



*European Economic and Social Committee*

**Conference on**  
*Participatory democracy: current situation and opportunities  
provided by the European Constitution*

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**Session 1**

*The European Constitution, civil dialogue  
and democratic life of the Union in the new Europe*

**SPEECH**

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Seul le texte prononcé fait foi  
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Check Against Delivery

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Thank you Mr President.

I would also like to thank you on behalf of **Senator Bedin** who, with me, is representing the Senate at this conference. We are both delighted to be participating.

The emphasis of my short speech will be on the role of national parliaments in the draft European Constitution approved by the Convention, and it is a particular pleasure to make their voice heard.

I believe that the role played by national parliaments in the legislative process is an important one. They also help bridge the gap between institutions and citizens. Today's session is looking at some key points, already touched upon by previous speakers, which the Laeken Declaration had entrusted to the Convention and which the constitution-building process must now settle definitively.

We are also aware that the Intergovernmental Conferences (IGCs) of Amsterdam and Nice were, unfortunately, disappointing. Seen in the light of a process of participatory democracy and a representation of civil society organisations, the latter markedly absent at the IGCs, and, above all, given the final outcome, the IGCs sorely disappointed us and failed their mission. Governments monopolised negotiations, notwithstanding a couple of bold measures. Here I would like to single out the Nice Charter of Fundamental Rights, which was a product of a joint contribution by national parliaments and civil society organisations.

These two IGCs failed to sufficiently redress the problem of a democratic deficit. This deficit is not only due to a persisting imbalance between legislative and executive power, but is primarily due to a lack of procedures involving the consultation and active participation of citizens and representative organisations that alone will enable European citizens to reap the benefits of European integration. Though we have secured monetary and economic union, we still await political integration.

On these terms, I am absolutely convinced that the first essential step towards the creation of a European Union that is more open and participatory has been made in the choice of a Convention, a method already tried and tested with the discussion and approval of the Nice Charter of Fundamental Rights. This method has been widely appreciated, not least by **Minister Roche** who submitted his views previously. Entrusting the preparation of the draft European Constitution to a Convention mostly composed of parliamentary representatives and, above all, opening it up to the European Economic and Social Committee, as well as the Committee of the Regions, created fertile ground for discussions on important European issues. It also managed to cut through the fog of diplomacy, providing a platform for citizens' interests.

I think it is also fair to say that Italy's contribution to the Convention proceedings was marked by a strong belief in European integration and it showed this by submitting a vast array of proposals and, above all, by a sense of commitment and continuity. I must admit that I am filled with pride at these achievements since they do honour to our status as a founding Member State.

It was a joint effort involving both parliament and government and I would like to highlight the contribution of both the governing majority and the opposition, being represented here today by **Senator Bedin** and myself.

The Italian parliament has been kept abreast of this joint effort. I champion this method because I believe it is one followed by other parliaments and that, indeed, it should be followed in the future too if we want to guarantee the participation of civil society organisations when making important decisions for the European Union.

Why do I say we have followed a genuinely democratic method? It is because both Houses of the Italian parliament took pains to be kept continually updated on the work of government and parliament representatives.

At the end of all the discussions, debates and hearings – whether held by the standing committees during assemblies or in the Chamber of Deputies and the Senate – both the governing majority and the opposition were able to approve, almost always unanimously, important documents, parliamentary motions and resolutions. Thus we were able to urge our government, especially during its tenure of the EU Presidency, to take heed of parliaments, which I consider as effective representatives of civil society and citizens, because they are elected by the people. Most certainly, they can represent their interests better than governments. We committed the Italian presidency to take particular heed of the parliaments and uphold the transparent and democratic spirit in which the Convention and its debates were conducted, and not to tolerate any watered-down compromises.

Each time **Minister Frattini** was present, we urged him not to give in, not to upset the balance achieved by the Convention text. We attached great importance to this document as the direct expression of civil society and participatory democracy and we feared that, ultimately, at the IGC, national interests would prevail, and by this I mean the interests of a few countries. Unfortunately, this is what happened.

I have dwelt a little on the way in which the Italian Parliament followed the Convention proceedings because I strongly believe that the winning ticket of parliament was to give prominence to the working method of the Convention: as I have shown, the Convention was predominantly made up of parliamentarians. Above all, it has been transparent in its work.

The general public could follow the processes leading to the draft Constitutional Treaty, and civil society organisations enjoyed ample opportunities for consultation, through ad hoc plenary sessions or important written contributions, given also by your Committee. Here I would mention one submission which the national parliaments particularly appreciated, namely the Opinion you adopted on 24 September 2003 in which you offered the Italian presidency some guidance for the IGC.

Above all, I believe that the whole of Title VI of Part I of the draft Constitutional Treaty represents an important success that, probably, would not have been reached through conventional negotiations. Why am I insisting on Title VI and not exclusively on Article 46 which you have rightly commented upon and emphasised during this conference?

It is because I am convinced that one cannot, in real terms, speak of citizens' active participation in the life of the European Union unless its institutions work in a more transparent manner and unless citizens and their representatives are given access to Community documents. In this respect, I believe that Article 49 is at least as important as Article 46 and in certain aspects is a precondition for it.

Article 49(2) is particularly relevant in matters of transparency because it envisages that the European Parliament and the Council of Ministers meet in public when adopting legislation.

