

13.07.01

Decision of the Bundesrat

Bundesrat Resolution on procedural aspects of the "Declaration on the Future of the European Union"

In its 766th session on 13th July 2001 the Bundesrat adopted the appended Resolution.

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Bundesrat Resolution on procedural aspects of the "Declaration on the Future of the European Union"

1. In its Decision of 11.05.2001 (BR document 200/01 (Decision)), the Bundesrat, requested the Federal government "to keep it informed of further steps to implement the "Declaration on the Future of the Union" and to again involve Bundesrat representatives should negotiations, even of a preparatory nature, be initiated."

In this spirit the Bundesrat seeks to make its position known in a timely manner through the following proposals concerning the organisation and working method for the "Post-Nice Process". In so doing, the Bundesrat underscores its interest in playing an active role in this process and its desire for the process to be transparent and focussed on results in the run-up to the Inter-governmental Conference in 2004.

2. The Bundesrat, having considerably influenced the "Declaration on the Future of the Union" made by the European Council in Nice through its initiative, now wishes to integrate its ideas, particularly on division of competence, into the envisaged "wide-ranging public debate", whilst seeking acceptance and support for these positions in the other Member States and regions, as well as in the European institutions.

Decisions to be taken before the European Council in Laeken on arrangements for the preparation of the next Intergovernmental Conference will have a decisive influence on the IGC's results, and hence on the conditions for the subsequent ratification process in the Member States. The current discussion on "procedural issues" is also very important, as it will determine how the Federal states' demands are included and considered in this process.

3. At this juncture, the Bundesrat seeks to formulate initial reflections on procedural issues for the post-Nice process, which the Federal states believe

should be taken into account in further discussions and which could serve as a framework for appraising specific proposals in the run-up to the European Council in Laeken. The Bundesrat reserves the right to add further points and give a more detailed account of its position in the light of further discussions at the national and EU level.

The aim here is also to establish a common position with the Federal government in respect of the forthcoming consultations at the European level.

4. To improve public understanding and acceptance of European integration, the preparatory process for the 2004 Inter-governmental Conference should be conducted as an intensive and comprehensive public debate on the future development of the European Union. In addition, it will be of the utmost importance that the debate in Member States takes each country's specific situation into account, and that the resulting conclusions are incorporated into work at the European level.
5. This hence signifies that, in addition to the European Parliament and the European Commission, the key players in the implementation process for the "Declaration on the Future of the Union" are above all national parliaments and Member States' governments.
6. The subject-matter to be negotiated and the objectives pursued must be stated precisely, as the topics addressed are complex and a broad range of interests must be considered. The European Council must provide the remit for the preparatory structures that are to be created. In this spirit, the European Council in Laeken should render the "Declaration on the Future of the Union" more concrete and formulate clear procedural instructions for the preparatory structures, together with a mandate concerning the substantive issues to be addressed.
7. The role of Member State governments and parliaments in further development of the Treaty, as enshrined in Treaty and constitutional provisions, must be safeguarded. For that reason, proposals, recommendations and options should be devised as the outcome of the preparatory phase and proposals based on these submitted to the Inter-governmental Conference. It is incumbent on the Inter-governmental Conference to negotiate and decide on a text for the Treaty.

The definitive decision on reform of the Treaty will be taken in the course of the ratification process in Member States.

8. The diverse interests of the institutions and players involved will produce a variety of proposals, including some conflicting proposals. The preparatory phase must aim to collect these proposals, initiate public debate and make the contributions available for discussion in a format appropriate to the work to be done. During this process, debate on how to further develop proposals and models should be condensed into a number of options contained in a report. These results should be transmitted in their entirety to the European Council and serve as the basis for negotiations in the subsequent Inter-governmental Conference.
9. Interim reports and options shall be envisaged to provide feedback to assist Member States as they determine their positions and to ensure transparency; these could, for example, be submitted to the European Council at the end of each Presidency and then discussed in both the European Parliament and national parliaments. Conclusions from such discussions should be incorporated and taken into account as work moves ahead. A working method structured along these lines is essential to allow for broad discussion in parliaments, which will be instrumental in ensuring acceptance of the process.
10. It would be wise to adopt various different working methods for each specific topic, as the topics enunciated in the "Declaration on the Future of the Union" are in part highly political and in part of a technical nature. For example, it seems advisable initially for experts to work on "Treaty simplification". At the same time, the various clusters of topics are closely interrelated and the final outcome (and ongoing work) will have to make constant cross-references between these issues. For that reason, work should be structured to ensure that the inherent links between the various topics are taken into account in the concluding report and its recommendations, and that options are articulated in specific terms where appropriate.
11. The working method in the the preparatory phase must take account of these considerations and should hence be geared to ensure: a) suitable working structures for relevant players, b) appropriate links between the substance of the various topics, together with c) effective communication with the general public

on the objectives and phases of work.

12. Work on the substantive issues should be carried out in a central body and in working groups composed as a function of the various topics to be addressed. Representatives from national parliaments, Member State governments, EU bodies and the accession countries, together with experts, should co-operate in these fora. A co-ordination level ("Steering Group", "Presidium" or something similar) will be needed to co-ordinate work and communicate to the public on progress. This co-ordination level should first and foremost ensure that all the work done is consistent, based on the European Council's guidance, and should transmit interim results and options to the European Council. Experience gleaned from the Convention for the Charter on Fundamental Rights should be taken into account in determining the best procedural arrangements for the preparatory phase.
13. The co-ordination body should be made up of representatives from the institutions involved to ensure an open discussion process and to maintain a clear distinction between the preparatory phase and the subsequent Inter-governmental Conference.
14. Representatives from other EU institutions (European Court of Auditors, the Committee of the Regions and the Economic and Social Committee) should be authorised to attend plenary meetings as observers. Representatives of "civil society" should be given an opportunity to present their positions in hearings on particular topics.
15. The schedule for preparatory work should be structured to ensure that the European Parliament and the European Commission are also able to act during all the significant phases of negotiations. To that end an attempt should be made to conclude the Inter-governmental Conference before elections to the European Parliament in May 2004. The preparatory phase of discussions on substantive issues should be launched immediately after the European Council in Laeken.
16. Bundesrat representatives must be directly involved in these working structures, particularly in view of proposals on how responsibilities and powers should be demarcated in the European Union in the future.

