

A Clingendael Working Paper

**European Convention on the Future of Europe:
An Analysis of the Official Positions of EU Member
States, Future Member States, Applicant and
Candidate States**

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I Introduction

The aim of this working paper is to give a succinct presentation of the official positions of the governments of the European countries taking part in the Convention on the future of the EU. The objective is to present the reader with an overview of the positions of government actors in the Convention so that the whole range of individual positions emerge clearly both in areas of converging views as well as in areas where individual countries or groups of countries have chosen to adopt diverging positions.

An overview of this kind is valuable in order to understand the political dynamics of the reform of the EU, which are at play both within the Convention as well as in the many other different political forums where European elites meet and discuss. This analysis has as objective to summarise the main trends in the Convention in different policy areas and to highlight where European governments' views converge on the future of the EU and where and between whom they diverge. This paper provides essential information in the run-up to the next intergovernmental conference (IGC) in which the member states' governments will take the necessary decisions to reform the EU on the basis of the work produced by the Convention, but also on proposals that member states deem appropriate to put forward at that time. In this IGC, planned for the second half of 2003, governments' representatives will negotiate between themselves without the formal participation of other actors, national parliamentarians, MEPs or other, and where the European Commission will not have the right to vote.

By presenting 28 countries' positions on different reform issues, this overview highlights the predicament of the future EU, namely the challenge to understand and take into account individual positions of its members driven by different interests and motivations. In the debates that take place in Brussels and in European-wide media, the impression we get is that the existing member states, in particular the larger ones, are those that set the tone for the others and provide leadership for the EU. The Convention method represents, at least in theory, an alternative to this perception by formalising the right of all member states, existing or future, small or large, to have a stake in forming the future shape of the Union. In the future, the Union will have to cope with more

diversity in term of a more numerous national and a broader functional representation. Therefore, the Convention represents an interesting experiment in political debate among actors of different political colour, nationality, functionality and interest.

This report deliberately focuses only on one of the categories of the groups that take part in the Convention, namely the governments of existing and future member states, applicant and candidate states. Even though it cannot be claimed that national governments will be the decisive actors in deciding the outcome of the Convention, their positions and interests will be crucial in paving the way for the enlarged EU and staking out the limits of reform in the IGC. To fully appreciate the dynamic of the intergovernmental negotiations to come, it is essential to have an insight into individual governments' positions. Whereas an analysis of governments' positions in the Convention helps us to better understand the political dynamic of intergovernmental negotiations, it can only give an indication of the direction and possible nature of reform, not predict the outcome of either the Convention or the IGC.

The authors of this report have put great care into analysing and updating governments' official positions as they evolved up until the end of April 2003. However, the debate on the future of Europe moves fast and involves many actors acting in many forums; it cannot be excluded therefore that changes to official positions occurred that slipped the attention of the authors or that the representation of official opinions does not fully correspond in tone or content to the wishes of individual governments. The authors accept the responsibility for any errors or omissions in this report.

II Divergence and convergence of positions in selected thematic areas

1 *The nature of the Treaty and the new Union*

Compared to the IGCs in the 1980s and 1990s there is a surprisingly high degree of acceptance that the text resulting from the work of the Convention should be of a constitutional character, at least in form, if not in content. Few existing and future member states disagree with the appropriateness of a constitutional Treaty. Where doubts persist they are expressed rather in terms of wanting to underplay the significance of a 'constitutional' treaty claiming that the existing treaties already make up a kind of 'Constitution' (Denmark and Sweden) or in referring simply to a 'Constitutional text' (Finland and Greece).

Resistance to the implications of creating a 'European Constitution' are felt in discussions taking place in other related themes such as in the debate on the reference in the preamble of the Union being composed of 'European nations and citizens', that the Union should not receive any substantial new competences or the widespread refusal to admit that the incorporation of the Charter for Fundamental Rights (CFR) could confer new rights of citizens vis-à-vis the Union.

In a similar manner existing and future member states agree on endowing the Union with a legal personality, although some member states are silent on this point (Denmark and the UK) along with some of the future member states, applicant and candidate countries.

