Convening of the Intergovernmental Conference IGC: Parliament's opinion (Article 48 TEC)

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The Committee on Constitutional Affairs adopted the report by Jo **LEINEN** (PES, DE) on the convening of the Intergovernmental Conference (IGC).

The committee welcomes the efforts deployed by the German Presidency of the Council to achieve a unanimous agreement at the Summit of 21-22 June 2007. It expresses a favourable opinion on the convening of the IGC and invites Member States not to retreat from the commitments to which they subscribed in the European Council.

As regards the mandate, the committee welcomes its elaborate precision and the tight timetable for the conclusion of the IGC. It also welcomes the fact that the mandate safeguards much of the substance of the Constitutional Treaty, notably the single legal personality of the Union and the suppression of the pillars structure, the extension of qualified majority voting in the Council and co-decision by Parliament and the Council, the elements of participatory democracy, the legally binding status of the Charter of Fundamental Rights, the enhancement of the coherence of the external action of the Union and the balanced institutional package. It welcomes the fact that the mandate provides for the introduction of certain new elements in the treaties, such as the explicit mention of climate change and solidarity in the field of energy.

On the other hand, MEPs regret that this mandate implies the loss of some important elements that had been agreed during the 2004 IGC, such as the definition of the EU as a Union of the citizens and the States of Europe; as well as a long delay in the introduction of others. They express their concern about the fact that the mandate allows for an increasing number of derogations granted to certain Member States from the implementation of major provisions of the envisaged Treaties that could lead to a weakening of the cohesion of the Union.

The committee considers, therefore, that if one or more Member States now claim an opt-out from the Charter of Fundamental Rights, this would represent a dramatic setback and cause serious damage to the EU's innermost sense of identity. It is for this reason that the committee urgently appeals to all the Member States once again to make every effort to overcome this internal division and reach a consensus after all on the unrestricted validity of this Charter.

The IGC is invited to conclude its work before the end of 2007, so as to allow the new Treaty to enter into force in good time before the 2009 European elections. Member States and its representatives are asked to ensure full transparency of the work done by the IGC, notably by publishing all the documents submitted to it for discussion.

Lastly, the committee calls on the IGC to ensure, for reasons of transparency, that the results of its work will also be published in the form of a draft consolidated version of the Treaties and announces its firm resolve to put forward, after the 2009 elections, new proposals on a further constitutional settlement for the Union, in accordance with the clause on treaty revision.