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PART 1

27 March 2000

## REPORT

on the European Parliament's proposals for the Intergovernmental Conference  
(14094/1999 – C5-0341/1999 – 1999/0825(CNS))

Committee on Constitutional Affairs

Rapporteurs: Giorgos Dimitrakopoulos

Jo Leinen

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## PROCEDURAL PAGE

By letter of 17 December 1999 the President of the Council of the European Union consulted Parliament, pursuant to Article 48(2) of the Treaty on European Union, on the convening of the Intergovernmental Conference (14094/1999 - 1999/0825 (CNS)).

At the sitting of 17 January 2000 the President of Parliament announced that she had referred this request to the Committee on Constitutional Affairs as the committee responsible and to all interested committees for their opinions (C5-0341/1999).

The Committee on Constitutional Affairs had appointed Giorgos Dimitrakopoulos and Jo Leinen rapporteurs at its meeting of 22 September 1999.

The committee considered the draft report at its meetings of 21 February, 28 February and 23 March 2000.

At the last meeting it adopted the motion for a resolution by 12 votes to 7, with 4 abstentions.

In the vote chaired by Mr Giorgio Napolitano,

- the following members voted in favour: Giorgio Napolitano, chairman; Giorgos Dimitrakopoulos and Jo Leinen, co-rapporteurs; Teresa Almeida Garrett, Richard Graham Corbett, Marielle de Sarnez (for François Bayrou), Andrew Nicholas Duff, Olivier Duhamel (for Adeline Hazan), Olivier Dupuis, Michel Hansenne (for Ciriaco De Mita), Cecilia Malmström and Konrad K. Schwaiger (for Hanja Maij-Weggen);

- the following voted against: Georges Berthu, Rijk van Dam (for Jens-Peter Bonde), Hans-Peter Martin, Jacques F. Poos (for Enrique Barón Crespo), António José Seguro, Dimitrios Tsatsos and Johannes Voggenhuber (vice-chairman);

- the following abstained: Monica Frassoni, Lennart Sacrédeus, Ursula Schleicher, vice-chairman, and The Earl of Stockton.

The minority opinion and the opinions of the committees are published separately (A5-0086/2000-Part2):

The report was tabled on 27 March 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## MOTION FOR A RESOLUTION

### **European Parliament resolution on the European Parliament's proposals for the Intergovernmental Conference (14094/1999 – C5-0341/1999 – 1999/0825(CNS))**

*The European Parliament,*

- having been consulted by the Council, pursuant to Article 48(2) of the Treaty on European Union, on the convening of an Intergovernmental Conference (IGC) to consider the changes to be made to the treaties establishing the European Union (C5-0341/1999),
- having regard to the Commission opinion of 26 January 2000 'Adapting the institutions to make a success of enlargement' (COM(2000) 034 – C5-0072/2000),
- having regard to the conclusions of the Helsinki European Council (10 December 1999),
- having regard to the opinion of the Committee of the Regions of 17 February 2000 on 'The 2000 Intergovernmental Conference',
- having regard to the opinion of the Economic and Social Committee of 1 March 2000 on 'The 2000 Intergovernmental Conference – The role of the European Economic and Social Committee',
- having regard to its resolutions of 18 November 1999 on the preparation of the reform of the treaties and the next Intergovernmental Conference<sup>1</sup> and 3 February 2000 on the convening of the Intergovernmental Conference<sup>2</sup>, and in particular paragraph 5 thereof,
- having regard to its resolution of 15 March 2000 on the EU Charter of Fundamental Rights,<sup>3</sup>
- having regard to the report of the Committee on Constitutional Affairs and the opinions of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, the Committee on Budgets, the Committee on Budgetary Control, the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, the Committee on Economic and Monetary Affairs, the Committee on Legal Affairs and the Internal Market, the Committee on Industry, External Trade, Research and Energy, the Committee on Employment and Social Affairs, the Committee on the Environment, Public Health and Consumer Policy, the Committee on Agriculture and Rural Development, the Committee on Fisheries, the Committee on Regional Policy, Transport and Tourism, the Committee on Culture, Youth, Education, the Media and Sport and the Committee on Women's Rights and Equal Opportunities (A5-0086/2000),

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<sup>1</sup> Minutes of that date, 'Texts adopted', point 4.