Behind this fairly unanimous exterior lie different attitudes that can be put in two broad categories: those countries which regard the EU as being at a stage in its development that requires a more fundamental reform to its legal status and its relationship to the member states; and those which see the creation of a constitutional text and a legal personality as a practical step to equip the Union formally with a legal stature that it already has *de facto*, but without altering in any decisive manner the relationship between the Union and its constituent parts.

2 The Institutional Dimension

Equality among Member States

One of the most divisive issues facing the Convention and the subsequent IGC is the question of equality among member states. This fundamental principle has since the inception of the EU been one of the litmus tests of the smaller member states to check what they perceive as the dominating tendencies of their larger partners. The guarantee of equality imbedded in the institutional framework of the EU has figured prominently in the national debates on European integration in the smaller and middle-sized member states as a prerequisite for membership and as the most important quality of the EU in changing the premise of European politics from the supremacy of power to that of the rule of law.

Equality pits small member states against large in a number of areas related to the institutional structure of the EU. Most conspicuously, the 'battle' of equality is fought out on the issue of an elected, semi-permanent, President of the European Council. On this issue, a group of big member states have through various initiatives (Franco-German proposal, Blair-Aznar initiative etc.) expressed their preference for a strong figurehead of the European Council. Poland, Denmark and Sweden have subsequently joined this group, as has probably also Italy. The arguments in favour of a permanent President are that this office would enhance the consistency of the work of the European Council and represent the Union externally. Looking closer at different national standpoints, however, we detect quite big differences between the proponents: France seems to have come the furthest in depicting the President of the European Council as a future President of the Union – a personality with power and influence to shape the agenda of the Union and carve out a true Union foreign policy. France would also support moves to flank the President with a proper administration, probably in the shape of a strengthened General Secretariat of the Council. Germany, on the other hand, is more in favour of creating a symbolic President (somewhat along the lines of the German Bundespräsident) who would act more as a moderator among the member states in the Union than as a statesman and is against eroding the status and competence of the European Commission. Denmark and Sweden seem to prefer the German interpretation and on the basis of their profound belief in parliamentary democracy they would definitely reject a Presidentialization of the Union. The UK and Spain would not like the President to take on a real political role seeing the President more in terms of a person capable of representing common views of the European Council.

Smaller member states (the Benelux, Finland, Austria, Portugal and Ireland) have expressed their profound disagreement with the proposal of a permanent President of the European Council that they see as an attempt of the larger members to monopolise power and influence in the Union. In their view a permanent President would render the Union intergovernmental in character by breaking with the principle of equality, destabilising the institutional balance, threatening the position and competence of the Commission and potentially

impair the principle of national representation. Reading between the lines, this group of small countries seems to be open to consider alternative solutions in order to instil greater coherence in the work of the European Council by hinting that some form of a permanent chair could be acceptable if the person came from within the ranks of the European Council itself and would not be underpinned by considerable administrative resources. The future member states have aligned themselves to this position rejecting the creation of a permanent President of the European Council and arguing in favour of retaining the system of rotation for this important function.

National Institutional Representation

Linked to the issue of the representation of the European Council is the question of the rotation of presidencies of the Council of Ministers. Many of the countries that are in favour of introducing a permanent President of the European Council would also like to see a reform of the presidency of the Council of Ministers. The Franco-German proposal suggests that the General Affairs Council be presided by the Secretary General of the Council, that the External Relations Council be presided by the European Foreign Minister and that the EcoFin and JHA Councils and the Eurogroup, respectively, elect a president within their ranks. Other council formations could operate according to the system of rotation. Spain favours the President of the European Council to preside over the General Affairs Council while the European Foreign Minister should preside over the External Relations Council. The UK also favours an introduction of elected chairs of specific councils who should hold this position for a longer period. It is definitely against giving the President of the Commission the task to chair any of the more important council formations.

