

EUROPEAN & EXTERNAL AFFAIRS COMMITTEE

Date	6 March 2003
Time	14.00
Venue	Committee Rooms 3 & 4, National Assembly Building
Title	Convention on the Future of Europe

Background

1. While the Treaty of Nice (2000) paved the legal path for the current round of enlargement, it left open for another day the wider questions of how a substantially larger EU should approach its business in the longer term. After Nice, it was also felt that the traditional method of conducting Inter-Governmental Conferences, with Heads of Government doing deals behind closed doors, was no longer politic in an atmosphere of growing demand for transparency and consultation. A fresh impetus to connect the EU institutions with citizens required new ways of doing business.
2. It was decided that the next IGC should be foreshadowed by a Convention that drew together representatives from the main EU institutions. The Laeken Declaration of December 2001 provided a steer for an agenda of issues to be addressed. The Convention was given the task of producing a set of recommendations for consideration by Member State Governments. By this method, it was hoped that the next European Treaty would be seen by citizens as reflecting a more open approach.

Structure of the Convention

3. The Convention President is V. Giscard d'Estaing, former French President. He is supported by former Prime Ministers of Belgium and Italy, Jean-Luc Dehaene and G.d'Amato. The Convention membership comprises representatives of: Member States (15); national parliaments (30); European Parliament (16); European Commission (2); applicant countries (13, including Turkey); Committee of the Regions* (6); Economic & Social Committee* (3). (*Observer status). Each member has an alternate.
4. The Convention agenda is driven by a Praesidium comprising the Convention President, two Vice-Presidents and nine Convention members, one of whom is Gisella Stewart MP, who met this committee some months ago (along with her parliamentary colleague David Heathcoat-Amory MP). The Convention is serviced by a Secretariat headed by Sir John Kerr, a former UK ambassador to the EU.

5. The Convention plenary meets in Brussels, generally for two-day sessions every three or four weeks. A number of working groups were established to consider particular topics in greater detail than allowed for in the plenary sessions. There were eleven groups in total: Subsidiarity; Charter of Fundamental Rights; Legal Personality; National Parliaments; Complementary Competences; Economic Governance; External Action; Defence; Simplification; Freedom, Security and Justice; Social Europe.
6. The Convention began its work a year ago (Feb 2002) and can be divided into roughly three phases. It began in listening mode to establish what people want and expect from the EU; phase two, which is under way, examines the pros and cons of specific proposals for organising the EU; the third and final phase will draw together proposals and present a series of recommendations.
7. The end product of the Convention will be a Draft Constitutional Treaty. It is envisaged that this will replace and supersede the existing European Treaties. The headline of this approach is that the EU would have, for the first time, a written constitution. A number of commentators have compared this Convention with that which led to the drafting of the United States of America Constitution. It is interesting to note that, if an EU constitution comes to pass, this would place the United Kingdom under the scope of a single written constitution – as opposed to accrued constitutional laws and practices - for the first time.

Progress

8. The Convention has so far produced two significant documents indicating its direction. Giscard d'Estaing presented to the Convention a "Preliminary Draft Treaty" on 28 October 2002. This was supplemented on 6 Feb 2003 by "Draft Articles 1 to 16 of the Constitutional Treaty".
9. The first document proposed an outline shape to the Constitutional Treaty, the second text is a detailed draft of the first 16 Articles. It is proposed that further batches of Articles will be published at intervals during the coming months, taking into account consensus achieved at plenary debates and the detailed work carried out by the working groups. The aim is for a full Draft Treaty to be available at the Convention's conclusion in the summer. The Convention President aims to achieve consensus where possible. Where consensus is not possible, the Draft Treaty will reflect options for consideration rather than a "definitive" text.
10. After the Convention, the Draft Treaty will go forward for consideration by Member States meeting in an Intergovernmental Conference in late 2003 or 2004. This IGC will consider, amend if necessary, and ultimately agree a final text. Finally, if all goes to plan, a new European Constitutional Treaty will be signed by Member States in 2004.

Summary of Draft Articles 1 – 16

- Articles 1 – 3 aim to define the EU as union of Member States sharing common values of democracy, respect for human rights, rule of law, tolerance etc; a free single market area,

economic and monetary union, competitiveness, social cohesion, equality, environmental protection, sustainable development etc.

- Article 4 confers a legal personality on the EU.
- Articles 5 – 7 incorporate the Charter of Fundamental Rights into the Constitutional Treaty (currently the Charter is a political declaration and does not have force of law); confers concept Union citizenship with associated rights.
- Articles 8 – 16 deal with EU competences; competences not conferred by the Constitution remain with the Member State; where competence has been conferred to the EU then it will have primacy over the law of Member States; the Union will respect the internal political structure of Member States including regional and local level.
- Article 11 confers exclusive competences to the EU: customs union, common commercial policy; monetary policy for Member States who have adopted the euro; conservation of marine biological resources under Common Fisheries Policy; international agreements where provision exists in an EU legislative act.
- Article 12 delineates competences shared with Member States: internal market; security and justice; agriculture and fisheries; transport; energy; social policy; economic & social; cohesion; environment; public health; consumer protection.
- Article 13 provides for the EU to coordinate economic policies of Member States, with specific provisions for those that have adopted the euro.
- Article 14 commits to common foreign and security policy.
- Article 15 allows the Union to take "coordinating, complementary or supporting action" in respect of employment; industry; education, training and youth; culture, sport, protection against disasters.

The Regional Dimension

1. At the outset the Convention did not offer fertile ground for the regions. The Committee of the Regions was offered observer rather than full membership status and calls to set up a working group on regional issues were rejected. In response to sustained lobbying – from the Regions With Legislative Powers, CPMR and others – a commitment was made to devote a plenary session to regional issues. This debate was held on 7 February.
2. It was clear that this would be the best opportunity available for the Welsh Assembly Government to register views on the issues which matter most to us as a Devolved Administration with significant EU responsibilities. The WAG collaborated with the Scottish Executive to produce a joint position paper. This became the subject of negotiation with the UK Government which, following discussion led by the First Minister at the Joint Ministerial Committee (Europe) on 30 January, adopted it as UK Government policy. On this basis, the paper was presented by Peter Hain MP as the official UK government contribution to the debate. The paper was supplemented by an influential oral intervention from the Secretary of State during the debate.

3. By this method the WAG has succeeded, through leveraging the weight of the UK Government, in making its voice heard at the Convention and bringing significant influence to bear on the issues that affect us I wrote to Committee members with a copy of this paper immediately on its publication. The highlights are:

- a Treaty reference acknowledging the role of regions in the EU;
- specific endorsement of the role of regions in relation to subsidiarity;
- mandatory consultation by the Commission;
- early warning systems on proposals;
- reform of the Committee of the Regions.

1. The UK paper on regional issues was very well received both on the floor of the Convention and by the wider European "regional-interest community". The paper, which explicitly recognises its Wales-Scotland origins, has positioned the UK as one of the Member States most sympathetic and forward-thinking in its approach to regions. We believe this brings benefits to the UK and has enabled the Welsh Assembly Government to significantly influence the course of the Convention debate.

Michael German AM

Deputy First Minister

Minister for Rural Development and Wales Abroad