



## **A Constitution for a strong Europe**

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1 **I. Introduction**

2

3 01. "Conscious of its history and its spiritual and moral heritage, the Union is founded  
4 on the indivisible, universal values of human dignity, freedom, equality and solidarity;  
5 it is based on the principles of democracy and the rule of law. It places the individual  
6 at the heart of its activities, by establishing the citizenship of the Union and by  
7 creating an area of freedom, security and justice."<sup>1</sup>

8

9 **02. We choose to act together in a European Union** as a result of our experiences  
10 in history and as a response to the challenges of the future. Through the European  
11 Union we intend to develop a society which – in the era of globalisation – combines  
12 free economy with a society based on solidarity. This is our model of a social market  
13 economy. The European Union has to commit itself to consolidate and stabilise  
14 freedom and democracy, human rights, peace and prosperity throughout the  
15 continent of Europe and contribute actively to more freedom and peace in the World.  
16 The EPP calls for a sustainable model of societies, taking into account solidarity with  
17 future generations. The peoples who joined the European integration process based  
18 on their free decision, declare to create a close and federal European Union and to  
19 join forces in order to achieve these values, which the EPP considers as constituent  
20 for the European Union. Therefore it is our duty to create a European Union  
21 deserving of its name – based on a European Constitution.

22

23 **03. Our Ideas for the future of the European Union** are based on the successful  
24 history of European Integration over the last five decades. The European People's  
25 Party feels obliged to carry on the historic achievements of its founders and of the  
26 post-war generation Christian Democrats. Without Jean Monnet, Robert Schuman,  
27 Alcide de Gasperi and Konrad Adenauer, Europe would be far different from what it  
28 is today: A guarantor of freedom, peace and prosperity. The European Union, having  
29 established the freedom of movement, the Single Market and the Economic and  
30 Monetary Union, is the most successful political project ever undertaken in Europe.

31

32 **04. We must continue to build on this success.** The EPP is conscious of the  
33 challenge that an enlarged Europe poses both to cohesion and to our institutions.  
34 Uniting Europe, as the end of the continent's unnatural division is commonly  
35 described, constitutes a unique event – not comparable with former enlargement

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<sup>1</sup> Charter of Fundamental Rights of the European Union, Preamble

36 processes. Therefore, we now need extraordinary efforts to continue the success  
37 story of European Integration. We know that there is a need for far-reaching reforms  
38 in order to ensure in the future the achievement of the objectives of our founding  
39 fathers.

40

41 **05. The success story of European integration** can only be continued, if we  
42 address the citizens' worries and fears and fight scepticism with a decisive concept  
43 for clear competences, greater transparency and democratic decision-making.  
44 Therefore we need – as already laid down in the protocol of the Amsterdam Treaty in  
45 1997 – a fundamental reform. In our view it is our duty to explain to the people what  
46 they can expect of Europe in the future. The former method of step-by-step  
47 integration without a clearly-defined aim has reached its limit. Europe needs to have  
48 a clear understanding of itself and its current and future role.

49

50 **06. The discussion on the borders of Europe** is strongly linked with Europe's  
51 understanding of itself. Europe long ago became more than a free-trade area simply  
52 guaranteeing economic growth. The geographic expansion of the Union must not  
53 outweigh its ability to integrate. Therefore we demand a defining of these boundaries  
54 clearly but openly, i.e. by offering institutionalized co-operation to states which do not  
55 want to, or cannot, eventually be accepted as members for the time being. The EPP  
56 proposes the creation of a "European Partnership"- similar to the European  
57 Economic Area – but including a political component. This would enable Europe to  
58 strengthen its institutionalized relations with neighbouring countries of the Union and  
59 consequently promote peace and stability throughout the continent.

60

61 **07. In a continuously growing Union** it is also necessary to state that the Member  
62 States have joined the Union on a voluntary basis. But because the European Union  
63 is much more than a free-trade area, constructive co-operation within the Union has  
64 to be ensured in order to meet its objectives.

65

66 **08. In December 2000 in Nice the Heads of State and Government of the EU**  
67 agreed on the "Declaration on the Future of the Union". This is intended as the  
68 starting point for a deeper and broader discussion on the future of the EU which  
69 should particularly reflect upon the following questions:

70

71 - the distribution of competences between the Member States and the EU in  
72 accordance with the principle of subsidiarity

73 - the status of the Charter of Fundamental Rights

74 - the simplification of European Treaties in order to increase their transparency

75 - the role of national Parliaments in the European hierarchy

76

77 **09. The Agenda of this debate has to be designed in an open manner** so that the  
78 deficits of Nice can be overcome and a more democratic and transparent Europe  
79 with a greater capability to act, can emerge.