All other countries support the retention of some form of rotating system of the presidency of the Council of Ministers although they also recognise the need to reform the current practise. Many of them suggest some form of team presidencies where groups of member states should share the burden of the presidency over a longer period of time. A number of them proposes that some of the more important council formations be given a permanent (functional) chair: for instance, the European Foreign Minister chairs the External Relations Council and the President of the European Commission chairs the General Affairs Council. Others consider that the presidency of the most important councils, including the European Council and Coreper, should continuously be shared among the member states on a rotating basis while more technical council formations could be chaired according to a permanent formula (e.g. the possibility of members of the Commission chairing the council closest to his or her portfolio is sometimes mentioned).

In terms of national institutional representation the smaller member states and future member states also underline the importance of an equitable solution to the number of Commissioners. In fact, many of these countries are making it increasingly clear that they would like to revisit the formula that was agreed at the Nice IGC (one commissioner per country until the EU has reached a membership of 27 members as from when there will be fewer

members of the Commission than member states). At this stage of the institutional debate it seems an extraordinary stance to take given that the Nice formula was reached after long and difficult discussions and involved a settlement also of the number of seats in the European Parliament (EP) and the weighting of votes in the Council of Ministers. Time will tell whether the wish to revisit the agreement on the composition of the Commission from Nice is of a tactical character – as a response to proposals elsewhere in the Convention –, or if this issue represents a concern so deeply felt (especially among future member states) that it will have to be considered in the framework of a reformed EU. In any event, the suggestion to retain a commissioner per country must be coherent with the same countries' (most of them) stated position of favouring a Commission President elected by the EP who is responsible for selecting his or her team of commissioners (subject to the acceptance of the European Council and the EP).

So, whereas most bigger member states pledge to favour a strengthening of the role of the Commission in terms of executive efficiency and democratic accountability, the smaller member states and future member states are also insisting on an equitable solution to its future composition which in their view is a prerequisite in order to safeguard the common European interest.

External Representation of the Union

The external representation of the Union is seen as in need of improvement by most, if not all, countries taking part in the Convention. Besides the proposals for a permanent President of the European Council, the debate has concentrated on the creation of an office of a European Foreign Minister.

On one side of the argument, we find Sweden and the UK, which oppose the proposal for a European Foreign Minister as they consider that the President of the European Council should perform the representative functions. Other countries, such as Denmark, Spain, Estonia and Italy would like to see a strengthening of the Council Secretariat /High Representative (HR) and reject the merger between the latter and the Relex Commissioner. On the other side, we find a large majority of the existing and future member states, and applicant states which are favourable to a merger between the HR and the Relex Commissioner. These countries give support to the creation of a European Foreign Minister who should be appointed by the European Council in accordance with the President of the Commission and answerable to the former. This person should hold the office of a Vice-President of the Commission or a Commissioner with a special status. However, opinions diverge among them on: (1) the long-term development of this office where future and existing smaller member states favour a gradual incorporation of the European Foreign Minister into the Commission while France (and Germany?) are not in favour; and (2) on the question of resources where France and Germany support a new administrative structure (a European diplomatic corps) placed under the External Relations Council by pooling resources from the Commission, the Council's Secretariat General and member states' foreign

offices while most smaller states prefer the administrative resources to be allocated within the Commission.

Some countries argue that the Commission should retain its existing competence to represent the EU abroad (most visible in the field of external trade, but also applicable in other fields such as the environment and in development aid). A few of these countries suggest that the Commission's competence to represent the Union externally should be extended in line with the widening of the exclusive competence of the Union, e.g. international financial institutions.

Accountability and Legitimacy

Ever since the Laeken declaration of December 2001 the EU's popular legitimacy has been a main concern of the reform attempts. EU leaders have been asking themselves in what way the institutions and policies of the EU can be made to be seen as relevant and justified in the eyes of the European public. Their concerns have come to focus on functional (efficiency) and democratic legitimacy.