<sup>2</sup> Minutes of that date, 'Texts adopted', point 11.

<sup>3</sup> Minutes of that date, 'Texts adopted', point 4.

## **I. A more democratic and effective Union – composition and functioning of the institutions and bodies of the Union and decision-making procedures**

1. Reaffirms that the composition, functioning and balance between the institutions of the Union, the European Parliament, the Council and the Commission, must reflect its dual legitimacy as a union of peoples and a union of States and that an overall equilibrium must be struck between the small and large States and peoples; considers therefore that the constitutional principle that the Union of the Peoples is represented by the European Parliament and the Union of the States is represented by the Council, has to be taken account of;
2. Notes that the provisions to be adopted concerning the composition of the institutions will have to take account of the duration of the enlargement process and consequently provide for transitional adjustment rules;

### *The European Parliament*

3. Confirms that the number of Members of the European Parliament should remain subject to an upper limit of 700 and, as far as its composition is concerned, proposes the following principles:
  - 3.1. with the likelihood of a first wave of new States joining the EU around the years 2004-2006, proposes that the 2004-2009 European Parliament be composed on the basis of a first transitional adjustment of the number of seats per Member State, aiming to keep Parliament under 700;
  - 3.2. before the 2009 elections, and irrespective of the pace of accessions, the number of representatives to be elected to the Parliament in each Member State shall be calculated on the basis of the population of a Union comprising all the applicant countries with which negotiations are being held, subject to an upper limit of 700 seats; it shall be determined on the basis of population, under a proportional allocation system adjusted by allotting each State a minimum of four seats<sup>4</sup>;
4. Proposes that the Treaty should provide for the possibility that, as from 2009, an additional number of Members corresponding to ten per cent of the Members of the Parliament could be elected in a single European constituency, by giving each voter two votes – one for the national lists and one for the European lists; the European lists shall comprise at least one citizen of each Member State;
5. Requests that Article 190(5) of the EC Treaty be amended as follows: ‘The European Parliament shall lay down the regulations and general conditions governing the performance of the duties of its Members’;

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<sup>4</sup> The current minimum of six seats per State is reduced by one third owing to the one-third increase in the population of the Union.

6. Proposes the following provisions for political parties:
  - 6.1. Article 191 of the EC Treaty should be worded as follows: ‘European political parties contribute to forming a European awareness and to expressing the political will of the citizens of the Union; on a proposal from the Commission, the European Parliament and the Council shall adopt, in accordance with the procedure laid down in Article 251 of the Treaty, the requirements for recognition, the statute and funding arrangements (including Community funding) for European political parties<sup>5</sup>’;
  - 6.2. European political parties which do not respect democratic principles and fundamental rights, may be the subject of suspension proceedings in the Court of Justice of the European Communities at the request of the Commission, after consulting Parliament and the Council, to suspend their EU funding; the suspension procedures that may be applied pursuant to this article shall be adopted, on a proposal from the Commission, by a decision of Parliament and the Council adopted in accordance with the procedure laid down in Article 251 of the Treaty<sup>5</sup>;
7. Proposes to add the following phrase to Article 289 of the EC Treaty: ‘In the case of the European Parliament, it shall decide by an absolute majority of its members, on the location of its seat and of all its meetings’;

#### *The Council*

8. Proposes, with regard to qualified majority voting in the Council, that:
  - 8.1. Council measures requiring a qualified majority shall be adopted if they secure the support of at least a simple majority of members representing at least the majority of the total population of the Member States of the Union;
  - 8.2. the Presidency of the Council in its various formations shall be divided among the Member States so that the same Member State may not hold the Presidency of more than one of these formations at the same time, and shall rotate by periods of at least two years;
  - 8.3. urges the IGC to establish the democratic principle of publicity of the Council acting as a legislator or budgetary authority; a verbatim record of Council meetings shall be published; the Council shall account for its decisions to the European Parliament;
  - 8.4. in the light of enlargement among other factors, the structure of the Council must be substantially reformed, and it must be divided into an executive and a legislative Council;

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<sup>5</sup> Within 12 months of the entry into force of the Treaty.

