

BULLETIN 17
Brussels, 27 November 2003

[Update on Italian Presidency's IGC Pack](#)

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Dear Friends,

The moment we sent the last bulletin (in fact in that second) the Presidency published its drafts. One should never judge too quickly is the lesson learnt here ☺. So this time "Vivre la transparence" without irony.

There are several documents: an explanation in English from the Presidency and the precise wording of the amendments in French only. There are three further texts one from a working group on protocols and two from the legal expert groups.

All these documents are available on

http://www.act4europe.org/code/en/news.asp?id_events=29.

We have also copied out the most important articles onto that site for easier reference.

Overall there is some very good improvement in areas we have lobbied on, believe it or not. Generally speaking, the Italian Presidency shows a concern, to stick quite closely to the Conventions draft. However, these are only proposals of the Italian Presidency for the upcoming Conclave starting tomorrow, November 29 – we cannot predict if and how these proposals will be taken into account.

So far, we cannot give a detailed commentary on all the proposals of the drafts. But here is a first list of the development of most of our demands. A first version of this was sent round to you via the list yesterday:

- Euratom is still out, no changes on trade agreements with developing countries in Part III proposed, and no other major fall-backs in our areas behind the Convention text.
- Reference to Christianity is not included in the pre-amble, but is proposed to be discussed together with a sentence on the secular nature of the EU institutions. Debate, thus, remains open.
- Protection of minorities and equality between women and men has been added to art. 2 on values.

- Accession ECHR is clarified: "The Union will accede to the ECHR". In addition, QMV is proposed for this issue, which seems to be contradictory: If the constitution says that the EU accedes there is no more QMV necessary... (??)
- In Part III, article 2 has got a new paragraph on social protection additional to the article on gender equality (thus keeping both separate) with high level of employment, guarantee of adequate social protection, fight against social exclusion, high level of education, training and the protection of human health (santé humaine is the strange wording instead of santé publique).
- Social Policy and Services of General Interest are clarified further in not harmonizing any further but coordinating.
- An article on animal welfare has been added.
- Public Health has an addition on the fight against grave diseases with a European dimension.
- Revision Procedure as already outlined with bridging clauses and "nihil obstat" rule (giving National Parliaments six months to oppose the measure), thus making Part III easier to revise without an IGC unless competencies are broadened (see bulletin 16).
- There is an addition to the energy chapter asserting MS rights on security.
- None of the propositions of the Council of Economic and Finance ministers (ECOFIN) on cutting budgetary powers of the European Parliament has been retained.
- The Italian Presidency proposes a protocol that enables Denmark to move from an opt-out to an opt-in mechanism.
- Worrying is the emphasis on legal certainty for the preamble provisions of the Charter.

Here is what we can gather on the broader process:

Institutional issues will be of importance during the Naples Conclave, but there should be time for non-institutional issues since many decisive institutional issues (majority voting definition, composition of the Commission, revision procedure, CFSP, the final touches to the Foreign Minister, and the reference to Christianity) will be dealt with on highest level at the European Council in December. Agence Europe of today gives a good summary of the proposals on the institutional issues for those of you who have access to that.

The decision of ECOFIN on the stability pact (to end procedures against France and Germany regarding their high deficits) puts the IGC under more pressure, as ELMAR BROK assures. The IGC should come to a positive conclusion in December – failure would have severe consequences. He is therefore optimistic on the possibility of bringing the discussions to a successful end.

Both the EP representatives to the IGC, BROK and HAENSCH, and the Commission welcome many of the Italian proposals.

Still, we will have to wait until the conclusions of the conclave to know, which of the proposals will be retained and to assess their consequences. We will keep you informed on these evolutions in the next bulletin that should be published early next week.

Have a nice Conclave weekend,
The act4europe team