Unfortunately, the lack of transparency and accountability characterising the Council's proceedings is as true today as it has been in the past and remains a sore point with believers in participatory democracy. Even nowadays it is not possible for ordinary citizens, and in some cases, national parliaments to know the stance taken by their respective governments in areas of exclusive EU competence.

Under these conditions I believe that one cannot speak of a genuine citizens' participation in the day-to-day progress of European integration.

In my opinion, the Convention's draft text introduced important original concepts and we must defend them and the few other original ideas introduced in the 2002 Seville Council, especially those concerning transparency issues. In my opinion, the text has broken new ground with the introduction of the two protocols on the role of national parliaments and the principle of subsidiarity.

First of all, these two protocols will grant national parliaments access to Commission legislative proposals, consultation documents and planning documents as well as the annual reports of the Court of Auditors. I am speaking here of direct access by national parliaments and not through government institutions, as is the case at present.

The early warning system will thus enable us to act in the initial stages of the Community decision-making process. I know I need not describe this system in detail since I am already addressing experts in the field, but above all individuals who have thoroughly analysed the Convention's proceedings; indeed, many of you have participated in them.

Apart from the early warning system, a worthy achievement of the Convention is the national parliaments' right of appeal to the Court of Justice when there has been an infringement of the principle of subsidiarity. I understand that the EESC had sought a similar right; although that request was not met, I don't think you need dwell on the matter too much as – and I say this as a friend – I am sure that, with steady progress, such achievements will come in due course.

The simplification of legislation, a task undertaken by the Vice-Chairman of the Convention, Senator Amato, is another gain. He succeeded in paring down a complex legislative framework to 3 legal instruments: laws, framework laws and regulations, not to mention streamlining within a single procedure the system whereby the European Parliament and the Council adopt laws.

The Italian presidency was quick to express its support of the European Union assuming greater importance in issues of common foreign and security policy.

It is my pleasure to highlight a joint contribution by national parliaments, represented by **Minister Frattini**, and the Italian parliament, acting as President of the 30<sup>th</sup> COSAC meeting (Conference of the Community and European Affairs Committees) held in Rome on 7 October. I myself had the privilege of chairing this conference. All 25, existing and acceding states, agreed that the Union should ultimately acquire a single political representative on the international stage, through the appointment of its own Minister for Foreign Affairs.

Not to dwell on national parliaments alone, I would like now to reiterate the contribution that the European Parliament continues to make in this sphere, thanks in particular to a resolution on the relations between the European Union and the United Nations adopted on 29 January. Among other things, EU Member States are urged to consider the need for the EU to be made a full member of the UN Security Council. It is also proposed that the EU Minister for Foreign Affairs occupy a permanent seat.

However, until the European Union is given legal personality and the post of minister is created, I believe that the European Parliament's resolution will remain a dead letter; first, we must create the minister in order to press for his presence at the UN.

This is a proposal that should be embraced fully by anyone who cherishes the political unity of the European Union.

Now, the Irish Presidency is tasked with relaunching negotiations on the European Constitution quick on the heels of the Brussels defeat. In the words of **Minister Roche** – both today and at the Chairpersons of European Affairs

Committees' conference held in Dublin on 19 February – I detect a real openness and a strong determination to pursue these negotiations. On the other hand, the Irish Presidency emphasises often that until it sees that the political will is there, it cannot conclude negotiations.

So what I ask now is what I asked last February when addressing the Dublin Conference: what is meant by political will? Is it the sole preserve of governments or is it also and above all that of civil society? Incidentally, at the time, **Minister Roche** had given a more than satisfactory answer to my question!

If this political will must be represented above all by national parliaments and civil society, the Irish Presidency holds the key to the operating method because we all – national parliaments and above all representatives of civil society organisations at the Convention and indeed, all the EESC members - have already mapped out the way. So has the resolution of national parliaments adopted by COSAC in Rome, as I mentioned previously. Above all, it is the way shown by the European Parliament's Constitutional Affairs Committee. Tomorrow **Mr Giscard d'Estaing** will address the committee in Strasbourg and I hope to be able to participate.

In the course of these meetings, representatives of both existing and acceding member states have said they would like a Constitutional Treaty based on the Convention text because from the point of view of participatory democracy it is a workable and balanced text. Most of all we would like a document that fleshes out the Convention text with the valuable work of the Italian Presidency, at least the post-Naples text that was also endorsed by the Irish Prime Minister.

My wish then is that during conferences like today's we reaffirm our will to have a Constitutional Treaty in the light of the Convention text as soon as possible; improvements should follow later.

Mr President, you spoke of speeches remaining theoretical. If we would like our speeches to become more concrete, we must strengthen our voice. I am sure that the Irish representatives in this room felt their way warily at first, but our contributions should serve to boost their courage.

Thank you again for your attention. I hope that all of us present today and national parliaments could, at the earliest opportunity, defer further common solutions to a later stage so that negotiations can be concluded between two key dates: 1 May, a historic event for the new Member States, and 13 June which marks the renewal of the European Parliament. Later on in the year this would be much more difficult, a fact corroborated by **Minister Roche**: not only will there be a new Parliament, but in November there will be a new Commission. New members will mean treading ground we already know and resurrecting problems that had already been solved.

Thank you.