More than in any previous treaty reform, the Convention aims at setting clearer remits for political and institutional accountability in parallel to a clearer attribution of competences. The European Council and the stand out as the two institutions that will see their political responsibility grow on these accounts. The institutional structure that emerges from the debate thus far show quite clear lines of executive responsibility attributed to the European Commission (answering both to the European Council/Council and the EP) and the European Foreign Minister (accountable to the European Council). The separation of power is not complete in the case of the Council of Ministers that continues to have both executive and legislative competence, but an attempt to create a clearer demarcation between these functions can be found in the willingness to distinguish more clearly between the ministerial councils' legislative and executive activities – a proposal which is almost universally supported by existing and future member states. Whereas doubts have been raised outside the Convention as to whether this proposal is enforceable in practice, Convention members continue to debate how this proposal could be realized in practice (e.g. the Presidium's proposal of creating a (super) Legislative Council).

Among European governments there seems to be consensus that the Community method should remain the main policy method, that the Commission's power of initiative should be safeguarded and that the legislative procedure based on the Council/EP tandem should dominate the Union's legislative activities. From this basic position, opinions of European governments start to diverge. For many existing and future member states, democratic legitimacy of the Union would be enhanced if the President of the Commission were to be elected either by a majority in the EP (supported by a majority of the governments taking part in the Convention) or by an electoral congress composed by MEP and MPs (Denmark, Ireland (accepts also election by the EP) and Malta). Other countries (the UK, Spain, Italy, Sweden, Cyprus

and Estonia) think that the Nice formula (a two-thirds majority of the European Council selects a President which is then approved by the EP) is the best option and reject an election of the Commission President by the EP since it would lead to an undue politicization of the office. A few countries suggest that the Commission President should in the future be elected through direct elections (Slovenia, Greece and Hungary).

Concerns on democratic grounds have not become major stumbling blocks within the Convention in the context of the creation of a President of the European Council or the office of a European Foreign Minister since the understanding is that the holders of these two offices would ground their legitimacy on the basis of the mandate given to them by the European Council. Outside of the Convention, though, many voices have been raised to question whether the creation of these two offices (in particular the President of the European Council) would not in fact impair on democratic quality of the Union since neither of them would be accountable to a directly elected democratic body on the European level.

Another area where the EU is seen as lacking in legitimacy is in its relation to national parliaments. There is consensus that national parliaments should be more involved in EU affairs, but different views persist on how this should be achieved. Some countries argue that national parliaments' involvement is primarily a national matter and should be organised according to each countries' parliamentary structure and traditions. On the European level an improvement of the functioning of COSAC would suffice in terms of reform (Finland, Greece, Ireland, Italy, Benelux, Portugal, Sweden, Slovenia, Bulgaria, Cyprus, Lithuania, Malta, Poland and Estonia). However, several of these countries also support some form of early-warning mechanism in regard to the principle of subsidiarity, but it should rather be a political right than one, which is constitutionally enshrined. On the other side of the spectrum, there are countries which push for a proper place for national parliaments in the Union's institutional setting by giving them competence to monitor the compliance of the principle of subsidiarity (Austria, Denmark, France, Germany, Romania, Latvia and somewhat less Spain, the UK, the Czech Republic and Turkey) and some have even argued that the new Treaty should recognise the position of sub-national regions with legislative powers (Austria and Germany). Some countries would like to use the Convention-formula in the event of future treaty revisions or other important occasions such as the election of the President of the Commission or an annual debate on the Union's strategic objectives (Benelux, France, Denmark, Ireland, Finland, Greece, Portugal, Spain) but they, and several others, reject the creation of a new institution in the form of a Congress of national MP and MEPs.

3 Governance and Union Policies

Efficiency and transparency in the Union's legislative activities and in the execution and management of Union policy is commonly held as one of the enlarged EU's most difficult challenges.

In the domain of legislative procedure, existing and future member states support proposals to make the co-decision procedure the Union's main legislative procedure followed by an extension of QMV to all or almost all areas. Member governments support the abolition of the pillar system, which was a source of much confusion although most of them (see below) also agree with the introduction of special chapters for JHA, economic policy and external affairs (CFSP and possibly ESDP). Similarly, we should expect existing and future EU members to agree with the suggestions to simplify the Union's instruments. These three measures, abolition of the pillar system, co-decision procedure dominating legislative activities and simplified instruments, should clarify the division of competence between European institutions and the degree of intensity of integration in different policy areas. Most governments support the separation of the legislative and operational functions of the Council and that legislative Councils should be open to the public.