9. In order to enhance its own performance and discipline, the European Council shall adopt, publish and abide by rules of procedure;

*The Commission*

10. Proposes, with regard to the composition of the Commission, that:
- 10.1. the 2005-2010 Commission shall consist of one Member per Member State; as of 2010, the Commission should consist of its President and twenty Members;
  - 10.2. the European Parliament shall elect the President of the Commission from among the candidates proposed by the Council;
  - 10.3. the President of the Commission, in consultation with the Member States, shall appoint the members of the College; he shall ensure that the Commission includes a citizen of each Member State at least every two terms of office<sup>6</sup>;
  - 10.4. the Commission shall continue to be invested by the European Parliament;
  - 10.5. the European Parliament shall, by means of hearings, assess the merits of the Commissioners-designate;
  - 10.6. any Member of the Commission guilty of serious misconduct in the performance of his duties shall be required to tender his resignation when asked to do so by the President of the Commission;
  - 10.7. under the terms of Article 216, the European Parliament may also apply to the Court of Justice for the compulsory retirement of a Member of the Commission;
11. Considers that it is essential to ensure the complete independence of the Commission, its role as guardian of the treaties and its collective responsibility, in particular by strengthening the role of its President in determining policy; proposes, with regard to the functioning and powers of the Commission, that:
- 11.1. the President of the Commission may, after consideration by the College, ask the European Parliament for a vote of confidence; where the vote of confidence is not given by a majority of Members of Parliament, the Commission shall resign;
  - 11.2. the Commission shall exercise executive functions and regulatory power under the supervision of the legislative authorities in accordance with arrangements adopted by the Council and Parliament in accordance with the procedure laid down in Article 251;

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<sup>6</sup> Each country could propose a Commissioner in 5 Commissions out of 7.

- 11.3. the Commission shall have the right of legislative initiative, without prejudice to the provisions of Article 192 of the EC Treaty and Titles V (Provisions on a common foreign and security policy) and VI (Provisions on police and judicial cooperation in criminal matters) and Article 48 of the Treaty on European Union;

*The Court of Justice and the Court of First Instance*

12. Proposes that the Court of Justice should consist of an odd number of judges equal to or higher than the number of Member States.
13. Considers that decisions on the classes of action and the amendment of Titles III and IV of the Statute should be adopted by the Council acting by a qualified majority after obtaining the assent of the European Parliament; the Rules of Procedure shall be approved and amended, where necessary, by the Court to which they apply;
14. Proposes to delete the clause in Article 225 of the EC Treaty prohibiting the Court of First Instance from giving preliminary rulings in order to deal with problems that might arise in the future for certain classes of action, on condition that there is the possibility of appeal to the Court against the decisions of the Court of First Instance, in the interests of the law;
15. No actions may be brought in connection with the *interna corporis* affairs of the European Parliament;
16. Proposes that the jurisdiction of the Court of Justice be extended to all matters covered by Title IV of the EC Treaty (Visas, asylum, immigration and other policies related to free movement of persons) and Title VI of the Treaty on European Union (Provisions on police and judicial cooperation in criminal matters), by removing the limitations and restrictions in force;
17. Regards it as essential that procedures should be modernised and simplified by making provision for the use of modern means of communication;
18. Proposes that Articles 230 and 232 of the Treaty be amended to accord the European Parliament the right to bring an action in the Court of Justice on grounds of misuse of powers, lack of competence, infringement of essential procedure, breach of the Treaty or any rule of law relating to its application, or failure to act;

*European Public Prosecutor's office*

19. Proposes the creation of a European Public Prosecutor's office as an independent entity responsible for the protection of the Union's interests against fraud throughout Community territory;
20. Considers that Article 280 of the EC Treaty should be amended to allow the Union to take legislative measures in criminal matters in respect of fraud that is damaging the interests of the Union;



### *Court of Auditors*

21. Proposes that the Court of Auditors should consist of a fixed number of members; they shall be appointed for a term of six years by the Council acting by a qualified majority after obtaining the assent of Parliament; membership shall be partially renewed every three years; should the number of members of the Court of Auditors be less than the number of Member States, a system of rotation shall be put in place to ensure that it comprises one citizen of each Member State at least every three years. the Court of Auditors must have the right of direct access to the preliminary work of national and regional authorities;

