

EUROPEAN PARLIAMENT

2004



2009

Committee on Foreign Affairs

2004/2129(INI)

24.11.2004

OPINION

of the Committee on Foreign Affairs

for the Committee on Constitutional Affairs

on the draft Treaty establishing a Constitution for Europe
(2004/2129(INI))

Draftsman: Elmar Brok

SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the improvements in the new Constitutional Treaty in the field of the Common Foreign and Security Policy (CFSP), including the following:
 - (a) definitions of the principles and objectives of EU external action (Articles I-3 and III-292), especially those concerning compliance by the EU Common and Foreign Security Policy with international law, and concerning observance of the principles of the United Nations Charter,
 - (b) grouping of the relevant articles of the current treaties covering the various aspects of the Union's external action within the new single Title V of Part III (The policies and functioning of the Union),
 - (c) attribution of legal personality to the Union (Article I-7),
 - (d) above all, the creation of the new post of Minister for Foreign Affairs accountable both to the European Parliament and the European Council (Article I-28). The European Parliament will be informed on a par with the Council of any future proposal presented by the Vice-President of the Commission/European Union Minister for Foreign Affairs regarding the preparation of the Common Foreign and Security Policy,
 - (e) the creation of the European External Action Service (Article III-296(3)). It is expected however that this Service will remain a cornerstone in the external action field assisting the European Union Minister for Foreign Affairs, but under the aegis of the Commission (as has been the case with the EC Delegations). In any event, therefore, the pre-eminence of the integrated common elements of the new Service as well as its democratic accountability to the European Parliament should be underlined;
2. Welcomes the fact that in the field of the Common Security and Defence Policy (ESDP), the Constitutional Treaty includes major improvements, including the following:
 - (a) updating of the Petersberg tasks (Articles I-41(1) and III-309),
 - (b) multinational forces set up by Member States available to the ESDP (Article I-41(3)),
 - (c) compromise to progressively improving military capabilities and setting up a European Armaments, Research and Military Capabilities Agency (Articles I-41(3), paragraph 2 and III-311),
 - (d) European decisions as a new instrument for the implementation of the CFSP/ESDP (Articles I-40(3), I-41, III-293 and III-297),
 - (e) execution of an ESDP task, within the Union framework, by a group of Member States (Articles I-41(5) and III-310),
 - (f) permanent structured cooperation between Member States which fulfil higher military

capabilities criteria within the Union framework for the most demanding tasks (Articles I-41(6), III-312 and the Specific Protocol),

(g) mutual solidarity clause establishing an obligation of aid and assistance by all the means within the power of each Member State towards another Member State victim of armed aggression on its territory (without prejudice to the security and defence policy of certain Member States and the role played by NATO for certain other Member States) (Article I-41(7)),

(h) solidarity Clause for mutual assistance to prevent terrorist threats or terrorist attacks or in the event of a disaster (Articles I-43 and III-329);

3. Calls for the role of the civilian dimension of the ESDP to be strengthened by the provision of all necessary means, and reiterates the need to set up the European Civil Peace Corps in accordance with the resolutions adopted by the European Parliament on several previous occasions;
4. Considers it necessary that the Commissioner for External Relations and the High Representative for CFSP should already now apply new standards by fully informing and consulting the European Parliament on all questions of CFSP and ESDP;
5. Asks the main Committee to make clear references within its Explanatory Statement to the following shortcomings, which will continue to exist even after the coming into force of the Constitutional Treaty in the CFSP field and should therefore be remedied at the earliest opportunity:
 - (a) failure to fully extend the Community procedures and to improve the role of the institutions in this field (see Article I-41),
 - (b) confirmation of the rule of unanimity plus constructive abstention instead of qualified majority vote (QMV) as the general rule for CFSP (Articles I-41(4) and III-300),
 - (c) joint costs for military operations within the framework of ESDP should be funded from the Community budget (this already occurs in the civil sphere in the case of police operations) and not from a subsidiary budget or a start-up fund of the Member States, as provided for at present (see Article III-313);
6. Agrees with the main Committee's positive recommendation to the Council and the Member States to ratify the new Constitutional Treaty as speedily as possible, and in the meantime expresses the wish that the spirit (and substance) of the provisions of the new Treaty already to be applied, as has already been the case with the creation of the European Defence Agency which should be operational by the end of 2004, the "Battle Group" concept, the setting up of the Union's Neighbourhood Policy (Article I-57) or the application of the Solidarity Clause to prevent terrorist threats or attacks decided in the aftermath of the Madrid 11 March 2004 terrorist attacks.
7. Stresses the need to ensure the democratic accountability and transparency of all activities undertaken by the European Defence Agency.

PROCEDURE

Title	The draft Treaty establishing a Constitution for Europe
Procedure number	2004/2129(INI)
Committee responsible	AFCO
Enhanced cooperation	Yes
Draftsman Date appointed	Elmar Brok 13.9.2004
Discussed in committee	22.9.2004 11.10.2004 22.11.2004
Date suggestions adopted	23.11.2004
Result of final vote	for: 27 against: 9 abstentions: 1
Members present for the final vote	Elmar Brok (P), Geoffrey Van Orden (2nd VP), Baroness Nicholson of Winterbourne (3rd VP), Angelika Beer, Bastiaan Belder, Monika Beňová, Simon Coveney, Giorgos Dimitrakopoulos, Anna Elzbieta Fotyga, Maciej Marian Giertych, Klaus Hänsch, Georgios Karatzaferis, Ioannis Kasoulides, Helmut Kuhne, Francisco José Millán Mon, Pierre Moscovici, Alojz Peterle, Tobias Pflüger, João de Deus Pinheiro, Mirosław Mariusz Piotrowski, Paweł Bartłomiej Piskorski, Raúl Romeva i Rueda, Libor Rouček, José Ignacio Salafranca Sánchez-Neyra, István Szent-Iványi, Konrad Szymański, Inese Vaidere, Luis Yañez-Barnuevo García, Josef Zieleniec
Substitutes present for the final vote	Giovanni Claudio Fava, Hélène Flautre, Milan Horáček, Doris Pack, Athanasios Pafilis, Miguel Portas, Aloyzas Sakalas, Inger Segelström
Substitutes under Rule 178(2) present for the final vote	