80

81 **10. The limits of the intergovernmental method** have been clearly revealed by the  
82 preparation of, and the incidents during, the Nice Conference. The post-Nice process  
83 therefore has to dwell upon the active participation of members of the European  
84 Parliament and national parliaments as democratically elected representatives of the  
85 citizens of the European Union, as well as the active involvement of the European  
86 Commission, in the decision-making process.

87

88 **11. The EPP welcomes the decision of the European Council in Laeken** to install  
89 a Convention on the Future of Europe. The result of this convention has to form the  
90 basis for the decisions to be taken by the intergovernmental conference. The  
91 Convention should have completed its work by the autumn of 2003 in order to serve  
92 as a basis for an Intergovernmental Conference by the end of 2003 to finalise the  
93 decision-making process. The Convention should be complemented with a clear  
94 mandate, timetable and rules of procedure.

95

96 **12. The EPP will be the first European Party to submit a comprehensive**  
97 **concept for a European Constitution** – as heirs of the Christian Democratic  
98 founding fathers, this is both a challenge and an obligation. This Constitution should  
99 – in a transparent and generally understandable way – divide competences between  
100 the Union and the Member States as well as including Fundamental Rights and the  
101 future structure of European institutions.

102

102 **II. Practical Subsidiarity: The distribution of competences between the**  
103 **European Union and Member States**

104

105 **13. The discussion on reforming the European Union** is not a fight for influence  
106 between the Member States and Union. In our view these two are not opposites – on  
107 the contrary; in our globalised world, Europe and the Nation States are two sides of  
108 the same coin. The Nation States are the basis for Europe’s development.

109

110 **14. Theoretical discussions on sovereignty lead us astray.** Already today the  
111 Nation States individually have lost their ability to secure peace, external and interior  
112 security, prosperity and growth in a globalised world. Sovereignty can only be  
113 exercised on a larger scale. Therefore the question is rather not to give up  
114 sovereignty but, on the contrary, to restore the capability to act in some areas of  
115 politics. Because of demographic changes and the rapid development of other  
116 regions in the world, this trend will increase. In many cases we will have only one  
117 alternative: strength within a team or being alone and marginalised. Today,  
118 competences in many areas are divided between Nation States and the European  
119 Union. We call for a definition – on the basis of the principle of subsidiarity – of the  
120 policy areas to be decided upon at European level. The European Union has to be  
121 granted the means to exercise these competences in an efficient manner. This is the  
122 only way to keep pace with the other developing global regions and to successfully  
123 renew the “European model”.

124

125 **15. In the future the Member States will maintain responsibility for amending**  
126 **European Treaties.** A European Constitution underlines the fact that the European  
127 Union is a new form of co-operation, discussions on a state-like character of the  
128 Union are misleading.

129

130 **16. Transparency and democracy are the guidelines for our European policy.**  
131 The lack of transparency in the current distribution of competences between Europe  
132 and the Nation States are among the reasons for a decreasing enthusiasm for the  
133 integration process. The citizens have to be enabled to assess which level of  
134 administration bears the responsibility for which decisions. That is why the  
135 distribution of competences is paramount to any discussion on the future of Europe.

136 **17. The principle of subsidiarity has to play the central role in the distribution**  
137 **of competences.** According to the principle of subsidiarity, only those competences  
138 should be accorded to the European level which cannot sufficiently be dealt with at  
139 the national level. Consequently, it is our task to define the Union's core  
140 competences. The distribution of competences has to be periodically reviewed.

141

142 **18. The competences of the Union have to be laid down in the Constitution;**  
143 those of the Member States do not need to be. In every case where no competence  
144 has been allocated, Member States automatically bear this responsibility.

145

146 **19. The Union should have responsibilities** for the current Common Foreign,  
147 Security, and Defense Policies, for the Single Market with free movement, functioning  
148 competition, common external representation, a single currency and a reformed  
149 agriculture policy. Additionally the Union should act in the areas of justice,  
150 immigration, internal security, communication and infrastructure, research,  
151 environmental and health policies, where transnational or supranational dimensions  
152 are concerned. The Union should bear responsibility for safeguarding the  
153 Fundamental Freedoms of the Constitution. This, however, does not signify a  
154 competence for the Union for the entire areas in general.

155

156 **20. Those policies belonging to the traditions** of civilizations and culture and the  
157 whole area of civil society should remain the responsibility of the Member States.  
158 Particularly internal organisation of the Member State, family structures and social  
159 security schemes as well as education, culture and sports should not be dealt with on  
160 European level. Nevertheless, cooperation in those areas should be possible.

