

06.07.2007

**Decision**  
of the Bundesrat

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**Bundesrat Resolution on the future of the European Union**

In its 835th session on 6th July 2007 the Bundesrat adopted the appended resolution.

**Bundesrat Resolution on the future of the European Union**

1. The Bundesrat underscores that the EU faces new internal and external challenges. It stresses the need to find answers to globalisation and the far-reaching economic and social opportunities and risks it entails, and to respond to new security policy challenges both globally and in the EU's immediate vicinity, as well as to the dangers of terrorism. Furthermore, despite the major successes attained in European integration, the Bundesrat also points out that the general public will only actively support European unification if this process is made more democratic, closer to citizens and more transparent.
2. The Bundesrat views moving ahead with the EU reform process as one of the priority issues of the next few months with a view to getting to grips with these challenges. It welcomes the German Council Presidency's success in reaching an agreement at the meeting of the European Council on 21st/22nd June 2007 to launch an Inter-governmental Conference, with a clear negotiating mandate and schedule, to move ahead on institutional reform, in order to establish a sound and revitalized basis for the EU before elections to the European Parliament in 2009.
3. The Bundesrat considers the current Treaty on a Constitution for Europe (BR Official Document 983/04) as a significant step towards making Europe closer to its citizens, more democratic and transparent, and to increasing efficiency and subsidiarity in the EU. It notes that in the wake of signature of the Treaty by all governments in the EU, 18 Member States have already ratified the Treaty and hence two-thirds of Member States back the Treaty. The Bundesrat therefore advocates maintaining the political content of the Treaty on a Constitution for Europe.
4. The Bundesrat urges that the progress comprised in the Treaty on a Constitution for Europe, and in particular the following points, which are especially significant for Europe's regions and municipalities, should be maintained when institutional provisions are reviewed:

- strengthening national parliaments through the subsidiarity early warning system and the right of national parliaments to bring proceedings before the ECJ if the subsidiarity principle is violated. In this context the Bundesrat welcomes steps taken by the Commission since September 2006 to transmit all new proposals and consultation papers directly to national parliaments, giving them an opportunity to submit comprehensive opinions,
  - strengthening the Committee of the Regions by introducing the right for this body to bring proceedings before the ECJ if the subsidiarity principle is violated or if its own rights are violated,
  - respecting the national identity of Member States, as expressed in the political and constitutional structure of each Member State, including regional and municipal self-governance,
  - improving the allocation of powers and responsibilities, in particular by clarifying that such powers and responsibilities cannot be generated by the objectives to be attained, but that instead the principle of conferral of specific competences should be maintained, whereby all competences not transferred to the EU shall remain with the Member States,
  - establishing three spheres of competence: "exclusive EU competence", "shared competence" and "actions to support, coordinate or supplement action adopted by Member States". In this respect the prohibition on harmonisation when the EU adopts actions to support, coordinate or supplement is of vital importance,
  - clarifying that members of the governments in the German federal states shall continue to be authorised to participate in the EU Council of Ministers, insofar as this is provided for in domestic law.
5. Furthermore the Bundesrat supports implementation in particular of the following central successes of the Treaty on a Constitution for Europe, which aim primarily to enhance the EU's capacity to act, as well as to strengthen democracy and proximity to citizens:
- improving procedures by adopting decision-making by qualified majority voting in the Council as the default approach,
  - introducing the principle of double majorities in the Council, whereby a qualified majority is attained if at least 55 % of the Member States vote in

favour and these Member States represent at least 65 % of the population of the EU,

- creating the office of President of the European Council, elected for a period of two and a half years,
  - creating the post of European Foreign Minister, irrespective of the terminology used to describe this office,
  - holding Council meetings in public when deliberating or voting on legislation,
  - strengthening the European Parliament's position by adopting co-decision as the default approach, extending Parliament's budgetary powers and electing the Commission President on the basis of a proposal from the European Council, which shall take into account the results of elections to the European Parliament,
  - limiting the size of the Commission to a figure corresponding to two-thirds of the number of Member States,
  - reinforcing Common Foreign and Security Policy (CFSP) and European Security and Defence Policy (ESDP),
  - incorporating the Charter of Fundamental Rights into the Treaty and ensuring that it is legally binding.
6. The Bundesrat draws attention to the compromises, secured through laborious negotiations, on the division of powers and responsibilities between the EU and the Member States in the Treaty on a Constitution for Europe. The Bundesrat thus advocates avoiding any more extensive transfers of competences to the EU.
7. The Bundesrat welcomes the fact that the mandate adopted by the European Council for the Intergovernmental Conference on institutional reform broadly reflects the concerns addressed above. In particular the Bundesrat expressly supports the plans to continue enhancing the role of national parliaments and proposed clarifications concerning the delimitation of the powers and responsibilities of the EU and the Member States. At the same time the Bundesrat regrets that the objective of rendering the EU more visible to its citizens - for example, by mentioning the symbols of the EU and reproducing the Charter of Fundamental Rights in the Treaty - has been abandoned. These

concessions, as well as postponement of entry into force of the “double majority” principle for qualified majority voting in the Council, were necessary to reach an agreement, which on the whole does justice to the goal of preserving the substance of the Treaty on a Constitution for Europe.

8. The Bundesrat appoints representatives from the federal states of Bavaria and Rhineland-Palatinate to the Inter-Governmental Conference on institutional reform.