### *European Central Bank*

22. The structure of the governing Council of the European Central Bank (ECB) and the other decision-taking bodies in the European System of Central Banks (ESCB) must also take account of enlargement in order to keep the decision-taking processes of the ECB and ESCB effective;

### *Committee of the Regions*

23. Proposes, with regard to the composition of the Committee, that:
  - 23.1. the number of members of the Committee of the Regions shall be no more than one-half of the size of the European Parliament;
  - 23.2. in order to safeguard the political legitimacy of the Committee, its members shall hold elected political office at regional or local level or be politically accountable to an assembly elected by direct universal suffrage;

### *Economic and Social Committee*

24. Proposes, with regard to the composition of the Committee, that:
  - 24.1. the number of members of the Economic and Social Committee shall be no more than one-half of the size of the European Parliament;
  - 24.2. The Committee shall consist of representatives of civil society, including representatives of the various categories of economic and social activity;
  - 24.3. the functioning of the Committee must be adapted to strengthen its role as a framework for social dialogue and liaison with civil society;

### *Decision-making procedures*

25. Proposes, with regard to decision-making procedures, that:

- 25.1. the codecision procedure referred to in Article 251 (which does not require amendment) and qualified majority voting in the Council should become the general rule for decision-making in the legislative sphere; the cooperation procedure still applying within the framework of Title VII of the EC Treaty (economic and monetary policy) should be abolished; the codecision procedure shall also apply to legislation under Title VI of the EU Treaty;
- 25.2. qualified majority voting shall also apply to decisions concerning appointments to Union institutions and bodies; in the case of institutions or bodies which must include a certain number of members from each State, the appointments shall require the approval of the Member State concerned;
- 25.3. unanimity in the Council shall be confined to decisions of a constitutional nature<sup>7</sup>;
- 25.4. takes the view that the repeated application of Article 308 in connection with the establishment of decentralised agencies, economic, financial and technical cooperation with third countries and the energy sector justifies the creation of specific legal bases in the EC Treaty, which will be subject to the procedure referred to in Article 251 or, in the case of cooperation agreements with third countries, qualified majority voting in the Council and Parliament's assent;
- 25.5. Parliament shall be required to give its assent to the revision of the Treaties, all international agreements pursuant to Article 300 of the EC Treaty (in particular where the procedure laid down in Article 251 applies to internal matters), own-resources decisions and appointments to the Court of Auditors and the Court of Justice, the Court of First Instance and the Executive Board of the European System of Central Banks

## **II. Constitutionalisation of the Union**

26. Proposes the following provisions to constitutionalise the Treaties:

- 26.1. The Treaties shall be simplified and consolidated in a single text, comprising two parts:
  - Part A: provisions of a constitutional nature – preamble, objectives of the Union, Charter of Fundamental Rights, institutions, decision-making procedures and the allocation of powers between the Union and the Member States;
  - Part B: other areas covered by the present treaties;

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<sup>7</sup> Unanimity for accessions should be for accepting each process of accession : it should not be possible for a first new Member State to block the next if there is a gap between their years of accession.

26.2. Introduction of a hierarchy of legal acts:

- Part A of the Treaty shall be adopted by the Council acting unanimously, submitted to the European Parliament for approval, then ratified by the Member States;
- Part B may be modified by the Council after obtaining the assent of the European Parliament;
- legislative measures shall be adopted by the Council acting by a qualified majority and Parliament, in accordance with the procedure laid down in Article 251 of the EC Treaty, which shall contain a definition of what constitutes a legislative measure<sup>8</sup>;
- administrative measures shall be adopted by the European Commission, without prejudice to the respective autonomous powers of the institutions and bodies of the Union; supervision procedures shall be determined by Parliament and the Council in accordance with the procedure laid down in Article 251 within six months of the entry into force of this Treaty;

27. Calls on the IGC:

- (a) to include on its agenda the issue of the incorporation into the Treaty of the Charter of Fundamental Rights with a view to giving it binding legal force, taking account of the vital role it will play in the achievement of an ever closer Union among the peoples of Europe;
- (b) to take steps to ensure that the Union accedes to the European Convention on Human Rights with a view to establishing close cooperation with the Council of Europe and avoiding any disputes or overlap between the Court of Justice of the European Communities and the European Court of Human Rights;
- (c) to enable any person to bring an action before the Court of Justice of the European Communities, by adding to the existing judicial review procedures;

