

PREFACE

The Committee for European Affairs, by order of the President of the Hellenic Parliament, Mr. Apostolos Kaklamanis, was called to participate actively in the debate and express its opinion, according to Article 41 B of the Rules of procedure of the Hellenic Parliament, on the discussed institutional reforms, during the Intergovernmental Conference in Nice, on December 7 and 8, 2000.

It is of utmost importance for the National Parliament, as for every Parliament of the European Union, to reflect upon, taking position on Europe's new challenges and perspectives, which call for reforms that will sooner or later be institutionalised, since we are making efforts towards enlargement and improvement of its effectiveness.

The assigned rapporteurs, Mr. Paraskevas Avgerinos, M.P. and George Dimitrakopoulos, member of the European Parliament, supported by the Scientific Colloquator of the Hellenic Parliament, Mr. Asterios Pliakos, proposed a Draft Opinion of the Committee, which was discussed during the meetings of June 29 and July 13, 2000.

The final text was formulated, taking into account the apt remarks and suggestions of our colleagues, members of both the Hellenic and the European Parliament, during the two Committee meetings.

The elaboration of the governmental positions by the deputy Minister for Foreign Affairs, Mrs. Elizabeth Papazoi, has been extremely useful and has considerably helped the Committee members in fully understanding the subject. The contribution of Professor Mr. Panayiotis Ioakimides, Special Representative of the Government in the negotiations for the Intergovernmental Conference, has also been valuable.

The debate was conducted in a spirit of cooperation, it was extremely interesting and gave the Committee members the opportunity to cover the whole spectrum of the institutional reforms.

It is with great satisfaction, in my capacity as President of the Committee of European Affairs of the Hellenic Parliament, that I present the Committee's Opinion on the Intergovernmental Conference for the Reforms of the European Union Treaties.

Dinos VRETTOS
Vice-President of the Hellenic Parliament
Chairman of the Committee for European Affairs

OPINION

On the Intergovernmental Conference for the reform of the European Union Treaties.

COMMITTEE FOR EUROPEAN AFFAIRS

The Committee for European Affairs.

A. Having been called upon by the President of the Parliament to give opinion, according to Article 41B, par.5 of the Rules of Procedure, in relation to the Intergovernmental Conference for the revision of Treaties of the European Union.

B. Having taken into consideration the conclusions of the European Parliament of Cologne (June 3-4,1999), Helsinki (December 10, 1999) and Feira (June 19-20,2000).

C. Having taken into consideration the opinion of the Commission " to adjust institutional instruments in order to achieve enlargement", dated January 26,2000 (COM (2000) 34-CS-0072/2000).

D. Having taken into consideration the resolutions of the European Parliament dated November 18,1999 and February 3, 2000 with respect to the convocation of the Intergovernmental Conference.

E. Having taken into consideration the reports of the Committee for European Affairs of the Hellenic Parliament dated September 24, 1990, March 15, 1996 and May 30, 1997.

F. Deeming necessary to forward the scheduled enlargement of the European Union under terms that shall not alter the goals, the institutional profile and its ability to plan and implement policies capable of strengthening the unification process, especially regarding the transformation of the European Union into a pure Political Union, in parallel and in addition to the Economic and Monetary Union, in order to be able to play in the world the historic part which becomes to the European Union towards the interest of States and Peoples it unites.

G. Taking into consideration that the reform of the European Union should reinforce the effective, transparent and democratic function of its institutional system, in order to meet the new challenges born by globalization, to reduce the distance separating her from society and citizens and to further limit the existing democratic deficit in structure and function thereof..

H. Assessing that the economic, social and political challenges faced by the European Union require a more ambitious reform than the one provided by the institutional protocol of the Amsterdam Treaty. Considers, therefore, necessary to further broaden the agenda of the Intergovernmental Conference, so that the reform effort is vested with a more cohesive and democratic perspective, by comprising principally issues of

integration to the under revision convention of the Charter of Fundamental Rights and the further development of the European policy for Security and Defence.

I. Reminding that the federal perspective of the European union constitutes the declared and firm ultimate goal of the European unification. Consequently, procedures for the further democratization of the European Union should be favoured , mainly by simplifying and reforming the treaties, so that they become comprehensible and functional for the citizens. All terms of the European Union reform should aim at and support the federal perspective thereof. At the same time, measures should be taken, contributing to the formation and strengthening of the European public opinion , the European citizen (i.e Euro, European Mass Media programmes, European History, European passport or identity card, European driving licence , European University degrees e.t.c).