161

162 **21. In the framework of the communitarised competences** the various forms of  
163 action have to be listed and their content defined. For single competences,  
164 permissible action and instruments need to be defined. The various forms of action  
165 and the instruments have to be allocated to different categories of competences. In  
166 the Treaty the unilateral responsibilities of the EU and the combined responsibilities  
167 of the EU and the Member States have to be laid down. Legal objectives laid down in  
168 the Treaty have to be considered against the background of the communitarised  
169 competences without justifying any single competence for the Union. General

170 guidelines for common policies need to be reviewed and defined more precisely in  
171 order to prevent an uncontrolled expansion of competences. In those areas which in  
172 the future will be dealt with using the intergovernmental model, the EU will bear co-  
173 ordinating responsibility. In this respect one will make greater use of the possibilities  
174 of enhanced co-operation and flexibility. The Union's capability to act in this policy  
175 area will have a decisive impact.

176

177 **22. European integration is based on solidarity among the Member States but**  
178 **also on competition.** This has to be understood as we search for the most  
179 appropriate methods and policies. Therefore, competition and solidarity are to be  
180 seen as mutually dependent elements of the "European model". Rapid economic and  
181 social change requires an appropriate form of flexibility within the Treaty. A  
182 distribution of competences must not be understood as laying down the allocation in  
183 stone, with no possibilities for further change. Moreover transparency should be  
184 increased by more clearly defined competences and leading to an improvement in  
185 the acceptance of politics in Europe.

186

187 **23. European Solidarity should remain a key element** of European integration.  
188 However, in an enlarged European Union, the funding system should be reformed in  
189 a way which creates more efficiency and safeguards at the same time help to the  
190 less wealthy Member States.

191

192 **24. A Constitutional Court or a Constitutional Chamber of the European Court**  
193 **of Justice should be created** to judge on litigation relating to the distribution of  
194 competences.

195

195 **III. Inclusion of the Charter of Fundamental Rights into the Constitution**

196

197 **25. The Charter of Fundamental Rights has to become an integral part of the**

198 **European Constitution.** Currently the Charter is a political declaration of the

199 Commission, the Council and the European Parliament. In future it should lead to

200 legally binding decisions. A Charter of Fundamental Rights has to be an important

201 part of a Constitution because it is one of the basic elements clarifying the

202 relationship between the Union and its citizens. The integration of fundamental rights

203 into the Treaty underlines that the European Union is a 'Community of Values'. The

204 Charter has to be applicable for every decision taken by the Union and for Member

205 States in the cases where they act on behalf of the Union. The European Court of

206 Justice and the Court of First Instance have to be granted appropriate competences

207 in order to strengthen the Union and its relationship with the citizens.

208

209 **26. The Charter will make fundamental rights visible for everybody.** The

210 intention is not to introduce new rights but to assimilate the already recognized and

211 existing agreements into the Acquis Communautaire. The Charter of Fundamental

212 Rights will strengthen the EU as a Community of Values and at the same time

213 improve the protection of fundamental rights. A consistent interpretation of

214 fundamental rights by the European Court of Justice and the European Court of

215 Human Rights must be ensured. The EPP favours the EU becoming a party to the

216 European Convention on Human Rights.

217

217 **IV. Reforming the Institutions: New solutions for more Democracy,**  
218 **Transparency and Proximity to the Citizens**

219

220 **27. Democratic control has to be exercised at all levels.** The Member States have  
221 transferred competences to the European Union. We must ensure that the same  
222 democratic rules are applied on both the European and the national levels. Due to  
223 this fundamental conviction, the EPP defends its opinion that the Declaration on the  
224 Future of the Union, agreed upon in Nice, has neglected the structure of the  
225 institutions as a whole. The upcoming enlargement with the new Member States will  
226 drastically increase the present problems in the decision-making procedures.  
227 Interests will be more diverse, discussions will need more time and decisions will  
228 become more and more difficult. The EPP stresses the need to overcome the  
229 standstill in the reform process because the status quo simply will not work.

230

231 **28. National Parliaments have to be strengthened by a clearer division of**  
232 **competences.** Each national Parliament should enhance its control function in  
233 European affairs towards the government. A specific role for national parliaments  
234 within the EU institutional framework will not contribute to our objectives: more  
235 transparency, democracy and efficiency in the decision-making processes. This is  
236 the reason why the EPP presents a comprehensive concept for the future of the  
237 European Institutions. We are fully aware of the fact that these proposals go beyond  
238 the Declaration of Nice. But, it is our opinion that now is the right time to tackle  
239 comprehensive institutional reform.

