergovernmental Conference.

Combining the treaties must permit us to delete obsolete arrangements, to reduce and simplify the number of procedures for decision making, and consequently to increase harmonisation.

EQUAL RIGHTS AND OBLIGATIONS FOR ALL MEMBER STATES

13.

In special cases, the Member States could be granted certain grace periods before applying directives and regulations. These legislative acts should always be applied within a set period, which should be the same for all Member States. These principles should also apply to those areas of policy for which the Community is not (or not yet) responsible.

Countries which can implement them rapidly must not be prevented by the slowest country from doing so. By accepting a certain time limit, any delay can be anticipated and all Member States can eventually participate. The time limit should not lead to distortion of competition or an exodus of enterprises.

It is of great importance that a single institutional framework be maintained and reinforced. Due to the Union's increasing diversity, transitional situations might be necessary at some future point. This should by no means lead to a Europe "à la carte", and it should not question the principle of equality of all States and citizens of the Union.

These principles must normally be applied to all areas of competence of the European Union, including policy areas not yet covered by Community procedures. A single Union procedure for intervention must therefore be guaranteed.

III. REINFORCING EUROPEAN SOCIAL POLICY

13b.

With a view to preserving the European social model, the Social Protocol should be integrated in its entirety into the Treaty on European Union, and become binding in all Member States.

While being particularly conscious of the interdependence of economic and social factors, the European Union must, in its development, follow the European social model which, in the long term will also lead to gradual reconciling of social security regimes throughout the Union. In doing this, the Member States cannot be forced to reduce standards they have attained.

In order to establish real European social policy, the EU must agree on common initiatives relating to competitiveness and employment, on bringing together the objectives of social protection and social security, as well as on minimum norms relating to working conditions. This incentive will reinforce the struggle against exclusion and poverty.

IV. AN EFFECTIVE POLICY ON JUSTICE AND INTERNAL AFFAIRS

14.

Starting with asylum policy, visa and emigration policy, border controls, judicial and internal affairs necessitating the harmonisation of policy must be progressively absorbed into Community procedure (Article 100 c of the Treaty) and placed under the political control of the European Parliament, and judicial control of the European Court of Justice, without prejudice to the adoption by Member States of the necessary means to guarantee the exercise of sovereignty on the integrity of their territories, as well as the security of the citizens. In this spirit, in the fields of serious internationality criminality, Europol will be transformed into a European police authority and afforded operational powers.

The security which is the basis for common internal and judicial policies, must not be brought to a halt at the outer perimeters of the EU. The Schengen process should be progressively extended to the external borders of the partners countries, and this "security partnership" should also be offered to those countries which are not members of the EU.

We want to create, with EFTA states, associated states in Central and Eastern Europe, and in the Mediterranean area, a European security area in which EU regulations can be applied as fully as possible.

The European police body (EUROPOL) must be subject to the authority of the Commission and of parliamentary control through the European Parliament.

If demanded by the national jurisdiction, the Court of Justice may, by a prejudicial procedure, formulate compulsory interpretations of the provisions of the Third Pillar. The contents of the Schengen Convention must be included in the Treaty subject to transitory periods for certain countries.

15.

European framework legislation is needed concerning offenses under European law; which permits the introduction of unequivocal and equal penalties for equal offenses in the 15 Member States. Priority must be given to frauds damaging European finances.

The European Court of Justice has already pointed the way in various areas through several judgments. The national courts must continue to enjoy the right to ask the Court of Justice interlocutory questions.

In criminal matters the common political objective must be the material harmonisation of accusation and sanctions in the most serious fields of international criminality (eg drug dealing, traffic in human embryos, traffic in nuclear material, terrorism, etc.).

V. THE ABILITY TO ACT IN THE FIELD OF FOREIGN, SECURITY AND DEFENCE POLICY

16.

The European Union must be enabled to take joint action in the field of foreign, security and defence policy, as elsewhere. This can be done only if the principle of unanimity in the Council is abandoned. It should be possible to decide on 'joint action' in the form of diplomatic, humanitarian or military measures by a qualified or reinforced majority. While no country should be compelled to participate in joint military action against its will, it should not be possible either for a minority of states to prevent the majority from taking such action not taking away from its financial obligations. The whole of the CFSP, including possible military operations, must have guaranteed community finance, supported by all members, including those who, for whatever reasons, do not participate.

The paralysis afflicting the countries of the European Union with regard to the conflict in the former Yugoslavia, for example, is partly due to the fact that unanimous decisions are required. If the European Union wishes to become capable of international action, it must abandon the unanimity principle. In view of the special character of foreign and security policy, specially qualified majorities (two thirds or three quarters) would be appropriate.

The proposed procedure would confer a twofold legitimacy: at European level for the participating states through qualified-majority decision-making in the Council, and at national level in that governments consenting to 'joint action' might require the consent of their parliaments, which is important for the acceptance of decisions regarding military action, for example. The European Parliament should participate in decisions on 'joint action' through the consultation procedure.

Analysis and planning resources available to the Commission, the Council, the WEU, and member states, along with supervision of the execution of Council decisions, must be brought together in an appropriate permanent body. Its task, in close collaboration with the Commission, would be to produce for the Council timely proposals for achieving a common CFSP, to make sure the Council's decisions are put into practice, and to ensure the Union has a unified foreign policy.