28. Considers that in any event the procedure for revision of the Treaties referred to in Article 48 of the Treaty on European Union must reflect the dual legitimacy of the Union as a union of peoples and a union of States;

29. Proposes that the procedure for suspending a Member State of the European Union be modified as follows: the Council, acting by a four-fifths majority of Member States on a proposal by one third of the Member States or the European Parliament or the Commission after obtaining the assent of the European Parliament, may determine the

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<sup>8</sup> See Commission report on the scope of application of the codecision procedure (C4-0464/96) adopted on 3.7.1996, p. 10 and De Giovanni/Bourlanges resolution of 14.11.1996 (A4-361/96) paras. 3 and 4.

existence of a serious breach<sup>9</sup> by a Member State of principles mentioned in Article 6 of the EU Treaty, after inviting the government of the Member State in question to submit its observations; the other provisions of Article 7 shall apply;

30. Considers that closer cooperation must constitute a force of attraction in order that the Union may progress, that it shall be used only when the European Union is genuinely incapable of collective action, in which case the European Union shall take care to render possible the cooperation of all Member States, and proposes, with regard to the relevant provisions, that:
- 30.1. closer cooperation should be the subject of a single chapter of the EU Treaty applicable to Title V (Provisions on a common foreign and security policy) and Title VI (Provisions on police and judicial cooperation in criminal matters) of the EU Treaty and the EC Treaty;
  - 30.2. closer cooperation shall involve at least one third of the Member States; the other conditions (referred to in Article 40(1) and Article 43(1) of the EU Treaty and Article 11(1) of the EC Treaty) that have to be satisfied for closer cooperation shall be maintained;
  - 30.3. authorisation to establish closer cooperation shall be granted by the Council acting by a qualified majority on a proposal from the Commission and after obtaining the assent of the European Parliament, which shall act by a majority of its component members, and steps must be taken to ensure the uniformity of the legal system and of the institutions;

### **III. Strengthening the external role of the European Union**

#### *Legal personality of the Union*

31. Considers that the Union as such should have legal personality circumscribed by procedures complying with the restrictions and conditions laid down by the Treaty, otherwise its international status, visibility and negotiating power will continue to be limited;

#### *External economic relations*

32. Proposes that the provisions of Article 133 should also apply to negotiations and international agreements concerning the services, investment and intellectual property rights sectors;
33. Calls for procedures in this area be simplified and Parliament's powers reinforced:
- 33.1. by introducing the codecision procedure for commercial policy measures (Article 133 of the EC Treaty);

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<sup>9</sup> The concept of 'persistent' disappears.

- 33.2. by extending the assent procedure to Article 133 agreements and to all other international agreements when such agreements relate to an area for which the codecision procedure referred to in Article 251 of the EC Treaty is required for the adoption of internal rules, and to measures to be taken in connection with economic sanctions (Articles 300 and 301 of the EC Treaty);
- 33.3. proposes that the European Parliament be comprehensively involved in the procedure for drawing up and concluding international agreements, notably by the following measures:

Prior to authorisation of the Commission by the Council (allocation of mandate):

- (a) the European Parliament shall be more closely involved in the procedure for concluding international agreements and trade agreements through the consultation of the European Parliament before the authorisation by the Council (for instance Article 133 paragraph 4);

During negotiations:

- (b) during negotiations the European Parliament shall be regularly notified by the Commission as part of a dialogue;
- (c) the European Parliament shall be entitled at any time during the negotiations to submit to the Commission ideas and recommendations;
- (d) in the event of differences of opinion on the involvement of the European Parliament in the procedure between institutions of the European Union, the conciliation procedure shall be applied, in accordance with the Interinstitutional Agreement of 1975;

After the conclusion of the negotiations:

- (e) the European Parliament shall give its assent to the international legal act and shall determine the necessary internal European legislation under the codecision procedure;

*CFSP*

34. Considers that the decisions taken by the Helsinki European Council leave open the question of whether and to what extent Treaty amendments are required to achieve a common European security and defence policy and that, where appropriate, the following modifications should be made to the EU Treaty:

- 34.1. the distinction between the first and second pillars of the Treaty should be

progressively diminished, Community competence should be reinforced, in particular by giving the Commission a major role in coordinating Community and national non-military instruments in respect of international crisis management;

