

BULLETIN 19

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EDITORIAL

Dear Friends

With the last draft of the Italian presidency ready the "final" IGC meeting will start Friday. As far as we can gather nothing is decided, but the Italian Presidency believes it is almost all done. Some successes for our concerns will likely remain, but a lot of other developments are extremely worrying.

The IGC has been abysmal in terms of civil dialogue and transparency. NGOs across Europe have hardly been consulted. Today, the first official member of the IGC met with a cross-sectoral selection of NGOs: MEP Klaus Hänsch, PES, one of the two European Parliament Representatives to the IGC. Despite his currently very tight agenda he took the time for a longer meeting and ex-

pressed a lot of support for our concerns, but also clarified the limitations in this IGC process.

We include some more action calls from different campaigns, which we encourage you to consider, and an announcement about a new cross-sectoral initiative on sustainable investment.

Good luck with the last efforts and the press work that follows Saturday's closure!

Nico Beger

Coordinator Civil Society Contact Group/act4europe

News around IGC

Meeting with MEP Hänsch, EP representative to the IGC

As we announced in the last bulletin, the two representatives of the EP to the IGC, BROK and HÄNSCH, have invited the Civil Society Contact Group to discuss the developments at the IGC. In the struggle for a date that suited both of them, it was finally impossible to arrange something with BROK's secretariat. A representative of each NGO sector, the chair of the Contact Group, and the coordinator met with Mr Hänsch on 10 December for over an hour.

The meeting was conducted in a very open atmosphere and Mr Hänsch affirmed his commitment to civil dialogue (which he proved by scheduling the meeting in the first place). The issues raised included transparency of the IGC, Revision of Part III, the status of Euratom, QMV for anti-discrimination, equality between women and men in article 2, the horizontal clause on social exclusion, QMV on JHA, the Charter Preamble, the inclusion of crimes against humanity, EP budgetary powers, and the reduction of the double hat role of the Foreign Minister. Each point was discussed at some length.

Klaus Hänsch responded to all concerns with principle support and understanding and promised to push on some of the points, which are still on the table should there be a window of opportunity during the debate. However, he was also very open about the limits of what can be achieved at this point and how difficult it is to push for further improvement. According to him there is still a lot of scope for making things worse and preserving the Convention draft as far as possible is still a main task.

Italian Presidency's Draft

The Italian Presidency has issued its draft for the European Council this weekend, December 12 and 13. Please find the documents on the Italian Presidency's website or under

http://www.act4europe.org/code/en/news.asp?id_events=32.

The proposals are generally near to the first IGC Pack issued for the Naples Conclave on which we reported. The following points are of our interest:

- The respect of the rights of minorities are still included in the Union's "values" (I-2), non-discrimination and gender equality as "principle".
- The horizontal social clause (III-2bis) is still in.
- National parliaments have to be notified within the simplified Treaty revision; if they don't object the Council can decide on moving to QMV or on changing legislative procedures (Nihil obstat); to change Policies of Part III, the Members States have to approve the Council's proposal.
- In the sector of Services of General Interest, European legislation will define principles and conditions respecting subsidiarity.
- Animal Welfare is a horizontal principle for the policies in Part III.
- The Charter of Fundamental Rights is still being limited by an explanatory note in the preamble (5th paragraph).
- The Foreign Minister's "double hat" is seriously constrained by a new introduction of the principle that his duties as President of the Foreign Affairs Council prevail those within the Commission.
- Regarding budgetary powers, the proposal goes not as far as the Convention Draft, dividing the power between Council and European Parliament. It became a middle ground between Ecofin and the Convention draft.
- EURATOM will according to our information be attached as protocol which is very worrying. France is firmly opposed to call for a revision IGC on this issue.
- QMV in Justice and Home Affairs is basically abolished by a specific provision that makes veto possible.
- Anti-discrimination is not tackled at all – there seems to be no chance for QMV on this issue.
- The Italians have not made a final proposal on the question of Christian heritage in the preamble. This will be discussed by the Heads of State.

