

NATIONAL PARLIAMENT REPRESENTATIVES IN THE CONVENTION POSITION PAPER

1. The Convention should produce an integral draft Constitution with no options.
2. No new institutions should be established; no Congress, the European Council should not be accorded separate institutional status.
3. Convention method to be used for the future changes of the Constitution. The European Council may decide, by a qualified majority, not to convene a Convention.
4. General rule of QMV and the use of the legislative procedure (co-decision) for the enactment of laws and framework laws. Defined list of exceptions to QMV to be agreed: e.g. military matters, flexibility clause (Article I-17) and the transfer of national competences to the Union. For CFSP, the possibility of using super-QMV should be considered.
5. Charter of Fundamental Rights (entire text) an integral part of the Constitution; preamble of the Charter included in the Constitution, but no reference in Constitution itself to Charter explanations. The Union shall accede to the European Convention on Human Rights.
6. Safeguard the Community method.
7. Implement the Laeken objectives on transparency, democratic legitimacy and simplification.
8. Enhanced cooperation on defence based on the general rules and criteria of enhanced cooperation: no separate provisions on structured cooperation on defence and mutual defence (Article I-40, paragraphs 6 and 7 deleted).
9. Strengthen all sides of the institutional triangle, as follows:

European Commission:

- A. President of the Commission elected by the European Parliament; election confirmed afterwards by the European Council.
- B. Exclusive right of initiative in legislative questions (exception in Justice and Home Affairs for transitional period).
- C. Until 2009 all Member States are represented in the Commission. After 2009, equal representation of Member States in the Commission based on an equal system of rotation.
- D. President of the Commission has extensive powers to structure the organisation of the Commission.
- E. Executive powers should lie with the Commission and the Member States.

Council

European Council

We acknowledge the merits of retaining the rotating chairmanship. However, we may consider accepting the appointment of a longer term Chair of the European Council, provided all the following conditions are met:

- A. The Chairman elected by 2/3 majority of Member States.
- B. Rotation in the other Council formations is maintained.
- C. The European Council will not be a separate institution, does not have its own bureaucracy or executive powers.
- D. Role of the European Council is to give strategic political impulses and guidelines.
- E. The Chairman of the European Council may be a member of another European institution or hold a national mandate (delete Article I-21, paragraph 4).

Legislative Council

- A. Legislative powers of the Council shall always be exercised in public.
- B. Separate council formation established for law-making (Legislative Council).