240

241 **29. The European Union is neither a federation in the classical sense, nor a**  
242 **state.** This fact should not stop us changing non-democratic and non-transparent  
243 procedures. The citizens and their ability to exercise democratic control are at the  
244 centre of our ideas for reforming the European Institutions. For this reason, legislative  
245 and executive competences have to be delineated more clearly in order to build a  
246 Union which is transparent and respects basic democratic principles. Moreover, the  
247 European Union has to be accorded a full juridical personality. EU citizens have a  
248 right to a transparent process of legislation and decision-making.

249

249 **European Parliament:**

250

251 30. The European Parliament has to become an equal legislative organ to the  
252 European Council. This includes budgetary competence. The last decade has seen a  
253 significant increase of power for the European Parliament. This has not been  
254 translated into an appropriate influence on public opinion in Europe. In future,  
255 European Political Parties must also play an important role in this field.

256

257 31. The composition of the Parliament should reflect the distribution of the population  
258 in a manner which is as proportional as possible while safeguarding a minimum  
259 representation of the smaller Member States.

260

261 32. The number of European Parliamentarians must not exceed 700 deputies in  
262 order to ensure its ability to function. The deputies should be elected on the basis of  
263 common principles of European electoral law, such as proportional representation,  
264 regional constituencies and a preference vote, whereas political parties should  
265 democratically select their candidates for European Elections.

266

267 33. Parliament and Council should – in those cases where the Council decides by  
268 majority – be equal actors in the decision-making process.

269

270 **European Council:**

271

272 34. Reform of the Council is long overdue: a lack of co-ordination between the  
273 various departmental Councils, complicated and non-transparent decision-making  
274 procedures as well as inefficient debates, are the main reasons for the lack of  
275 transparency and efficiency. Furthermore, the Council is overloaded with countless  
276 administrative questions. For this reason, the entire role of the Council has to be  
277 reviewed. This is also true for its role within the institutional framework. We propose  
278 that:

279

280 35. The decision-making procedures within the Council must be more democratic,  
281 transparent and efficient. When exercising its legislative function, the Council should  
282 meet in public and the protocols should be published.

283 36. The Council has to concentrate – together with the European Parliament – on its  
284 legislative role. Executive functions should no longer be exercised by the Council.

285

286 37. The role of the Council should be one of a chamber representing the Member  
287 States and legislating together with the European Parliament.

288

289 38. As a general rule, the Council should decide by majority vote. Only in the  
290 domains of amendments to the Treaty, accession of new Member States and  
291 decision on own resources as well as on a significant redistribution of financial  
292 transfers, unanimity should remain.

293

294 39. There have to be less departmental Councils. Transparency and coherent  
295 decisions can best be reached by pooling the work into one single Council.

296

297 **European Commission:**

298

299 40. The Commission has to be developed into the real Executive of the Union.  
300 Furthermore, democratic control by the European Parliament has to be enhanced  
301 and the responsibility of individual Commissioners clearly laid down.

302

303 41. In future, the President of the European Commission should in be elected by the  
304 European Parliament. The Council must confirm this election by majority voting. This  
305 would give to European Parties the opportunity to present their own candidates to the  
306 European Parliament in an election campaign. This would lead to a more  
307 personalised election campaign and would increase the democratic control and  
308 support of the Commission.

309

310 42. The President of the Commission should be granted the right to select members  
311 of the European Commission in accordance with needs. The Commission as a whole  
312 has to be elected by the European Parliament and confirmed by the Council by  
313 majority vote.

314

315 43. The executive functions of the Union have to be exercised by the Commission.  
316 The creation of additional authorities and representatives must be avoided. The  
317 tasks of the Secretariat of the Council should be exercised by the Commission.  
318

318 **V. Our responsibility: Reforms Now**

319

320 **44. The EPP more than ever remains committed to the visions of the founding**  
321 **fathers** of today's Europe. Visionary reform steps in Europe have been carried out  
322 when our political family carried the political responsibility. We want to take the lead  
323 in presenting a clear and coherent concept for the Future of the European Union in  
324 order to continue the success of European integration and create a Europe which  
325 works – for us and for future generations.

326

327 **45. Our concept is visionary – but it is not utopian.** Our reform proposals are  
328 concrete and can realistically become reality until 2004. In order to achieve this, we  
329 propose a concrete timeframe connected with a clear and transparent procedure.

330

331 **46. This is our contribution** to build a Europe which is more democratic,  
332 transparent and efficient. Our goal is a Europe which is able to face the challenges of  
333 a globalised world and to give the appropriate answers to the questions our citizens  
334 are concerned with.

335

336 **47. Institutional reforms are not objectives in themselves,** but they are necessary  
337 in order to construct an enlarged Europe which is capable of acting and of  
338 safeguarding freedom and democracy, human rights, peace and prosperity for all  
339 citizens.