Still – nothing is won or lost until everything is won or lost. This is just a draft and in an European Council's bargaining behind closed doors, we cannot be sure at all which of the provisions will be adopted and which will be dropped. There is still time to push for our demands!

Resolutions of the meeting of the European Parliament and of the Ex-Convention Members of the EP and National Parliaments

On December 4 and 5, there were two meetings in Brussels, one **of the European Parliament**, on of **the Ex-Convention Members of the National Parliaments and of the European Parliament** who met in the

presence of former Convention President GISCARD D'ESTAING and the Italian Foreign Minister FRATTINI. Both ended with resolutions to the final European Council on December 12 and 13. We have sent an act4europe statement to all the Ex-Convention members to let them know the main concerns of the four NGO sectors regarding the provisional outcomes of the IGC so far (see above). We assured on the day of the meeting that this letter was on most tables in the plenary room and that the Chair of the National Parliamentarians, Mr. DINI, took note of it.

The work of the Italian Presidency and the fact that it sticks quite closely to the draft of the Convention was widely welcomed by the delegates. The main concerns of the Parliamentarians were obviously questions of the institutional balance agreed on in the draft Constitution, as the double majority in the Council, the provisions on the foreign minister or on the number of Commissioners. All parliamentarians expressed their firm opposition to any cut of powers of the EP (especially in budgetary issues). The National Parliamentarians affirmed their wish to play a role within the revision procedure of the Constitution. Finally, it was a common denominator that the Parliamentarians wished rather no constitution than a bad one – and that at the same time, the discussions should be concluded by mid-December. They opposed any delay and rendez-vous clauses, i.e. will not accept “left-overs” in order to avoid the bad experiences made with Amsterdam and Nice. Many MEPs and MPs threatened to withdraw their support for the whole project if these minimal demands were ignored.

Regarding our concerns, some points were raised. Some speakers voiced their concerns of the Charter being reduced in its scope by explanatory notes. And the German delegate MEYER warned the representatives at the IGC not to fail on the Constitution because this would mean a failure of the Convention method (decided upon by the Council!) and the possibility of Civil Society to participate in such events.

Some of the points of the joint declaration agreed on:

- Any attempt to undermine **budgetary powers of the EP** will not be tolerated and will be fought against
- Passerelle clauses and lightened **revision procedures** must be part of the Constitution in order to comply with its evolutive nature.
- The double-hat role of the **foreign minister** is to be maintained.
- The **Legislative Council** should be retrieved as it ensures transparency and the separation of law making from executives functions of the Council.
- Any weakening of the constitutional validity of the **Charter of Fundamental Rights** is unacceptable.
- **Equality between men and women** should be introduced as **value** and not simply as principle.

The European Parliament also included in its resolution the claim to

- Convene a **EURATOM Treaty Revision Conference** in order to repeal the obsolete and outdated provisions of the Treaty.

It is deplorable that QMV on anti-discrimination was not discussed at all considering the large support it had during the Convention. And the meeting also featured a vivid presentation of why gender equality really ought to come under values not principles, because there is still a long way to go. In response to a Danish delegate demanding this change by again raising the issue that the meeting was solely chaired by men and only 4 women spoke in the debate, Mr Dini answered that she could be assured that there is no discrimination against women as he personally prefers women to men... (sic!) None of the NGO people present quite understood why her speech needed a rebuttal from the chair in the first place nor what his personal preferences have to do with women's equal political representation.

This meeting will surely not have a decisive impact on the IGC. But as "nothing is agreed until everything is agreed" (SEVERIN), it is still important to go on Lobbying at national level to ensure that the final nights of Brussels will not lead to a loss of the achievements that have been already made.

