

# EUROPEAN PARLIAMENT

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*Committee on Legal Affairs*

**2005/2146(INI)**

22.11.2005

## **OPINION**

of the Committee on Legal Affairs

for the Committee on Constitutional Affairs

on the period of reflection: the structure, subjects and context for an assessment of the debate on the European Union  
(2005/2146(INI))

Draftsperson: Maria Berger



## SUGGESTIONS

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

The Committee on Legal Affairs

1. Takes the view that the subject of the report of the Committee on Constitutional Affairs should not be the content of the Constitution, on which Parliament already had the opportunity to express its views in its resolution of 12 January 2005<sup>1</sup>, but rather the method of public debate in the Union during the period of reflection;
2. Reiterates its view, which it has already expressed in respect of the above resolution, on those aspects of the Constitution which fall within its remit;
3. Emphasises in this connection that, in the areas falling within its remit, in particular legal acts and procedures and the structure, function and access to the European Court of Justice, it is difficult to imagine that the outstanding result achieved by the Constitution could be matched in another context and by other means;
4. Takes the view that from a legal point of view it is impossible to allow Part I of the Constitution to enter into force by itself, since it would be incompatible with the existing Treaties unless these were thoroughly overhauled;
5. Recalls that the Constitution is the outcome of a broad consensus involving the parliaments and governments of all Member States and all European institutions;
6. Recalls also that no European treaty has ever been drawn up with such a degree of transparency and through such a dialogue with civil society, young people and all territorial levels of governments as the Constitution;
7. Recalls that Declaration No 30 on the ratification of the Treaty establishing a Constitution for Europe caters for the predicament in which we now find ourselves:

'The Conference notes that if, two years after the signature of the Treaty establishing a Constitution for Europe, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter will be referred to the European Council';

8. Believes that the Council has anticipated the implementation of the Declaration and addressed the problem by deciding to set a period of reflection to overcome the difficulties, while allowing those Member States which so wish to pursue the ratification process;
9. Proposes that the purpose of this period of reflection should be to relaunch the constitutional project through a broad public debate which should make it possible to clarify, deepen and democratise the consensus on the Constitution, by proposing solutions aimed at addressing the problems preventing the acceptance of the text;

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<sup>1</sup> OJ C 247 E, 6.10.2005, p. 88.

10. Is convinced that one objective of the period of reflection must be to consider how the European Union can regain the confidence of citizens; believes that in order for this to succeed an ongoing debate is needed on how the EU can boost its performance and how it can contribute to solving people's real problems;
11. Points out that the European Parliament noted in its resolution on Turkey's accession procedure that the adoption of a European Constitution was a precondition for any further enlargement and that the ability of the European Union to absorb new members has now also been given greater significance at Council level;
12. Takes the view that the phase of reflection and discussion should serve to consolidate the achievements of the Constitution and should under no circumstances water down the text of the Constitution;
13. Considers it necessary that the phase of reflection should be used to ensure that citizens of all ages and all social and professional circles are more fully informed, not only about the Constitution itself, but also about existing Treaties which currently play an essential role in the European Union and will remain in force if the Constitution is not adopted;
14. Considers it necessary, furthermore, to pursue a structured, interactive and goal-oriented debate with, among others, European citizens, civil society, the social partners, the national parliaments, the political parties and the institutions of the Union; proposes to this end:
  - (a) as a basis for the debate and surveys, a list of questions and answers should be drawn up, listing key questions and answers about the Constitution. Political parties in the Member States, representatives of civil society and other persons in positions of responsibility should use this questionnaire to conduct as many debates as possible. It should also be used on websites;
  - (b) a representative profile of the opinions of citizens on the contribution of the Constitution and the future of the Union should be obtained by means of public opinion polls (EUROBAROMETER);
  - (c) a team should be set up in each Member State to conduct these discussions and to draw up a report on the attitudes of citizens in their Member State; members of the European and national parliaments could play this role;
  - (d) these rapporteurs should then meet in a joint European conference and endeavour to draw common conclusions from the national debates;
15. Considers that where there were suggestions within the Treaty establishing a Constitution for Europe that would without question make the EU more citizen-friendly, work on these should continue, and in particular, given the finding by the European Ombudsman in a Special Report that the Council is guilty of maladministration when legislating in secret, calls upon the Council to comply immediately within the Ombudsman's recommendations;
16. Proposes that a study be drawn up of the costs of not having a Constitution, with reference to governance, democracy and transparency, modelled on the study on the 'cost of non-

Europe' drawn up to prepare for the launch of a standard European single market;

17. Considers that the debate should also consider how to solve the problems in France and the Netherlands and how to deal with these referendums, without deceiving the populations of those EU Member States which have already adopted the draft Constitution;
18. Calls on the UK and Austrian Presidency to begin preparations for a phase of reflection as proposed above.

## PROCEDURE

<b>Title</b>	The period of reflection: the structure, subjects and context for an assessment of the debate on the European Union
<b>Procedure number</b>	2005/2146(INI)
<b>Committee responsible</b>	AFCO
<b>Opinion by</b> Date announced in plenary	JURI 7.7.2005
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Draftswoman</b> Date appointed	Maria Berger 15.9.2005
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	5.10.2005
<b>Date adopted</b>	22.11.2005
<b>Result of final vote</b>	+: 12 -: 0 0: 0
<b>Members present for the final vote</b>	Maria Berger, Bert Doorn, Giuseppe Gargani, Kurt Lechner, Klaus-Heiner Lehne, Aloyzas Sakalas, Rainer Wieland, Nicola Zingaretti, Tadeusz Zwiefka
<b>Substitute(s) present for the final vote</b>	Nicole Fontaine, Othmar Karas, Marie Panayotopoulos-Cassiotou
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	
<b>Comments (available in one language only)</b>	...