

Evaluating the EU constitution

by Richard Corbett MEP

Last month, the new EU Constitution was endorsed by an overwhelming majority in the European Parliament's Constitutional Affairs Committee, and will now be debated by the house in January. The committee's report concluded that the new constitution "is, globally, a good compromise and a vast improvement on the existing treaties".

True, the new constitution isn't perfect. In the words of the committee: "as a compromise that had to be acceptable to all Member States" the package agreed "inevitably left out some proposals, notably of the European Parliament or of the Convention, that would have, in the view of their authors, brought further improvements to the Union". But, even if it missed some opportunities, what it does contain is a set of highly beneficial reforms to the EU. They can be grouped under four main headings.

First, it provides **greater clarity** about the Union's nature and objectives. It replaces the complex set of European treaties by a single document spelling out the objectives of the Union, its powers and their limits, its policy instruments and its institutions. It simplifies and clarifies legal acts: 'European laws' and 'European framework laws' replace the existing multiple types of act (regulations, directives, framework decisions, etc), using more understandable vocabulary. It guarantees that the Union will never be a centralised all-powerful 'superstate' by requiring the Union to respect the national identities of Member States and by entrenching the principles of conferred powers (whereby the Union's only competences are those conferred on it by the Member States), subsidiarity and proportionality. It spells out the Union is based on a set of values shared by all EU countries, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities along with pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men.

Second, it will enable **greater effectiveness** of the Union's institutions – a greater capacity to deliver effective policies in those areas where we need it. This is done notably through a significant increase in the areas in which the governments meeting in Council will decide by qualified majority voting rather than by unanimity (a vital factor if the enlarged Union is to be able to function without being blocked by vetoes), a two-and-a-half-year chair instead of a six-month rotating one for the European Council, an eventual reduction in the number of members of the Commission and a significant enhancement of the Union's visibility and capacity as a global actor. In this last aspect, the European Union's foreign policy High Representative and the Commissioner for External Relations - two posts causing duplication and confusion - will be merged into a single European "Foreign Minister", who will be a Vice President of the Commission and will chair the Foreign Affairs Council and be able to speak for the Union on those subjects where the latter has a common position. There will also be more room for flexible arrangements when not all Member States are willing or able to go ahead with certain policies at the same time.

Third, there will be more **democratic accountability**, ultimately giving citizens greater control over the EU's action. The adoption of all EU legislation will be subject to the prior scrutiny of national parliaments and, with a few exceptions, the dual approval of both national governments (in the Council) and the directly elected European Parliament - a level of parliamentary scrutiny that exists in no other supranational or international structure. The President of the Commission will be elected by the European Parliament, establishing a clearer link to the results of European elections. A new budgetary procedure will require the approval of all EU expenditure by both the Council and the European Parliament without any exceptions, thus bringing all expenditure under full democratic control. The exercise of delegated legislative powers by the Commission will be brought under a new system of supervision by the European Parliament and the Council, enabling

each of them to call back Commission decisions to which they object. Agencies, notably Europol, will be subject to greater parliamentary scrutiny. The Council will meet in public when debating and adopting Union legislation.

Fourth, there will be enhanced **rights for citizens**. The incorporation of the EU Charter of Fundamental Rights in the Constitution means that all provisions of European Union law and all action taken by the EU institutions will have to comply with the standards it lays down. The EU will also accede to the European Convention on Human Rights, thereby making the Union subject to the same external review as its Member States. New provisions will facilitate participation by citizens, the social partners, representative associations and civil society in the deliberations of the Union and individuals will have easier access to justice in connection with European Union law.

The EU is upgrading from a minibus capable of taking fifteen passengers to a full-size coach, capable of taking twenty-five, with spare seats to allow others ones to join. We need the larger bus to have a more powerful motor than the previous minibus but we also want it to have more safety features, such as an emergency brake, and more comfortable seats so that all the passengers feel at ease. And a geo-satellite positioning system with a clear roadmap will help passengers make better choices about their destinations in journeys together.

All in all, this new constitution embodies an important set of improvements to the way our Union is organised. It deserves our wholehearted support.

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