- 34.2. a Council of Defence Ministers should be instituted;
- 34.3. if the WEU's role in performing Petersberg tasks is transferred to the EU by the end of 2000, a number of paragraphs of Article 17 will have to be revised (possibly removal of references to recourse to the WEU);
- 34.4. transferring the institutional structures and operational capacities of the WEU to the EU would require redrafting of the provisions of the EU Treaty, in particular the mutual assistance clause under Article V of the WEU Treaty should be added in the form of a protocol to the EU Treaty on the WEU, to which each Member State would be free to adhere;
- 34.5. the existing 'Political Committee' in Article 25 of the EU Treaty would have to be replaced by the 'Standing Political and Security Committee'; a reference to the 'Military Committee' would have to be inserted where appropriate; the High Representative should head these bodies, whereas the Commissioner for External Relations would be responsible for coordinating arrangements for civilian crisis management;
- 34.6. the possibility of a veto in Article 23(2) of the EU Treaty in the case of qualified majority decisions and referral to the European Council should be reviewed;
- 34.7. in Article 21 of the EU Treaty the provisions on informing and consulting the European Parliament should be expanded by stipulating that Parliament should be kept regularly informed of the development of the Union's foreign and security policy not only by the Presidency and the Commission, but also by the High Representative for the CFSP; with a view to full integration of the CFSP into the normal EC decision-making procedures, further measures should be taken to ensure that the European Parliament is associated with the most important decisions and has the possibility to contribute to the definition of the general guidelines of the CFSP;
- 34.8. in Article 28, which concerns the financing of operational expenditure in connection with Petersberg tasks, it must be made clear that although the costs of troops deployed in crisis management and their equipment are to be borne by participating Member States, the joint actions as a whole are funded from the Community budget; this would reinforce political solidarity;
- 34.9. considers that, in due course, the positions of High Representative and Commissioner responsible for External Relations should be merged into a specially appointed Vice-President of the Commission;

#### **IV. Consolidating internal policies**

##### *Coordination of economic, social and employment policies*

35. Stresses the importance of the nature and meaning of the ‘*social market economy*’ and calls on the forthcoming IGC to include it in the Treaty in an appropriate place;
36. Believes, however, that all matters concerning the broad guidelines of the economic policies of the Member States and of the Community should foresee an enhanced participation of Parliament to offset the democratic deficit currently characterising EMU; in particular, demands that the broad economic guidelines are to be put forward by the Commission in the form of a proposal, rather than a recommendation, allowing for Parliament to be formally consulted in this process;
37. Believes that it would be possible to envisage the Council adopting the broad guidelines of economic, employment and social convergence policies by a qualified majority, on a proposal from the Commission and after consulting Parliament, which must be consulted throughout the process and in particular on two occasions:
  - 37.1. the economic, employment and social convergence policy debate on the basis of the Commission's proposal on the broad guidelines of economic policies, with the active participation of the Commission and the Council;
  - 37.2. the participation of the President of Parliament in the European Council in June each year which debates economic, employment and social convergence policy, which would lead to greater public awareness of the choices made;
38. Calls for Parliament to be consulted systematically on acts involving a proposal or recommendation from the ECB and/or the Commission in areas coming under Title VII (economic and monetary policy).;
39. Proposes that current procedures in the field of employment (Title VI A) and economic policy (Title VII, Articles 103 and 104) be streamlined and consolidated as part of the Treaty reform; believes this to be essential notably in view of a better balance to be achieved between the economic and monetary dimensions within EMU before any further enlargement of the European Union;
40. Believes that, with regard to the widely increased role of the EIB as a key instrument at the disposal of the EU in pursuing its policy objectives, both within and outside the Community, a revision of the terms of its Protocol A annexed to the Treaty might be envisaged in order to ensure greater transparency in the activities of this institution;
41. Believes that, within the framework of social policy, it should be regularly informed of

negotiations between the social partners and agreements between the latter; when such agreements are implemented by means of a Council decision they should be subject to Parliament's assent;

42. Calls for recognition of social protection as a matter of Community interest in the Treaty and for recognition of fundamental social rights in the Charter of Fundamental Rights;
43. Calls for a single coherent legal basis for equality for women and men in all policy areas to be introduced into the Treaty