J. Stressing that the principles governing the reform of the European Union should be those of democracy, transparency, institutional balance of the European Union instruments and of institutional equality of member- states. Moreover, the fundamental goal of the European integration should be covering the democratic as well as the political deficit of the European Union.

I. On the institutional protocol of the Amsterdam Treaty.

1. It points out that the composition and function of the Commission, the Council and the European Parliament should be governed by the principles of institutional balance of member- states, the double legitimacy of the European Union, in its capacity as a States and Peoples Union, transparency, simplicity, democracy and inter-institutional balance.

Consequently, the revision should not lead to reversing the fundamental and historically vindicated balances amongst the big and small member- states, such balances having secured the success of the European Union system.

On the magnitude and composition of the European Commission.

2. Considers that the Commission, as the central supranational instrument of the European union should enjoy high legitimacy which is not possible to achieve but with the participation of all member- states in the composition thereof. A European Commission with fewer members would not be sufficiently legitimised and, consequently, less effective.

3. It deems necessary not to affect the principle of independence and collective responsibility of the Commission, with arrangements such as the establishment of an internal hierarchy or the distinction between Commissioners with or without portfolio. The Commission should continue to occupy a key- role into the institutional political system of the European union. Further institutional reinforcement of the President of the Commission should be reviewed within the above framework.

On the distribution of the Council's votes.

4. It stresses that the distribution of votes in the Council reflects historic, political and institutional necessities that should be observed, Any new distribution of votes in the Council should not reverse fundamental inter-institutional and inter- state balances.

5. In the event of changing the system, it deems that the method of the double majority preserves the democratic character of the decision making process. In an enlarged European Union, the establishment of a decision making system by special majority requiring 60 % of member- states and 60 % of the total population of the European Union, creates new democratic dynamics, not affected by any future enlargement, while reinforcing the nature of the European Union, as a union of peoples and states. Moreover, the system of double majority is simple and comprehensible to the average European citizen.

On the extension of the voting by special majority.

6. It deems necessary that the principle of unanimity as regards institutional European Union matters continues to apply, as well as to such entailing the ratifying intervention of member- states, the accession of new states to the European Union, and issues of intergovernmental character. The principle of mutual respect and of "intertransition", already successfully operated as regards the relations of the national constitutions and the primary law of the European Union is a most important *acquis* as regards such matters.

7. It assesses that, provided that the implementation field of the special majority is extended, the relevant sectors of action should be subject to the procedure of co- decision with the European Parliament.

II. On the European Parliament

8. It deems that the reinforcement of the democratic character of the European Union constitutes an indispensable prerequisite for the effective enlargement thereof. Points out that the maintenance of the ceiling of 700 MPs for the European Parliament involves both the reconsidering of the number of seats per state, so as to ensure the satisfactory representation of member- states, and the interconnection of the extension of special majority with the procedure of co- decision for adopting deeds of a legislative nature.

III. On the principle of closer cooperation

9. It assesses that the perspective of an enlarged European union creates the need for a more functionally adaptable institutional system, by establishing mechanisms for the further deepening of the unification process, based on democratic foundations and avoiding exclusions. However, without the necessary budgetary prerequisites being formed (height of own resources, budget of the E.U e.t.c) any discussion on the forwarding of the unification process is out of place.

10. It deems that closer cooperation, which constitutes the key issue for the future of an enlarged European Union, should be performed in compliance with the terms and conditions set by the Amsterdam Treaty and be accompanied by the introduction of a clause of solidarity for member- states wishing, but not being able to participate from the start. The procedural adjustments of reinforced cooperation should be simplified.

11. Any reinforced cooperation should be open to countries wishing and being able to participate. Countries participating to the economic and monetary union comprise, as thiongs stand, the central core on which the future political union of the European Union may be constructed.

IV. On the extension of the Agenda

12. It supports the integration of the Charter of Fundamental Rights into the Treaty , accepting the decisive role it could play to the development of the concept of the European citizen and to the defence of his rights. It requests that the Charter acquires a binding character for member- states and deems that it should and can become the ideological mark of a Europe respecting human rights, economic liberties and social justice.

