



European Economic and Social Committee

**Plenary Session
of the
European Economic and Social Committee**

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Statement by
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Outline for a speech on the work of the Convention

Seul le texte prononcé fait foi
Check Against Delivery

On 10 July the European Convention completed its work, approving by consensus the text of the draft constitution's Part III - on the "Policies and functioning of the Union" - and Part IV - containing the "General and final provisions". The Convention President, **Mr Valéry Giscard d'Estaing**, will present the text to the Italian authorities on 18 July.

Note that Parts I and II of the draft constitution were submitted to the European Council of Heads of State and Government, meeting in Thessaloniki on 20 June last.

As you will know, the first part - specifically constitutional in nature - deals with the values, objectives and powers of the Union, and its institutions and democratic life. The second part incorporates the Charter of Fundamental Rights into the constitution.

The time has now come briefly to take stock of the situation, even though I already had the opportunity to share a few initial views with you on this at the last plenary session on 18 June.

First of all, I shall present you with a few figures which will enable us to make a quantitative assessment of just how much work has been accomplished.

Since its inaugural session on 8 February 2002, the Convention has held 26 plenary sessions amounting to 51 days of meetings, in the course of which 1,900 statements have been made, representing more than 600 hours of debate.

This does not take into account the meetings held in the Convention's eleven working groups and three discussion groups.

For their part, the Committee's observers took the floor on seven occasions. They also submitted nearly thirty amendments to the Convention and took part in several working groups, including the "Social Europe" one to which they sent in three contributions.

These figures clearly cannot do justice to the amount of effort put in of course by our observers, but also by all those who have worked hard to promote and strengthen the EESC's role in the future institutional configuration of the Union, within and outside the Convention.

I shall come in a moment to my - necessarily brief - reaction to and assessment of the outcome of our action and the steps we have taken.

I should also like to congratulate the members of the Sub-committee on the "*European Convention*", who agreed to take on the various lines of action we outlined at the beginning of the Convention's work,

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in particular as regards dialogue with European civil society organisations and networks and the involvement of accession country civil society organisations.

Unique in nature, these initiatives have helped raise the EESC's profile to a remarkable extent and, I am convinced, have established the relevance of its activities as an institutional forum for consulting, representing, informing and expressing the views of organised civil society at European level, to use a description borrowed from the very first line of our resolution of 19 September 2002.

The four parts of the draft constitution comprise 460 articles¹ in all, to which five protocols have been added - two of which are particularly important, dealing with the role of national parliaments in the European Union and the application of the subsidiarity and proportionality principles – together with three declarations.

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Although impressive, these figures are not in themselves enough to reflect the fundamental achievement of the Convention, which is that this draft constitution, over and above the flaws and shortcomings that everyone will be able to pick out, is the result of a democratic process

for determining political will, endowing European integration with new and much greater legitimacy.

This legitimacy flows above all from the make-up of the Convention – representatives of national parliaments, member states' and accession countries' governments, the European Parliament and the Commission.

However, it flows just as much from the actual process of hammering out the draft constitution: with openness, transparency, visibility, a spirit of dialogue and tolerance, a desire for compromise and an awareness of a historic duty to perform.

Of course, the Convention's method can be improved upon: more transparency is needed when processing the amendments tabled and when drafting texts; also necessary is more structured dialogue with civil society.

That said, the Convention's method has proved its worth and has set in motion a dynamic process which will, I am certain, allow progress to be made subsequently towards European integration.

I do not want to repeat here what I said in my declaration last month on Parts I and II, but I should simply like to point out that this draft

¹ 59 in Part I, 54 in Part II, 338 in Part III and 9 in Part IV

constitution represents a key step towards the creation of a Europe for the people, and no longer just for States – an enlarged Europe which is more democratic, closer to its citizens, more open and transparent, simpler and more understandable, more capable of asserting its position in the world, and lastly more participatory, where the public can play a full part. That in any case is what I wish for.

Of course, it is a delicate balance to strike, especially on an institutional level.

The Convention has sometimes been reproached for lacking in imagination in its solutions, or even for lacking in courage in innovation.

I do agree with some of the criticism made, be it on the extension of qualified majority voting, the Union's finances, or even economic and social governance and European citizenship, in spite of the significant progress made here.

I nonetheless remain firmly convinced that this draft constitution does not represent the lowest common denominator, but rather the highest common multiplier.

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A few words about Part III of the draft constitution:

Many within the Convention had, like myself, hoped that Part III would herald new progress in the European integration process, especially as regards further extensions to qualified majority voting in the spheres of social, fiscal and external policy.