#### *Budget*

44. Considers that a revision of the Treaties is required, particularly of the provisions concerning the budgetary procedure, which has been rendered obsolete by the practices adopted by the institutions under successive interinstitutional agreements on the Financial Perspective, and proposes that:
  - 44.1. the distinction between compulsory and non-compulsory expenditure should be abolished;
  - 44.2. the unity of the budget should be strengthened – the European Development Fund and the funding of decentralised agencies should be incorporated into the Union budget;
  - 44.3. the Financial Perspective should be integrated into the Treaty in the form of a medium-term financial plan adopted by common agreement between Parliament and the Council;
  - 44.4. The Union should not be financed by contributions from the Member States but by its own resources, the level of which shall be fixed by Parliament acting in codecision with the Council;

#### *Discharge procedure*

45. Proposes, with regard to the discharge referred to in Article 276, that:
  - 45.1. the discharge act should comprise two components: the discharge proper (approval on the basis of a political assessment of the Commission's responsibility in budgetary management) and closure of the accounts (verification winding up the budgetary procedure for a given financial year).
  - 45.2. the discharge authority should have direct access to the information supplied by the authorities responsible for administering Community funds in the Member States;

#### *Area of security, freedom and justice*



46. Notes that the development of the Union as an area of freedom, security and justice (AFSJ) requires the regulatory and institutional framework to be simplified substantially by:
- 46.1. merging, within the Community framework, judicial and police cooperation in criminal matters and judicial cooperation in civil matters and measures relating to the movement of persons,
  - 46.2. recognising, in application of the principle of the rule of law (Article 6, first paragraph, TEU), that the Court of Justice has full jurisdiction over all measures relating to implementation of the AFSJ, the differentiation in legal protection in the third pillar being in breach of the principle of equality of European citizens before the law,
  - 46.3. abolishing the Treaty provisions imposing maximum time limits for Parliament's opinions (Article 39 TEU, for example) or amendments (codecision Article 251 TEC, in particular) and replacing them with the possibility for the Council and Parliament to agree on such deadlines in genuinely urgent cases, after hearing the Commission,
  - 46.4. with a view to affording European citizens equal protection before the law, making 'Schengen' cooperation the general rule for the 15 Member States and renegotiating the special status of certain Member States so as to reduce to the strict minimum exceptions to the common regime,
  - 46.5. introduction of the codecision procedure and qualified majority voting for all measures relating to establishment of the AFSJ, coresponsibility of the European Parliament at Union level being the corollary of the role played by the parliaments of the Member States in the areas of freedoms and criminal law;
47. Calls for Europol to be brought within the institutional framework of the Union as an operational structure and specialised agency for police cooperation (both within and outside the framework of Schengen cooperation). In this context, calls for the establishment, by means of a specific protocol to the Treaties, of :
- (a) appropriate means of control by the European Parliament and judicial review by the Court of Justice, particularly over any activities carried out in the interests of the institutions of the Union;
  - (b) structural cooperation (EUROJUST) with the judicial and police authorities of those States which intend to make use thereof for national investigations not falling within the jurisdiction of the Union.

*Specialist Community court with jurisdiction for the Community patent*

48. Calls for the setting up of a specialist Community court with jurisdiction for disputes relating to both the validity of the Community patent and infringements thereof so as to ensure legal certainty in this respect throughout the territory of the Union

*Energy*

49. Considers that there are no clear provisions or institutional mechanisms for defining a common energy policy; as some provisions appear in the ECSC and Euratom Treaties, a new consolidated chapter should be inserted in the EC Treaty; Parliament should be given a role in legislation on nuclear matters;

*Air space*

50. Reiterates its call for the EC Treaty to incorporate provisions for the establishment of a single European air traffic control agency;
51. Instructs its President to examine, with the presidents of the national parliaments of the Member States and the applicant countries, the proposal to convene in the coming months, before conclusion of the IGC, an interparliamentary conference to discuss the principal challenges of European integration in the next decade and the implications for the Intergovernmental Conference and the next Treaty;
52. Instructs its President to forward this resolution to the Intergovernmental Conference on the reform of the Treaty, the Council, the Commission and the national parliaments and the parliaments of the applicant countries.