Both resolutions are available in our office and on our website:

http://www.act4europe.org/code/en/news.asp?id_events=31

Article 51 and Christian heritage in the preamble

International Planned Parenthood Federation/Réseau européen (IPPF), Catholics for a Free Choice/ Europe, Fédération Humaniste Européenne (FHE), Réseau européen Eglise de Liberté, Right to Die Europe, European Region of the International Lesbian and Gay Association (ILGA-Europe), the Association des femmes de l'Europe méridionale (AFEM) and the Fédération européenne de l'éducation et de la culture (FEEC) organized a panel to discuss the issue of article 51 (dialogue of European institutions with churches and religious organizations). They advanced several points to oppose this special dialogue, being, according to them, superfluous as Article I-46 provides a general dialogue for all Civil Society organizations. The Belgian Delegation at the IGC seems to put forward an amendment in order to delete this article. To know more about the issue and this campaign please contact Ms Harth: eharth@catholicsforchoice.org.

The inclusion of the notion of Christian heritage in the preamble is also still contentious. As we have reported, the Italian Presidency put forward a compromise including Christian heritage and the principle of laïcité at the same time. The last news on this issue is that Finland proposed a completely new draft of the preamble – neutral and without neither the one nor the other notion. You can find it on the Italian Presidency website:

<http://www.ueitalia2003.it/EN/ConferenzaIntergovernativa/Doc1CIG.htm>

Delegations have reacted differently to this proposal and it almost seems the middle ground will remain the Convention draft. The European People's Party welcomed the Italian compromise on its summit on December 5. But the Italian Presidency decided not to put it in its new draft – it leaves the final decision to the European Council.

act4europe Campaign

Action Call on Ex-Convention Members (December 4)

The Ex-Convention Members met on December 5 to discuss the proceedings of the IGC regarding the Draft Constitution. Act4europe addressed a letter to them to ensure that they are aware of our concerns. It is clear, that they will not have a decisive impact on the IGC at this point. However, we decided to let them know, that the NGO sectors

- Reject the ECOFIN proposal to weaken Parliaments' **budgetary powers**;
- Call for **QMV in anti-discrimination** legislation (III/8);
- Reject any horizontal clauses which weaken the justiciability of the **Charter** of Fundamental Rights;
- Want **coherence** between Part I and III to be ensured by including a mechanism for updating and revising outdated policies in an efficient and democratic manner.
- Call for a review procedure of **EURATOM**.

The letter was sent to all Convention Members and distributed on all tables in the meeting room.

See article below about the resolution of this meeting and find the entire Letter on:

http://www.act4europe.org/code/en/actions.asp?id_events=30.

Sectors and Other campaigns

Sustainable Investment Conference - 1-2 February 2004 – Dublin (Social Platform, EEB, ETUC)

The Platform of European Social NGOs (Social Platform), European Environmental Bureau (EEB) and European Trade Union Confederation (ETUC)'s are holding a two-day conference in Dublin in February to launch a campaign for

investment in sustainable goods and services, on 1 and 2 February 2004.

The first day of the conference will be a strategy development meeting for networks and members of the three organisers from around Europe, and other interested actors, looking at how the campaign can be developed at national level around Europe (including other areas to focus on besides transport and housing), and the political message we wish to send at the EU level.

The Irish Taoiseach (Head of Government) and Ministers from around Europe will participate in the second day of the conference where the **Campaign Manifesto** (attached) will be launched. Discussion will focus on how to increase investment in socially and environmentally sustainable goods and services, and encourage political commitment to these goals.

As the aim is to extend the campaign to national level, it is **important that representatives of national-level social NGOs are present as well as EU-level counterparts**, particularly in the two focus areas for the campaign (sustainable housing and sustainable transport) but also those with more general knowledge.

If you are interested, please contact the ETUC (if you are linked to ETUC membership) the EEB (if you are a member of the EEB) or if you are linked to Social Platform membership, you will find the **registration form and programme** at www.socialplatform.org/code/EN/camp.asp?Page=533. If you are not linked to the membership of any of the organisers, please contact pearly.raynal@socialplatform.org.

Please sign the Sustainable Investment Manifesto!