13. It deems necessary to redefine the provisions of the European union Treaty, in what concerns European union defence, in a way corresponding to that of the institutional community model, following the European Council of Helsinki and those subsequent relevant thereto. Suggests the drawing of a common European policy in the field of security and defence, vested with procedures securing national interests of each member- state, said policy safeguarding the outer borders of states as being European Union borders.

V. Conclusions.

14. The Committee for European Affairs calls upon the Government to keep the Parliament constantly briefed on developments associated with the final phase of the Intergovernmental Conference and reserves the right to ponder such developments and formulate a new Opinion.

REPORT

On the Intergovernmental Conference for the reform of the European Union treaties

COMMITTEE FOR EUROPEAN AFFAIRS

Rapporteurs: P. Avgerinos – G. Dimitrakopoulos

1. Introduction

During the Intergovernmental Conference of Amsterdam no agreement had been reached regarding the reform of the Instruments of the European Union in view of the perspective of the enlargement thereof. However, it was agreed that the enlargement should be connected with the institutional revision of the European Union (Protocol for the institutional instruments in view of the enlargement of the European Union). The Intergovernmental Conference was initiated during the Portuguese Presidency and it is expected to be completed during the French Presidency, before the Session of Nice.

2. To a sweeping reform

- 2.1 The enlargement of the European Union to over 25 members states constitutes the new important political trial of the european unification. The European Union shall not be able to come out strengthened by this long lasting procedure except if its autonomous political role, its economic dynamics, its democratic structure and its effective institutional function is reinforced.
- 2.2 Meeting the political, economic and social challenges faced by the European Union requires a more ambitious reform than that provided by the institutional protocol of the Amsterdam treaty. At the same time the reforming effort should vest a more cohesive and democratic perspective, by integrating to the under revision Treaty of the Charter the fundamental rights and the further development of the European Policy for Security and Defense.

3. Purpose and principles

- 3.1 The primordial purpose of the Intergovernmental Conference should be the preservation and further strengthening of the political role of the European Union which is the achievement of permanent piece, prosperity and stability. The scheduled enlargement should consequently be conducted under terms which shall not alter goals, the institutional profile and the ability of the European Union to plan and implement policies which may reinforce the unification process, particularly as regards the transformation of the Union to a purely Political Union, in parallel and in addition to the Economic and

Monetary Union. We should not forget that the Political Union of Europe constitutes the declared and firm ultimate goal of the European Union. The prospect of the European Union, as defined in its Founding Act of 1957 in Messina, is the federal form, which shall make it able to play a leading role at the International scene, to the interest of the States and Peoples she brings together.

- 3.2 The European Union should approach the European citizen, become more democratic, transparent and open to the way of its formation and function. It is necessary that the existing gap between the European citizen and the instruments of the European Union is bridged and that procedures of its further democratization are forwarded. Treaties should be simplified and reformed in order to become comprehensible and functional for citizens. In parallel all necessary measures should be taken for the building of a pure European social model, on the basis of the principles of solidarity, tolerance and, generally, of the European Social State. Policies relevant to the quality of life of the European citizen, especially those of social protection of the environment and participation to the society of knowledge should be strengthened. Ultimately, the creation of the necessary background for the development and consolidation of a European Public Opinion, bring closer the citizens of the Union securing and legitimizing at the same time the procedure of the European integration.
- 3.3 The pursuit of such goals presupposes the observance of the guiding principles of the common course, amongst which the principles of democracy and transparency play a key role and occupy a key position. The revision should not, therefore, lead to the reversal of the fundamental and historically vindicated balances between the big and small member-states, such balances having secured the success of the European Union system.

4. European Commission

- 4.1 The idea, that in an enlarged European Union the number of Commissioners should be limited for reasons of functionalism or principle, is rightfully regarded with distrust. In the event that the possibility of a country to have a member to the Commission is not provided for, one should not expect that the ratification of the amended European Union treaty shall be achieved. The reasons are obvious: Commission has a specific weight on the decision making procedures (right of initiative, information etc.) and the absence of a Commissioner of a country implies its weakening in the decision making system of the European Union.
- 4.2 The Commission, in its capacity as central supranational instrument of the European Union, should enjoy high legitimacy which is not possible to achieve but with the participation of all member states in the composition thereof. A European Commission with fewer members would not be sufficiently legitimized and consequently ineffective. In parallel, the principle of independence and collective responsibility of the Commission should not be affected, by arrangements such as the establishment of internal hierarchy or the distinction between commissioners with or without portfolio. The Commission should continue to play a key role to the institutional political system of the European Union.