In terms of effective governance several governments suggest that the Commission should be granted stronger executive powers, that the Comitology system be made less stringent and that executive/administrative powers should be vested in a particular instrument (Benelux, France, Sweden and Hungary). Several others consider that the Commission's power to monitor national compliance with EU legislation should be strengthened (Spain, Sweden and Hungary).

External Affairs (CFSP and ESDP)

Most European governments confirm the particular status of the CFSP in the Union. However, their views differ quite substantially as to how the Union should project its power more efficiently on the international scene. On one end of the spectrum, there is the UK and Spain, supported by Denmark and probably also Sweden and Estonia. Their approach is based on a clear intergovernmental bias rejecting any involvement of the Commission and the EP in the CFSP, which should remain a matter for national governments. According to these countries the EU's presence on the international scene should be boosted by a strengthening of the role of the HR who should be granted access over some of the Commission's resources and be given the right of initiative.

A competing proposal from France and Germany is based on the notion of creating a new office of a European Foreign Minister (see also previous section) who would operate under the authority of the European Council (presumably its President) and have a direct role in nudging the member states' foreign ministers into agreement in the Council of External Relations. The Franco-German proposal is, however, not suggesting a gradual communitarization of the CFSP as it makes clear that although the European Foreign Minister will be given the competence of the current HR and Relex commissioner, the Commission will be excluded from taking part in decisions in the area of external relations and it is also unclear whether or not it will lose its existing shared right of initiative. The Franco-German proposal makes clear that new resources given to the office of the European Foreign Minister should

be pooled outside the Commission, most probably in Secretariat General of the Council of Ministers. It does not mention any involvement of the EP in the area of external affairs and we may therefore conclude that the Franco-German proposal as it stands today is an attempt to render the CFSP more efficient through an institutionalised intergovernmental approach. In terms of decision-making, the Franco-German proposal suggests CFSP to be governed by majority voting while decisions with defence implications would still be taken by unanimity.

The Benelux proposal may be seen as representative of a number of small existing future member states and applicant states (with the exception of Denmark, Sweden and Estonia) in that it favours the merger (the double-hatting) between the HR and the Relex Commissioner but insists that the merged office of the European Foreign Minister be placed in the Commission and that the current office of the HR be relieved of its duties as Secretary General of the Council. The Benelux seems very wary of strengthening the intergovernmental character of the current CFSP by placing the European diplomatic service in the Council's Secretariat General or creating a new administrative structure outside the Commission. It prefers that future foreign affairs resources be pooled in the Commission.

The official positions on ESDP of the existing and future member states are not as outspoken as concerning the CFSP. The war in Iraq and the deep split that emerged in Europe in its wake, prompted some existing member states (France, Belgium, Luxembourg and Germany) to consider taking action in the area of defence, which would go beyond what is currently debated in the Convention (e.g. WG Barnier). These countries issued a joint communiqué on 29 April in which they urged the Convention to consider including a number of provisions in the new Treaty with defence implications and to open up the possibility for a group of countries to seek enhanced cooperation in defence matters should they so wish. Despite the inclusive nature of these proposals, the British side criticised the possibility of an avant-garde made up by EU member states forging closer defence ties among them outside the remit of NATO. The British government representative to the Convention has angrily rejected any defence plans that would exclude one of the major EU countries with military capabilities and has argued that initiatives of this type come at the wrong time further exasperating the current American administration. However, most analysts consider that the differences among existing and future member states are so great in the field of defence in terms of geo-strategic tradition, military capabilities and popular opinion that further advances in the ESDP could only be realised through the application of some form of enhanced cooperation. The debate today therefore concerns the question which countries would form the core of a new defence Union, whether this defence Union would be exclusive or inclusive in nature and which would be the level of ambition for such an enhanced cooperation.

