

Constitutional problems of a multitier governance in the European Union

2012/2078(INI) - 12/12/2013 - Text adopted by Parliament, single reading

The European Parliament adopted by 359 votes to 115, with 31 abstentions, a resolution on constitutional problems of a multitier governance in the European Union.

Members underlined that differentiated integration should continue to act as a **forerunner for deepening European integration**, as it is started by a subgroup of Member States, remains open to all Member States and aims at complete integration into the Treaties.

Differentiated integration and European Monetary Union (EMU): Parliament considered that differentiated integration could be a useful tool to promote deeper integration to the extent that it safeguards the integrity of the EU. It could also prove **essential to achieving a genuine EMU**, enhancing the Union's competences, in particular in the field of economic policy, and strengthening its budgetary capacity and the role and democratic accountability of the Commission and the prerogatives of Parliament.

Using existing instruments: Parliament underlined that the instruments for differentiated integration in the Treaties - limitation of the territorial scope of application, safeguard clauses, derogations, opt-outs, opt-ins, enhanced cooperation, and provisions specific to Member States whose currency is the euro – permit a first step to be taken in the establishment of a genuine EMU, falling within the Union's institutional framework, and excluding the option of a new intergovernmental agreement.

Members therefore called on all institutions **to proceed swiftly by maximising the possibilities afforded by the existing Treaties and their elements of flexibility** and at the same time to prepare for the necessary Treaty changes in order to guarantee legal certainty and democratic legitimacy.

Procedures: in general terms, differentiation should preferably be done, wherever possible, within a **legal act addressed to all Member States by means of derogations and safeguard clauses**, instead of a priori excluding some Member States from the territorial scope of application of a legal act. Parliament underlined, nevertheless, that a high number of derogations and safeguard clauses undermine the unity of the EU as well as the consistency and effectiveness of its legal framework. Parliament stressed that, where some Member States want not to take part in the adoption of a legal act in the field of the Union's non-exclusive competences, an enhanced cooperation in accordance with the relevant Treaty provision should be established instead of concluding international agreements outside the framework of the EU legal order. Member States are asked to **extend the principle of enhanced cooperation to employment and social policies**.

Democracy and institutions: Members stressed that the participation of the European Parliament - the only EU institution in which citizens are directly represented at Union level - was essential for ensuring the democratic legitimacy and functioning of the EMU and is a precondition for any further step towards a banking union, a fiscal union and an economic union.

In regretting the **lack of parliamentary scrutiny** of the Troika, the European Fund for Financial Stability (EFSF) and the European Stability Mechanism (ESM), Parliament also underlined the **pivotal role of the Commission** in EMU governance, as also confirmed by the Fiscal Compact and the European Stability Mechanism treaties, in guaranteeing the legal order of the EU treaties and in serving the common interest of the Union as a whole. Members stressed that the **Community method** should be used for all measures aimed at strengthening the EMU.

Amendment to the Treaties: the resolution states that any future treaty change should affirm differentiated integration as a **tool for achieving further integration while safeguarding the unity of the Union**. Differentiated integration should remain open and to all Member States and aims at complete integration into the Treaties.

Amongst the proposals for amendment of the Treaties, Parliament suggested the introduction of a new tier of associate membership, including a partial integration into specific Union policy areas, as a means to strengthen the European Neighbourhood Policy.

Among other things, Parliament also suggested making the Eurogroup an informal configuration of the Economic and Financial Affairs Council, and called for the Commissioner for Economic and Financial Affairs to be a Treasury Minister and a permanent Vice-President of the Commission

Lastly, Parliament called on the future convention to examine the possibility of introducing a **special legislative procedure** requiring four fifths of the votes in Council and a majority of Parliament's component members for the adoption of the Own Resources Decision.