- 4.3 On the other hand, every suggestion that would make the Commission more effective should be adopted; i.e. the President of the Commission should be entitled to appoint the members thereof by a series of suggestions of the member states. Finally, the Hellenic Parliament considers as positive all initiatives for the strengthening of the European Parliament's role in the election of the President of the Commission.

5. Council

- 5.1 The distribution of votes reflects historic, political and institutional necessities which should be observed. Any new distribution of votes in the Council should not reverse the fundamental inter-institutional and inter-state balances.
- 5.2 The reevaluation of votes in the Council should not affect the democratic character of the community decision making system, nor the possibility of the member-states to defend their vital interests, such possibility expressing and embodying the fundamental principle of equality of member-states of the European Union.
- 5.3 In case of a change of system it appears that the most convenient method is that of double majority, which preserves the democratic character of the decision making procedure. In an enlarged European Union, the establishment of a decision making system by special majority requiring the 60% of the member-states and the 60% of the total population of the European Union creates new democratic dynamics affected by future enlargements, strengthening at the same time the nature of the European Union, as a Union of Peoples and States. Moreover, the system of double majority is simple and comprehensible for the European citizen.

6. Special Majority

- 6.1 The extension of the special majority should not affect the rule of unanimity as regards the decisions in relation with issues of vital character, such as the institutional organization of the European Union (preamble, goals of the Union, Charter of Fundamental Rights, institutional instruments, decision making procedures and distribution of competence between the European Union and the member-states), the accession of new countries, the decisions requiring constitutional ratification from the member-states and issues of intergovernmental character. The preservation of unanimity on such issues is necessary for the preservation of cohesion and integrity of the European Union.
- 6.2 The special majority may extend on issues of non-fundamental character and according to an ad hoc method. In that case, the relevant fields of action should be subject to the procedure of co-decision with the European Parliament for all deeds of legislative character. The co-decision of the European Parliament constitutes an indispensable and particularly important political precondition for the strengthening of the democratic character of the European Union.

7. European Parliament

- 7.1 The reinforcement of the democratic character of the European Union constitutes an indispensable precondition for the effective enlargement thereof. The preservation of the ceiling of 700 MP's for the European Parliament entails, both the re-examination of the number of seats per State, so that satisfactory representation of the member-states is secured, and the interconnection of the extension of the special majority with the procedure of co-decision for the adoption of the legislative character deeds.
- 7.2 The distribution of seats in the European Parliament has always reflected the reconciliation of principles of the political power and the democratic representation. The re-examination of the number of seats per State should take into consideration the whole of the other institutional reforms so that we are not led to the reverse of the up to date system in force.

8. Reinforced cooperation

The prospect of an enlarged European Union creates the need to make the institutional system more functional, as regards its application, by establishing mechanisms of further deepening of the unification process which are based on democratic foundations, and by avoiding exclusions. Such closer cooperation, constituting the central issue for the future of the enlarged European Union, should be carried out in compliance with the terms and conditions set by the Amsterdam Treaty and should be accompanied by the establishment of a solidarity clause for member-states, wishing, yet not being able, to participate from the beginning. The procedural adjustments of the reinforced cooperation should be simplified. All reinforced cooperation should be open to countries wishing and being able to participate. Countries participating to the Economic and Monetary Union comprise, as things stand, the central core on which the future Political Union of the European Union shall be built.

9. The Charter of Fundamental Rights

The Charter of Fundamental Rights should be incorporated in to the Treaty. The Charter being vested a binding character for member-states members shall enable its playing a decisive role to the development of the concept of the European citizen, to the protection of his rights and the deepening of the European integrating course. The Charter may and should become the ideological mark of a Europe which respects human rights, economic liberties and social justice.

