

BULLETIN 18
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[News on IGC Conclave in Naples](#)

[act4europe press release in EUROPEAN VOICE](#)

[Special on EURATOM by Mark Johnston
\(Friends of the Earth\)](#)

Editorial

Dear Friends

The Conclave is over and it looks better than we expected. Yet, our expectations were quite low and any gains caught us by surprise. There has definitely been improvement in some areas of social policy (gender equality and social exclusion/education/health), and there is some successful safeguarding of development concerns. For the human rights sector the Charter pre-ambule, but also the developments in Justice and Home Affairs are rather negative, and environment does not see much improvement either outside of animal welfare and some addition to the energy chapter. In fact, the crucial concerns, such as an improvement in agricultural policy, the adding of the protocol on sustainable development, or the calling of a review process for Euratom are all not won. There are 10 days to go and potentially we can still attempt to pull more governments behind at least those things that are tabled. Don't stop working on it now please!

We have included an extra section on Euratom for your information. The Euratom campaign has been very active over the last few weeks. If you need any further information on this, we provide the contact details below.

The two MEPs elected to represent the European Parliament in the IGC, Elmar Brok and Klaus Hänsch, have now consented to meet the Civil Society Contact Group, ie. representatives of the four NGO sectors and the ETUC, to discuss the final stages of the IGC. We will report the results of this meeting next week.

Greetings
Nicolas Beger
Coordinator Civil Society Contact Group/act4europe campaign

News on the IGC Conclave in Naples

At the end of the **Conclave of Foreign Ministers in Naples 28 and 29 November**, FRATTINI states, that it "exceeded his expectations". A surprising statement considering the worries expressed by the two MEPs and Commissioners in the IGC. Progress has been made in the area of the Foreign Minister, Defence, and number of Commissioners and some issues have been postponed to the summit (e.g. reference to Christianity, which proves to be one of the more difficult questions). Considering how few hopes social, human rights, development, and environment NGOs had a few months back, there have, however, been a few positive gains that seem to have survived the conclave.

The **values, minority rights and gender equality, social policy and the simplified revision** procedures were discussed on Friday. Overall, the Member States were pleased with the Italian proposals in our areas of concern. There seems to be little if any objection to the clauses of the rights of minorities and gender equality in the values nor to the horizontal clause of social exclusion. This would be a major victory for the social sector, which lost its central fight for QMV in anti-discrimination. There are, however, no final decisions made yet and still time to express our support for these aspects of the Italian proposal. The revision procedure is not yet agreed on, as many countries reject any further move to qualified majority votes here. It seems, however, that the 'nihil obstat' principle (National Parliaments have to pronounce their objection to changes within 6 months in order to prevent them from being adopted) will get a majority. A compromise seems to be possible, but it will most probably remain behind the Italian proposal. In the **health** area, there is, according to an internal informant, even scope to go further than the Italian propositions. Some countries still oppose any legal base for **Services of General Interest** but most accepted the clarification of the Presidency.

Belgium, France, Greece and Denmark are opposed to include **Christian heritage** into the values of the Union. And Finland proposes provocatively to completely remove the statement on the values of the Union. Regarding the **Charter**, the UK is likely to win the battle, i.e. to limit its scope through the explanatory note in the preamble, which the Italians had also included in their draft last week. Particularly worrying are, however, the developments away from QMV in the area of **Justice and Home Affairs** (JHA). This is one of the particular foci of the human rights sector, and some concerted lobbying will be necessary.

It seems that the **trade with developing countries** issue is still safe and received no opposition so far (it does not seem to have been discussed).

Apart from the addition of a clause on animal welfare and on energy, there has been **no proposal for improvement of agricultural policy and other environmental issues**. The status of the draft **protocol on sustainable development** is still unclear, it was not discussed in Naples and seems to have been lost. **EURATOM** will not cease to exist as a Treaty apart (see the more elaborate contribution of MARK JOHNSTON in this bulletin). Austria demanded a decision to call an IGC on Euratom soon (which was supported by 4 countries), yet France is so firmly opposed that this battle is unlikely to be won unfortunately.

Still kind of worrying is the debate on the **budgetary powers of the Parliament** that has begun with a proposal of the Economic and Finance ministers (ECOFIN). The Italian Minister of Economy TREMONTI renews his claim for greater budgetary powers for ECOFIN Council, yet the Presidency's proposal does not pay any tribute to the ECOFIN proposal. Both the Commission and the Parliament are firmly opposed to the ECOFIN amendments, as they would significantly cut powers of the EP. The Conclave has not reached any agreement on the issue so far, but it looks unlikely ECOFIN will get its way. Definitely an issue we need to watch out for. On the issue of the **legislative Council** there was also no final agreement. The Italian proposal still features **transparency** for all Councils in their legislative role, proposing to split each Council session into two, a public one and a non-public one depending on issue.

