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on the period of reflection: the structure, subjects and context for an assessment of the debate on the European Union

Committee on Constitutional Affairs

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CONCEPT PAPER

The European Parliament is to consider a report on how to revisit the constitutional project.

The co-rapporteurs will consider the options available to the Union in the light of the deep crisis caused by the stalling of the ratification process. They will propose a concept for the 'European dialogue' - a public debate about the future of European integration - with the aim of achieving a final European Constitution by 2009.

The report will recall the importance of the Constitution in terms of democracy, fundamental rights, capacity and efficacy; it will also consider the relative merits of the process by which it was drafted. It will note that the Constitution has already been ratified by a majority of member states, representing a majority of the peoples of Europe.

Taking note of the decision of the European Council to install a period of reflection and dialogue, the co-rapporteurs will analyse the reasons for the political crisis and make proposals for the re-launch of the constitutional process.

We do not believe that it is possible to force France and the Netherlands to vote twice on the same text, and are doubtful that supplementary declarations will suffice to persuade public opinion to change its mind.

Nor do we believe it sufficient to make do with a few minor reforms of rules of procedure or inter-institutional agreements.

We are equally unattracted to the idea of a *Treaty of Nice bis*. In sacrificing the constitutional package deal, the Union would also be dismantling the impressive consensus that has been built up around it. Experience suggests that it can be more difficult to get basic agreement in the EU when tinkering with institutions than when taking bold steps.

To return to the days of pre-Laeken would not settle the constitutional future of the Union but, on the contrary, threaten further bouts of instability. The political consequences of a tactical retreat might be severe, especially in those countries which have already ratified successfully the original Constitution.

The aim of the European dialogue must be, on the one hand, to clarify, deepen and democratise the consensus and, on the other, to address criticisms and find solutions where expectations have not been met.

The European dialogue will only overcome the constitutional crisis if it engages national and regional parliaments, political parties, civil society, social partners and academia as well as the EU institutions.

The dialogue should be conducted and coordinated across the Union, and structured by themes and in stages according to a realistic time schedule. Narrowly focussed national debates will serve only to harden national stereotypes.

The European dialogue must not be an indecisive or nebulous exchange of opinion. Its results must lead the European Union, stage by stage, to political decisions.

We believe that the European Parliament, as the directly elected representative institution of the Union's citizens, carries great responsibility for the European dialogue - all the more so as the European Council has neglected to define either methods or goals.

Stage I: Seeking consensus

During 2006 our aim should be to seek consensus around the essential democratic advances proposed in the Constitution. It should be possible to reach basic agreement on democratic goals and key institutional amendments.

The questions for the European dialogue in this first stage are:

**Which parts of the Constitutional Treaty at hand can be placed beyond controversy?
Can we agree on the holding of a Europe-wide consultative referendum?**

The French and Dutch parliaments, in particular, would be expected to analyse the negative referendum results in order to shape political conclusions.

The European Parliament will evaluate this first phase of the European dialogue and discuss it with the Parliaments of the Member States in advance of the scheduled meeting of the European Council in June 2006, which is to review the progress of the period of reflection.

On the basis of a European Parliament report, a second joint meeting of parliamentarians may be able to adopt the draft of a new, first constitutional treaty by the end of 2006, and propose it to an Intergovernmental Conference.

Stage II: Solving dissensus and the questions of the future

In the second stage, the dialogue would focus on the political disagreements and controversial issues that surround the future of the Union.

The questions for the European dialogue in this second stage are:

**What is the goal of European integration? How do we define Europe's boundaries?
What is the future of European and social and economic model and Europe's answer to the challenges and dangers of globalisation? What is Europe's role in the world and the future of European foreign and security policy?**

On the basis of these discussions, a fresh mandate could be prepared for a new Convention and IGC, to take place through 2007-08. The European Commission should be invited to present a proposal for the reform of Part III of the Constitution.

The European citizens would give a verdict on the final Constitution in a consultative ballot to be held across the Union on the same day as the European Parliamentary elections in June 2009.