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

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This document gives the Commission’s Opinion, pursuant to Article 48 of the Treaty on European

Union, on the Conference of representatives of the governments of the Member States convened to revise the Treaties. With ratification of the Constitutional Treaty at a standstill, the Berlin Declaration in March 2007 made a commitment to putting the Union on a new common basis before the European Parliament elections of 2009. The European Council of June 2007 agreed to convene an Inter-Governmental Conference (IGC) in July 2007. The task of the IGC is to agree the text of a Reform Treaty to "amend the existing Treaties with a view to enhancing the efficiency and democratic legitimacy of the enlarged Union, as well as the coherence of its external action".

The Reform Treaty:the European Council of June 2007 agreed a precise mandate for the IGC. The mandate was the fruit of a carefully crafted compromise. Together with many positive elements, which are to be welcomed, this compromise meant that some of the changes agreed in the 2004 IGC were not retained, and a number of derogations were granted to individual Member States. The proposed Reform Treaty will amend the EU's two core treaties.

A more democratic Europe: the Commission outlines the following proposals:

- the increase of co-decision in around 50 areas will see the European Parliament placed on an equal footing with the Council for the vast bulk of EU legislation, including freedom, security and justice. The Parliament will also see important new powers over the budget and international agreements;

- national parliaments will have greater opportunities to be involved in the work of the EU. This includes a two-stage procedure to monitor subsidiarity which will allow national parliaments to draw concerns to the attention of the Commission: if a majority share the same concerns about a particular proposal, the Commission, as well as the option to withdraw or amend, may choose to maintain its draft and explain its reasoning for final decision by the European Parliament and the Council of Ministers;

- citizens and national parliaments will see the decisions taken by their governments at first hand through opening the legislative discussions in the Council of Ministers to the public;

- the Citizens' Initiative will enable a million citizens from different Member States to trigger an invitation to the Commission to bring forward a new proposal;

- the relationship between the Member States and the EU will become clearer with the clear categorisation of competences;

- the Reform Treaty will make clear that Member States remain inside the Union by their own choosing, with a provision recognising that withdrawal from the EU is an option;

Institutional reform: the Commission outlines the following:

- swifter and more consistent decisions to the policy areas of freedom, security and justice. This will mean a step change in Europe's ability to combat terrorism, to tackle crime and human trafficking, and to manage migratory flows;

- new and reinforced legal bases in energy policy, public health and civil protection, and new provisions on climate change, services of general interest, research and technological development, territorial cohesion, commercial policy, space, humanitarian aid, sport, tourism, and administrative cooperation;

- streamlined procedures for economic governance will enhance coordination and facilitate decision-taking in the euro area;

- qualified majority voting in the Council of Ministers, fairly reflecting the varying sizes of the EU's Member States, and the extension of qualified majority voting to more than 40 new cases;

- a simplified way of calculating qualified majority voting will provide a clear balance between the number of Member States and the size of their population, once applied in November 2014;

- where at least nine Member States would like to take collective action inside the Union framework, they will be able to use enhanced cooperation procedures. In particular, the path to enhanced cooperation is smoothed in the areas of judicial cooperation in criminal matters and police cooperation; - the permanent President of the European Council will, in cooperation with the President of the Commission, ensure a better preparation and continuity in the work of the European Council;

- a streamlined Commission, with reinforced authority for its President, will continue to reflect different parts of the Union through a system of equal rotation;

- a ceiling on the number of MEPs, with a lower and upper limit for any one Member State , will stabilise citizens' representation in the European Parliament;

- introducing qualified majority voting and co-decision for future reforms to the Union's judicial system will help this system to adapt to the challenges of the future;

- arrangements for conducting external policy will reflect the existing balance between the Member States and the institutions;

- future changes to policies within existing competences, extensions to qualified majority voting and use of co-decision can be agreed without needing to call a new IGC, while preserving the need for unanimous agreement;

- the confusing distinction between the "European Community" and the "European Union" will be brought to an end.

A Europe of rights and values: the Commission outlines the following proposals:

- practical steps will be taken in the new Treaty to develop EU action in climate change and health;

- the Charter of Fundamental Rights will offer Europeans guarantees with the same legal status as the treaties themselves. Its provisions will also apply in full to acts of implementation of Union law, even if not in all Member States. Gaps in judicial protection ensured by the European Court of Justice will be filled to ensure jurisdiction in freedom, security and justice and to improve the individuals' rights of recourse to the Court;

- the new solidarity clause will give force to the obligation of Member States to support each other in the event of terrorist attack, natural or man-made disaster;

- the need for solidarity in the area of energy is given special prominence in the Union's powers to help in case of shortage of supply, as well as emphasising that solidarity is an important aspect of new provisions on energy;

- new provisions on civil protection, humanitarian aid and public health all aim at boosting the Union's ability to respond to threats to the security of European citizens;

- the new horizontal social clause will give prominence to the Union's commitment to employment and social protection, and the role of the regions and the social partners will be confirmed as part of the political, economic and social fabric of the Union.

The global stage: the Reform Treaty will bring more coherence between the different strands of EU external policy – such as diplomacy, security, trade, development, humanitarian aid, and international negotiations on a range of global issues. The Commission outlines the following:

- establishing a single legal personality of the Union will strengthen the Union's negotiating power; The the new High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission will increase the impact, the coherence and the visibility of the EU's external action;

- the European External Action Service will provide a structure to support European external policies – as well as the external dimension of internal policies – in a more effective and coherent way;

- this new architecture will be married with a respect for the particular interests of Member States by retaining specific decision-making procedures in the area of Common Foreign and Security Policy;

- the European Security and Defence Policy will be brought more clearly into the Union, preserving special decision-making arrangements but also paving the way towards reinforced cooperation amongst a smaller group of Member States.

Opinion in accordance with Article 48 of the TEU: the European Commission considers that the decisions of the European Council will provide a Reform Treaty to adapt the EU to the needs of the 21st century. The Commission welcomes the convocation of the Inter-Governmental Conference, and gives its full support to the mandate as agreed by the European Council.