

BULLETIN 28
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EDITORIAL

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CIVIL SOCIETY CONTACT GROUP

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EDITORIAL

Dear Friends

We have entered the final lap of discussions on the Constitutional text two weeks before the supposedly final IGC meeting mid June. The Irish Presidency has come up with several papers for the latest IGC meetings that give an idea about what still is being discussed and what seems to have been achieved. Fortunately, many of the issues we campaigned for are amongst the so-called "acquis" – but the Presidency obviously stresses that nothing is agreed until everything is agreed. Although it seems that even the contentious institutional issues might be resolved the whole project looks more like a deal than a vision for Europe and does not meet the criteria organised civil society has set for the Constitution.

There are some very worrying developments that have sprung up in May: As expected, the UK's announcement to hold a referendum has not alleviated its tough stance towards, e.g. the questions of the scope of QMV, but has now even put things back on the agenda that seemed "in the bag". The Charter of Fundamental Rights is becoming more and more a play-ball within the discussion, and it seems that the limitations that have already been introduced regarding its scope may be even broadened. NGOs might want to consider issuing another call on the British government not to put into question the achieved compromise on the Charter and its scope and on the other governments not to "sell" the Charter in the last minute. It is striking that the Parliament (as well as the Commission) are also stepping up their warn-

ings about achieving a mere deal and not a vision of the future of Europe. The Parliament has to give its opinion on the final text. A "No" would not prevent the Constitution from entering into force, but the signal would be heard in the National Parliaments during the ratification process. It is normal that in the final diplomatic showdown different parties tend to show their muscles. Jack Straw's warning that the Constitution could not enter into force unless all Member States approve it and the other voices that bring in the possibility to exclude those who do not ratify it all have to be seen within this context. NGOs have continuously critiqued the inter-governmental approach that ignores so much of the Convention's work, and it looks like our critique will have very justified. The NGO sectors are currently firming up their last responses and we will put their contribution on our web site as soon as they are available.

The Civil Society Contact Group and act4europe is starting some of its discussion around participatory democracy and we will additionally produce a guide for the incoming MEPs on civil society, civil dialogue, and NGO structure. Act4europe is also entering a more intensive phase of work with NGOs in the New Member States around ratification during the fall, which is financed under a grant of the European Commission and the Mott Foundation. We will you posted about the activities.

We sadly have to announce that Markus Held is leaving the act4europe office to take up another job opportunity, so you can find an advert for a new act4europe assistant on our web site. Please do not hesitate to distribute it among your networks.

All the best for your last actions and campaigns

Markus Held
Policy Assistant

Nicolas Beger
Coordinator

NEWS ON IGC¹

Latest developments and Irish Presidency Papers

After the meeting of the 'Focal Points' on May 4, the Irish Presidency came up with several new documents for the further IGC meetings: [Please refer to the official IGC website in order to download them.](#)

1) IGC meeting on ministerial level on May 17 and 18:

- [CIG 75 / 04](#): Deals with areas on which the Presidency considers further discussion necessary.
 - The number of Commissioners is being discussed with a proposal maintaining 1 Commissioner per country until 2014.

¹ Information mostly from Agence Europe, EU observer, euractiv and official European Union information websites.

- On the financial perspectives, the document proposes the return to unanimity within the Council with a "passerelle" clause, which provides the possibility to shift to QMV at a later stage.
 - **The explanations on the Charter of Fundamental Rights are still being discussed – the UK seems to be very keen on limiting the scope of the Charter as far as possible.**
 - A proposal on the voting systems is not included. Final discussion on this are not expected until the Summit in June when the final agreement is due according to the commitment of the Heads of State.
- [CIG 76 / 04](#): Puts together issues on which there is broad consensus amongst the Member States delegations. However, the Irish Presidency affirms that the principle "nothing is agreed until everything is agreed" applies. The following areas remain unchanged since the last proposals (CIG 60 / 03 Add 1)
 - The rights of persons belonging to minorities, non-discrimination and the **principle of gender equality** as values of the Union (Article I-2).
 - The provisions on the Foreign minister (I-27).
 - Principle of participatory democracy (I-46).
 - The social clause (III-2a).
 - **New: The tri-partite social summit for growth and employment that will contribute to the Social Dialogue is mentioned in the Treaty** on the instigation of France (I-47).
 - Declaration on social policy (III-107): Principle of social policy remaining within national competences, the EU's activity should concentrate on encouragement and cooperation and be complementary.
 - Provisions on Public Health (III-179), including the early warning system and the fight against tobacco and alcohol.
 - Services of General Interest (III-6).
 - Accession of the Union to the European Convention on Human Rights (I-7, the Union "shall accede").
 - The provisions on animal welfare (III-5a).
 - The revision procedures of the Treaty (IV-7a, IV-7b).

2) IGC meeting on May 24

The Irish presented two papers for this meeting:

- [CIG 77 / 04](#): The Irish Presidency's ideas about how to proceed in order to ensure a deal on the voting rights and the number of seats in the Parliament.
- [CIG 78 / 04](#): A new text proposed on the budgetary procedure as outcome of the discussions of May 17 and 18.

The following issues were discussed during the meeting:

- **Definition of QMV**: The principle of the double majority seems to be agreed, but thresholds are still to be discussed. Spain and Poland want the population threshold to be raised from the current 60% to 66%. Others want the gap between the population threshold and the percentage of Member States not to exceed the current 10% (60%/50%). An agreement should be possible here. (Another idea of the Irish Presidency is not to count abstentions so that the thresholds would only apply to the pronounced votes – a means of increasing efficiency in the decision making process).

- The **Reference to Christianity** is still being discussed on the initiative of seven countries (IT, PL, LT, SK, PT, CZ and MT). The Presidency has shown that it is not very eager to change the Draft Preamble in this respect. France's Prime minister Raffarin made clear that he wanted the EU to remain a "secular construction" and not a "Judeo-Christian club". The French Foreign minister put forward the idea of including a reference to Christianity in an annex.
- Number of **seats in the European Parliament**: A modest increase of the minimum number of seats from 4 to 5 seems possible (some small countries want 6).
- **Budgetary Procedure**: In its paper *CIG 78/04* the Irish Presidency proposes some changes on the procedure for the annual budget (III-310) keeping the principle of co-decision in this area and clarifying the procedure of conciliation between the Council and the Parliament.

3) The next IGC meeting is scheduled for June 14.

Belgium will hold referendum on Constitution

Quite surprisingly, Guy Verhofstadt announced lately that Belgium will hold a referendum on the Constitution. However, this referendum will be non-binding and, thus, purely consultative. Even if he adds, the results would be taken into account during the national ratification process, one can ask what the point of such a procedure is when politics has the possibility to decide even against the explicit vote of its people.

Belgium, thus, joins the group of countries that either have to hold referenda (Ireland, Denmark) or announced referenda (Portugal, the Netherlands, Luxemburg, UK).

Civil Society Contact Group

Open meeting on Article I-46 on June 14

The Civil Society is organising an open meeting on the implementation of Article I-46 as proposed by the Convention in the Draft Treaty. It aims to bring together NGOs from different sectors and draw up first concrete ideas about how Civil Society wants this article to be shaped. Some issues to be discussed might be: What forms should this dialogue have? How should the commitment of the institutions to an "open, transparent and regular dialogue" be measured?

The meeting will take place at Avenue des Arts 43, 7th floor, 1040 Bruxelles, from 9h30 to 12h30. Please register by sending an E-mail to assistant@act4europe.org. For further questions please call +32 2 508 16 38.