10. Security and Defense

- 10.1 The presence of the European Union in the international arena should be reinforced, so that it may play a more active role in the developments. This is imposed by its interest itself, its position in the international system and the problems arising therein and affecting. In the future Europe should have one sole voice, where this is feasible and necessary, however, always on the basis of commonly acceptable principles and rules. The development of a Common Foreign and Security Policy (CFPPS) of the European Union constitutes an imperative need for Europe. The European Union should play a role proportional to the economic and commercial power which it disposes, and actively contribute to stability peace, crises management and humanitarian

interventions and handling of risks, menaces and challenges which face both Europe as a whole, as well as each member-state separately. Moreover, the scheduled enlargement of the Union towards the countries of Central and East Europe (CCEE) and of the Mediterranean sea (Cyprus, Malta), as well as the realignments in NATO and in the Atlantic relations, also advocate the development of the CFPPS as well as the endowment of the latter by a powerful element of common defense policy.

- 10.2 No common foreign policy and common defense may be deemed integrated, legitimized and effective if it does not cover a central target, which is the protection of the territorial integrity of the European Union and member-states as well as the inviolability of the outer borders.
- 10.3 Therefore, it is deemed necessary to redefine the provisions of the European Union Treaties, as regards the defense of the European Union, according to the procedure applied for the community institutional model, subsequently to the European Council of Helsinki and those relevant which followed. A common european policy in the field of security and defense should be mapped by the use of procedures securing the national interests of member-states, such policy safeguarding the outer borders of the states as being those of the European Union.
- 10.4 The European political unification shall not be a policy on the substance to the extent that it shall refer solely to the summit institutions and not to the European citizens, given that it shall not comprise policies and measures for the occupation, social cohesion, preservation and enlargement of the European social acquis.

THE POSITIONS OF THE PARLIAMENTARY GROUP OF THE GREEK COMMUNIST PARTY FOR THE INTERGOVERNMENTAL (by Mr. Antonis Skyllakos)

The European Union, as proven by the relevant treaties as well as by the applied policies and the general activities thereof, is a inter-state union, aiming at the strengthening of the multinationals, and in general, of the big capital of Europe. It concerns treaties and policies which affect rudely the workforce of Europe, by reinforcing the inequality status, as well as the possibilities of development of the smallest and poorest countries of the E.U..

The consequences to the detriment of the workforce of the country, and of the country itself are grave and in the future shall become even grater. The imminent revision of the E.U. treaties in the framework of the Intergovernmental shall aggravate those negative consequences, therefore the G.C.P. (KKE) objects to all imminent changes, objects to the further political integration of the E.U., objects to the "federal" prospect of E.U. and to the "constitutionalization" thereof.

More specifically:

1. We reject the compensation of votes on behalf of the bigger states, as it limits the rights of the smallest countries (including Greece). However, we reject as well the so called "double majority" and the possibility making decisions by a percentage on the countries or on the population. The "double majority" somehow mitigates the problem, yet, it does not annul it.

2. The result of the extension of the special majority application shall be the reinforcement of the powerful states in much more issues (i.e. taxation, social policy etc.) so that no decision is taken in Greece, but in Brussels, even contrary to the official positions of our country. Indeed, the extension of such prospect in the fields of foreign policy and defense, internal security and justice, is particularly dangerous for the real interests of the country and for the individual and political rights and liberties.
3. The acceptance of the reinforced cooperation, means the acceptance of the enactment of a hard nucleus, of a directorate of the powerful countries and the establishment of a "Europe of two speeds". Even if it was possible for Greece to be included to the first speed, its inferior and depending role would not alter.
4. The drawing up of the so called Charter of "Fundamental Rights" its incorporation to the Treaty of E.U., and, indeed, with a binding character, sets grave questions as for whether both political and social rights shall be promoted or restricted.
5. The redefinition of the Treaty provisions, as regards the defense of the E.U., in the name of safeguarding the outer borders of the states, as those of the E.U., at the very moment when the E.U. policy towards Turkey is expressed, the sole result shall be the opening of the road for reactive changes, in the field of Defense and Foreign Policy.
6. The enlargement of the E.U. by the accession of new countries and the preservation of the ceiling of 700 MP's in the European Parliament, essentially affects the smallest political forces, mainly, those objecting or disputing the E.U. and its policy.

The total of the above stated changes, scheduled in the Intergovernmental, lead to a new assignment of the sovereign rights of the country, to the greater restriction of the Greek People's right to decide upon the course to be followed, and to the further restriction of the popular sovereignty.

They lead to the shrinkage of the national personality and put Greece in a more inferior and depending position within the frame of the E.U..

