

PREPARATION OF THE INTERGOVERNMENTAL CONFERENCE
ON POLITICAL UNION

SN 4994/90
ORIG. EN

CONCLUSIONS OF MINISTERS OF FOREIGN AFFAIRS

Ministers decided to transmit the report prepared by the Personal Representatives to the European Council as the report of the Foreign Ministers together with the opinions of the Commission and the European Parliament.

Ministers noted in general that the work had progressed well; a great number of points had been clarified; in important areas positions had come closer together.

Ministers took note of the following evaluation of the Presidency of the overall situation:

1. Extension of competences

The Presidency notes that for the great majority of delegations there is a clear need to extend and/or redefine the competences of the Community in specific areas on the basis of an examination case by case in the Conference. A balance will have to be found between what can be put into the Treaty already through the Treaty-revision and what could be in the future covered by other means, in particular through a renovated article 235.

The Conference will examine ways whether and how the subjects presently covered through intergovernmental cooperation (immigration, drugs, control of external frontiers) could be brought into the ambit of the new Treaty of the Union. The precise method and the specific substance of the cooperation in these areas would have to be defined by the Conference. The possibilities range from

a simple codification in the Treaty of the present intergovernmental cooperation to communitarisation in some areas. The specific instruments to use, and the decision-making procedure could be set out by the Conference.

Delegations agree that subsidiarity is an important principle which will have to be laid down in the Treaty in an appropriate form. At the present stage most delegations prefer an inscription in the preamble and possible subsidiarity elements inscribed in individual Treaty articles. The Presidency notes however the link which some delegations establish between a basic Treaty article on subsidiarity and transfer of competence in specific areas.

Several delegations refer to the importance of economic and social cohesion as set out in the conclusions of the European Council in Rome.

Finally, all delegations recognise that the Union must have at its disposal the necessary financial and other resources, including human resources, for achieving the objectives that it sets itself and for carrying out the resulting policies.

2. Democratic legitimacy

The Presidency notes that a large majority of delegations agree on the following points:

- A formal involvement of the Parliament in the nomination of the President of the Commission and the collective nomination of the other Members.
- Improvement and extension of the cooperation procedure to new areas.

- Extension of the "common assent procedure" (also in the area of external relations).
- Increased powers of control to the Parliament (budget control and financial accountability/right of petition/right of inquiry/ombudsman/right to bring specific cases before the Court).

The Presidency notes that for many delegations advances in the following areas are essential in order to reach the level of credibility necessary for the new Treaty and that important work will have to be done in the Conference to ensure that such a level is reached:

- i) A role of co-decision for the European Parliament (possibly limited to some specific areas within the field of legislative acts).
- ii) An increased role of the European Parliament in the budget procedure and with regard to financial resources.
- iii) The role of the national parliaments in the context of ensuring democratic legitimacy of the Union (in this context the idea of special meetings of the European Parliament with participation of national parliaments has been advanced).

With regard to European citizenship, the great majority of delegations agree that this concept should form part of the new Treaty, together with a number of specific rights to be defined by the Conference in the areas of civil rights, economic and social rights, equality of treatment with regard to social legislation and diplomatic protection in third countries.

The Conference will consider the proposal to create a regional body and determine whether the present majority solution of the incorporation of this body into the Economic and Social Committee will be appropriate.

3. Efficiency of the Union

With regard to the European Council, delegations have recalled the essential role which the European Council has played over recent years with regard to giving political impulse and carrying out arbitration on important subjects and noted that the European Council will continue to play this role. The question whether the development of the Community towards a European Union necessitates an accentuation of the role of the European Council will have to be discussed in the Conference in the light of the orientation the Conference adopts in the various fields covered by the Treaty - in particular in the chapter dealing with Foreign and Security policy.

With regard to the Council the main question relevant to the Conference is majority voting. Many delegations are prepared to envisage a generalised use of qualified majority voting, except for decisions on constitutional and institutional matters, and possibly in a few other delicate areas. Besides questions relating to Treaty changes, other issues like reinforcing the coordinating role of the General Affairs Council are important - but could best be dealt with in the context of revising the Council's rules of procedure.

The Presidency notes that Personal Representatives have initiated the first examination of the technical question of a possible change of type-classification of Community acts with a view to contribute to increase efficiency of the decision-making procedure. This

approach, together with other measures, could be important with a view to ensure greater effectiveness and efficiency of the action of the Commission.

4. Foreign and Security policy

The Presidency notes that a large agreement exists on basic principles like the vocation of the Union to treat in a continued and evolutionary process all aspects of foreign and security policy, based on general objectives laid down in the treaty.

The general outline of on the one hand the role of the Institutions and on the other hand the decision-making process is as follows:

- one decision-making centre - the Council. Harmonisation and where possible unification of the preparatory process. A unified secretariat.
- a reinforced role of the Commission through a non-exclusive right of initiative - new procedures for consulting and informing the Parliament.
- the Union speaking with one voice on the international scene, in particular in international organisations and vis-à-vis third countries.

The great majority of delegations are prepared to engage in a Common Foreign and Security policy characterized by a well-defined competence of the Union and a formal decision-making procedure. Two basic models are on the table setting out how the transition to the full Common Foreign and Security policy can be achieved: one is based on a global transformation of the whole area of foreign and security policy to a common policy from the start. A second approach is based on the gradual introduction of the Common Foreign and Security policy,

Finally, all delegations agree that one of the important objectives of the external policy of the Union is to promote development in the less-developed countries. The Union's external policy should therefore include a genuine development policy pursued within a Community framework.

5. Other subjects

The Presidency notes that the above list does not constitute an exhaustive list of subjects for the Intergovernmental Conference - other subjects raised by delegations (including those set out in the report prepared by the Personal Representatives) will also be dealt with during its work.