An inter-institutional agreement on the application of Treaty Article J7 and the funding of CFSP needs to be developed and ratified. The Council must present an annual written report on the CFSP. This would serve as a basis for the annual EP debate on the CFSP's development, in accordance with Treaty Article J7.

17.

The Western European Union should be integrated into the European Union. All EU Members should accept an assistance and solidarity clause or Article 5 of the WEU Treaty.

The Maastricht Treaty calls for the Member States to display solidarity in the field of foreign and security policy. This entails the display of mutual support in the case of a threat to the security of the European Union or to one of its member states. It would be no more than consistent if all Member States undertook to assist in one another's defence. Such solidarity constitutes a conventional Member State commitment. These commitments must clearly remain coherent vis-a-vis the obligations undertaken by the majority of EU states in their capacity as members of NATO.

WEU must not become an agency of the European Union. WEU and European Union should be united. Their institutions should therefore become identical. In 1998 the WEU Treaty will be fifty years old, and will at that time be denounced. This is the appropriate time at which to transfer WEU responsibilities and procedures to the EU in increasing their operational efficiency.

In the case of those EU Member States which are not yet members of WEU and do not currently wish to take all the rights and duties of membership, should be enabled - through an assistance and solidarity clause in the framework of the European Union - to take a full part in the concrete execution of CFSP. At the appropriate point, they should be enabled to take on all the rights and duties of membership.

Countries which wish to join the EU in the future must also join the WEU.

Strengthening European defence identity must go along with the development of a more comprehensive transatlantic cohesion on the level of politics, economy, and security, science and culture. What is needed is an agreed transatlantic cooperation on dealing with global challenges.

VI. FINANCIAL REFORM AND EFFECTIVE BUDGETARY CONTROL

18.

The way in which the Community is financed must be improved ensuring it full control of its own resources. The possibility of levying a European tax, to replace existing sources of revenue, should not be excluded. A European Union tax would have to respect the principles of fiscal federalism, subsidiarity and economic and social cohesion, and take account of the Gross Domestic Product of each Member State. It would have to be adopted by a unanimous decision, and must not impose any additional burden on citizens or result in one Member State or a small number of them providing a disproportionate share of the EU's revenue.

The system by which the EU has been financed hitherto has had its day. As integration progresses, it is essential to make it clearer to citizens how the EU is financed and to enhance the role of the European Parliament with regard to expenditure decisions. The Council of the Union and the EP should cooperate on an equal footing in this regard. This means that the EP would share responsibility for revenue as well. An independent EU revenue source and the associated coresponsibility of the EP would inevitably lead to more careful budgeting, especially if any residual funds could be retained by the EU rather than being refunded to national treasuries as is the case at present. A European tax, which should ideally be linked to the existing VAT system, must not impose an additional burden on the tax-payer. In other words, it must replace an element of existing national taxation.

The distinction between compulsory and non-compulsory expenditure in the EU budget should be abolished within a set time limit. The Council and Parliament should be equal partners in budgetary decisions. This is the logical consequence of the demand for equal rights to be vested in the two institutions in the legislative process.

18b.

Establish unity of the EU budget, and therefore the need to include in it not only the budgets of the European Coal and Steel Community and Euratom, but also the Development Aid budgets (as the EP has many times requested).

19.

The European Union must have the power to impose penalties on individual Member States if European funds are put to illegal use, especially in the event of fraud, and the power to enforce them.

The public rightly complain that too much of the funding provided by the European budget is spent unlawfully or syphoned off through fraud. All investigations - including notably those carried out by the European Court of Auditors - have concluded that in most cases Member States are either directly involved or facilitate the offenses through inadequate supervision. The Council and the European Parliament must therefore have unequivocal powers to impose penalties, and it must be possible to enforce them against individual Member States. Powers of investigation and of control of the Court of Auditors must also be reinforced.

This presupposes that the financial conduct of the European institutions and the individual Member States when using European budget funds is subject to regular internal control and to audits by the European Court of Auditors in accordance with generally recognized auditing principles.

VII. ROLE OF THE REGIONS

20.

EU regional and local bodies are an expression of Europe's cultural, economic, and political diversity.

The consultative role of the Committee of the Regions should therefore be extended: The European Commission must when necessary inform the Committee of the Regions of legislative initiatives in order that the Committee may introduce its opinions on these proposals already at the initial stages of the discussion of the legislative organs. There must also be obligatory consultations in matters of environment, information society as well as professional education. Therefore the Committee of the Regions must dispose of an independent infrastructure, autonomy in its Rules of Procedures, and have the status of an institution. The Committee of the Regions shall transmit its opinions to the European Parliament, which should also be given the possibility of consulting the Committee in the same way as the Commission and the Council. It must have the right to bring cases before the European Court of Justice where its competences are concerned. The communal right of self-government should be laid down in the Treaties.

Because they are close to the citizen, regional and local bodies can make a contribution to better implementation of the principle of subsidiarity and to a deepening of democratic legitimacy of the European Union.

The Committee of the Regions should play a vital role in this connection, both delivering its opinions on the proposals of the European Commission, and in voicing the regional and local interests in Europe.

Transborder and interregional cooperation is an increasingly important factor in economic, social, cultural development which contributes to the creation of alliances and links of peaceful cooperation between different European peoples.

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