This has not occurred. However, I would remind you that the Convention's brief was short and that, according to the Thessaloniki European Council, the work on this third part was "purely technical".

We should nevertheless welcome the fact that a new provision has been introduced on the importance of the role of services of general interest in promoting social and territorial cohesion in the Union.

The open coordination method, without actually being named as such, will be used in new areas: social policy, research, public health and industrial competitiveness.

Also to be welcomed is the provision on the Union's symbols. Over and above the symbolism involved, this is an important step towards Europe developing its own sense of identity.

It is against the background set out above that one should view the lack of significant response to the Committee's requests. I nonetheless find this highly regrettable.

These requests mainly concerned:

- The insertion of a new provision clearly setting out the EESC's tasks; and
- An extension of the field of mandatory consultation of the Committee to include areas such as the principle of non-discrimination, the broad economic policy guidelines, a common immigration and asylum policy and culture.

I nevertheless feel that overall, the draft constitution, here too, reflects a major step towards taking into account the Committee's requests, especially those set out in its resolution of 19 September 2002.

I am thinking here more particularly about the definition of the Union's values and objectives, the promotion of the European model of society, the coordination of economic and social policies, the Union's external action, participatory democracy and also the simplification of the treaties and legal instruments, to name but a few.

Concerning the Committee more specifically, four key points have been achieved:

- The Committee's image has been modernised, opening the way to even broader representation of organised civil society.

Article 31 – former Treaty Article 257 – of Part I of the draft Constitution does in fact stipulate that:

" The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of others representative of civil society, notably in socio-economic, civic, professional and cultural areas."

- The term of office of Committee members has been extended to five years instead of four, along the lines of that of the European Parliament and the Commission. This will ensure consistency and continuity in the Committee's activities, endowing it with a status close to that of the institutions.
- The Committee's internal autonomy has been consolidated with the removal of Treaty Article 261 on sections and sub-committees. Since the Committee was already in charge of its own rules of

procedure, this provision had, of course, in any case become obsolete.

- Article 46 of Part I of the draft constitution, which establishes the principle of participatory democracy, must also be considered to be a key achievement, even though it would be naïve to think that the Committee was the only party responsible for its introduction.

Of course, this provision does not go as far as we would have wished or as far as we had requested that it should. Nevertheless I feel that it does lay down the foundations for establishing genuine civil dialogue in the long term.

I should once again like to stress the fact that, for such civil dialogue to be effective, a framework and forum has to be specified.

Without prejudice to its structure and responsibilities, the EESC, by its very nature and membership, is set to act as a "facilitator" and forum for civil dialogue.

The EESC has a special responsibility for making this provision work.

However, I would not like to anticipate the content of the opinion which the Committee will, I firmly hope, adopt in September and

address to the Intergovernmental Conference (IGC); the latest indications are that the IGC will start on 4 October.

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Although the Convention has now completed its work, this is only a breathing space in the progress of the draft constitution which now has to clear two further stages: first the IGC will issue its views and then it is up to the people of Europe as to whether they take it on board or not.

In the course of the IGC we must keep a close eye on developments to ensure that the various points of balance achieved with such patience to date, together the Convention's other achievements are safeguarded. Let us take care to ensure that there is no "unravelling of the draft constitution's provisions, either as regards institutions or policies", to quote **Mr Michel Barnier**, the Commissioner.

Lastly, it is vital that the IGC's work be rooted in the principles of openness and transparency, which governed the Convention's work. It is in the general interest of the Union and its future that this be so.

An especially important task awaits the Committee in the next few months to ensure that its place in the future institutional set-up is further consolidated and its profile raised.

I personally feel that we should focus our efforts and activities on three priority areas:

- Firstly, we should advocate the insertion – in Part III of the draft constitution – of a provision which clearly defines the Committee's tasks, in line with the amendment submitted by the observers;
- Secondly, we should call for the Committee to be given the right to appeal to the Court of Justice to protect its prerogatives.

It was essential for this right to be granted to maintain parity with the Committee of the Regions and secure equal treatment for the two consultative bodies of the Union.

- Thirdly, we should request that the mandatory areas for consulting the Committee be extended to include those areas which, due to its membership and expertise, the Committee is able to contribute real added value: in particular, application of the principle of non-discrimination, definition of the broad economic policy guidelines, immigration and asylum policy and culture.

However, I am getting ahead of myself here.

We shall very soon have the opportunity to discuss the guidelines for our action – I hope as of September.

At that time I should be able to share my ideas with you in greater depth. On that note I shall bring my statement today to a close.

Thank you for your attention.