The campaign manifesto gives a brief **background** to the campaign and our **demands to the EU and member states**. The demands include both general ones and demands which are specific to the housing and transport sectors.

The aim is to get as many signatures as possible from organisations and individuals in the EU and accession countries expressing their support for the campaign. The list of signatures will then be presented to the EU and member state governments to add weight to the campaign and demonstrate the breadth of support for the demands we are putting forward. Please go to the Social Platform website at www.socialplatform.org/code/EN/camp.asp?Page=533 to sign the manifesto.

ACTION CALL: Development and Humanitarian aid in the Constitution (05/12/03) Article I-27

The Italian presidency has proposed during the Conclave meeting (28-30th November) to reopen the articles on the role of the European Foreign Minister. The amendment proposal from the Italian presidency on **article I-27** of the Convention text is not acceptable because it would define development cooperation and humanitarian aid as a tool of the Common Foreign and Security Policy.

The European Commission in a *Eurostep/Open Estonia Foundation* meeting in Tallinn (Estonia) but also National Parliaments and the European Parliament in a joint declaration signed on 5th December in Brussels have opposed the Italian amendment proposal for article I-27, and ask for the text of the convention to be maintained by the IGC.

We ask you to send the following message to IGC negotiators in your Member State (see below the contact list):

We urge the Intergovernmental Conference to maintain the text of the European Convention for article I-27 on the role of the European Foreign Minister for the following reasons:

- The Italian Presidency's amendment on **article I-27** proposes to introduce a sentence that would make the objectives of the Common Foreign and Security Policy superior to other policies of external action. While **consistency between** external relations and CFSP is desirable, it is damaging if external relations would have to be **consistent with** CFSP. External policies - trade, development co-operation and humanitarian assistance, are policies in their own right and these cannot be put in the framework of the CFSP. The effectiveness of the EU as a global player lies in its external areas, and these should therefore not be reduced solely to the framework of the CFSP, which offers the lowest common denominator of foreign policy of the European Union - and gives therefore the weakest framework for EU external action.
- The Italian proposal suggests that Commission collegiality should not apply to the European Foreign Minister (**article I-27** of the Draft Constitutional Treaty) when s/he works on community competencies, such as Development Co-operation or Trade, when s/he judges that they do not conform to Common Foreign and Security. This will create a European Union that is not transparent, unaccountable and lacks sound democratic principles. There is no control mechanism of the EFM to the European Parliament and s/he will not be bound by the requirement of independence of the European Commission. This will be against the principles set in Laeken in the objectives of the IGC: to adopt a Treaty that advances democracy, accountability and brings Europe closer to its people. This cannot be accepted.

We therefore urge you to return to the Convention text on I-27

If you need more information about this action call, feel free to contact Florent Sebban from *Eurostep*: fsebban@eurostep.org

Please find a complete list of all the email-contacts of Foreign ministers and Permanent Representatives on our website:

<http://www.act4europe.org/code/en/back.asp?Page=155>

ACTION CALL of Friends of the Earth Europe on IGC & Constitution: Need to address Euratom

Letter to MEPs, Brussels 26 November

As you will be aware, former Convention members will meet the Council Presidency in Brussels on Friday 5 December to review progress in the IGC.

I urge you to use this opportunity to pursue the Parliament's call for an additional IGC to address the outdated Euratom treaty, in particular its promotional aspects including its market distortions, and of course its democratic deficit. The standing of the new Union must not be undermined by the continuation of Euratom alongside it, or by the continuation of the clear contradictions between the old and new treaties.

The way forward, we believe, is for the December European Council to declare its intention to initiate a formal revision of Euratom in 2004. A growing number of member states now support this. The Euratom treaty and community should formally end no later than 2007, which (in similar terms to the Coal and Steel Community) will be the occasion of its 50th anniversary. Those functions concerning safety and security which it is necessary to retain may be re-cast as part of the constitutional treaty or as new laws or agencies made under it.

Thank you for your time and continued support.

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