Generally speaking, it is difficult to say whether the proposals of the Italian presidency have been adopted or not. According to our information, however, they were positively welcomed and serve as the basis of the final discussions until and including the European Council. The fact that they are quite close to the draft Constitution of the Convention, is also encouraging. At the same time, the institutional aspects prevailed once again on the agenda, and it seems that the solving of the problems of the voting rights in the Council and the composition of the Commission will be crucial in order to reach a compromise. The outcome of the IGC will depend once more on the Member States' commitment to go beyond mere national interests and to achieve compromises that suite the whole project. And we will have to see whether they finish it at all.

The representatives of the European Parliament at the IGC, ELMAR BROK and KLAUS HÄNSCH, offered the Civil Society Contact Group an informal meeting in order to exchange information on the proceedings of the IGC and in order to gather the views, concerns and suggestions of Civil Society in the process. We will report on this meeting next week.

act4europe press release in EUROPEAN VOICE

EUROPEAN VOICE title in its issue from 27 November to 3 December "**IGC is ignoring rights of citizens, says NGO group**". The article is mostly based on our press release from 25 November (see bulletin 16 or www.act4europe.org, "Most recent actions"). It cites the main statements of Giampiero Alhadeff ("Civil Dialogue is now worse than it was before the Convention started and the Italian Presidency refuses even to meet with civil society"), and Mary McPhail ("The Convention was already abysmally unrepresentative in terms of diversity and the equal participation of women, but at least it was transparent. Now a constitution is being negotiated behind closed doors by an almost entirely male IGC whose presidency refuses to talk to any civil society organisation".) A nice success for the visibility of civil society in the end stages of the IGC and certainly also for the campaign!

Special on EURATOM

by Mark Johnston (Friends of the Earth, UK)

UNFINISHED BUSINESS

Whatever is agreed or not agreed next week, one significant part of the EU institutional and constitutional framework will be left largely untouched, despite a strong push for reform from environmental groups and some member states.

The European Atomic Energy Community (or 'Euratom' for short) was set up on the same day as the EEC in 1957 by a second Treaty of Rome, and is today part of the first pillar of the EU. Euratom promotes and regulates the nuclear sector, and by implication distorts the energy sector.

The new constitutional treaty will repeal all earlier treaties **except** the Euratom treaty, mainly because politicians in the Convention were too scared to tackle a controversial issue that they saw as divisive to their overall cause.

But what they overlooked then is still a highly unsatisfactory and messy arrangement now. Euratom and the new EU will share the same institutions and membership (a bit like having two clubs in the same clubhouse), so to most people they will look like one organisation. The newly reorganised EU, including Euratom, will therefore be based on two treaties, not one. It will (likely) have two legal identities, not one. And it will still, via Euratom, be legally bound to promote nuclear power above other energy options, with an 'effective constitution' being the sum of all treaties that remain in force. (See tables 1 & 2 below.)

Whereas the European Coal and Steel Community ended in 2002 (as part of the original 1952 agreement), the Euratom Community will go on forever, until politicians end it. So unless the Euratom issue is addressed and resolved, then the spirit of the Laeken Declaration to simplify and modernise the EU will not have been fulfilled.

Friend of the Earth Europe is calling on the December European Council to launch a full review of Euratom in 2004, leading to an additional IGC. We are so far backed by at least four member states (Sweden, Ireland, Austria and Hungary) but need more countries to support this.

1. EU legal basis, under new arrangement

Before	After
Coal & Steel Treaty (ended) Rome/EEC Treaty Rome/Euratom Treaty Merger Treaty Single European Act Maastricht Treaty Amsterdam Treaty Nice Treaty Accession Treaties	Constitutional Treaty Euratom Treaty

2. Relationship of EU & Euratom (on present proposals)

	EU	Euratom
Treaties	Separate	
Legal personalities	Separate*	
Institutions	Merged	
Member states	Common	

* Spain has proposed in the IGC that the legal personalities on new-EU and Euratom be merged, but it is thought this is unlikely to succeed.

Environmental NGOs have launched an Euratom campaign a while back which was announced in the act4europe bulletin. If you want to subscribe to the news list for it or need any further information, please contact:

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<http://www.foeeurope.org>