Justice and Home Affairs

In this area, all participating governments seem ready to support a communitarization of the immigration, asylum and visa policies including majority-voting and exclusive right of initiative of the Commission – largely endorsing the Nice-reforms. The policies sorting under the ‘old’ third pillar (police cooperation, internal security and cooperation in criminal law) are, according to the proposals presented by the Convention presidium, to be inserted in a separate heading with its own institutional procedures. The more guarded approach is in line with the positions of most European governments as a deeper integration in these policy areas is supported by a minority only (France and Germany argue for a progressive introduction of QMV, a shared right of initiative and the creation of the office of a European public prosecutor; Spain argues for the establishment of a coordinated management of external borders and a reinforcement of Europol and Eurojust; and the Czech Republic supports the creation of a European border guard and an improved judicial control of Eurojust). Most governments favour closer and more efficient cooperation but consider that the overall framework of police, internal security and cooperation in criminal matters should be of an intergovernmental character and the member states retaining (at least in a shared form) the right of initiative. The UK has rejected outright the creation of a European public prosecutor, in particular because this would imply the setting-up of a new bureaucracy, but also on grounds of democratic accountability.

Economic Governance

In this area, positions vary quite distinctively between those EU member states, which have adopted the Euro and the others. Among the future member states and the applicant and candidate states the positions (when there are any) vary from cautiously favouring a strengthening of the coordination of economic policies (in particular concerning those with a direct impact on the Single Market) to Turkey’s outright opposition to granting the Commission a stronger role in the formulation and monitoring of the Broad Economic Policy Guidelines and refusing a formal introduction of the Growth and Stability Pact into the new Treaty. Among the existing EU members outside the Euro-area, views on economic governance tend to concentrate on issues such as employment, productivity and the completion of the internal market (the UK and Sweden).

The countries in the Euro-area seem unanimous (with the possible exception of Ireland) in advocating closer coordination of economic policies within the framework of the Broad Economic Policy Guidelines and in granting the Commission a stronger role in enforcing the rules of the Growth and Stability Pact. There is also some support for granting the Commission the right to issue early warnings to member states. France and Germany have put forward a joint proposal which argues for a formal acknowledgement of the Euro-EcoFin Council, giving the EU the possibility to have recourse to QMV in matters of taxation linked to the internal market and a single representative of

the EU in international financial institutions. The Austrian government's representative has also called for an EU-wide tax.

4 Conclusion

This short analysis illustrates the areas in which the positions of European governments are converging and where subsequently there are good chances for wide agreement among the Convention members. These areas include both fundamental/political issues, such as the need for a **constitutional** treaty and granting the new Union a legal personality. There also seems to be a broad agreement that the division of competence between the national and European levels is fairly balanced, with the exception of the 'old' third pillar and some aspects of economic policy for which most governments are ready to consider conferring some new powers to the European level. There is also consensus on the need for up-grading the involvement of national parliaments in European affairs, although there is still no agreement whether or not their involvement should be based on an agreement outside the treaty or written into it. There is also no agreement whether national parliaments should become a fourth corner in the institutional triangle by a formal power to vet legislative proposals from the Commission before a formal enactment and whether the right to voice an opinion on the Commission's legislative proposal should be formally binding upon the member states or take the form of a political undertaking.

There is a fair degree of agreement on improving the Union's legislative and executive procedures as well as regarding the attribution of competence in these dimensions. The co-decision procedure looks set to become the Union's principal legislative regime reconfirming the Council-EP legislative tandem. There is also a broad agreement on granting the Commission extended executive/administrative power in implementing and enforcing legislation and in other measures enacted by the Council/EP or by the Council itself. If we consider these developments as part of a rationalization of the Community method (which is also strengthened by the consensus to safeguard and even strengthen the Commission's power of initiative) and we then add the agreement on streamlining the Union's decision-making procedures and instruments, we see emerging a much stronger and transparent Community regime. This regime will bring coherence to the policy areas sorting under the 'old' first pillar, including immigration, visa and asylum, and with time also the remnants of the 'old' third pillar and some aspects of an emerging European economic policy.

The analysis illustrates also the areas where there is no agreement among European governments. These areas concern mainly the allocation of political power of the Union, the nature of that political power (supranational or intergovernmental), the nature of the relationship between member states and the degree of fairness of national institutional representation. Not surprisingly, these issues have crystallised on the question of the type of European government the new Union should have and, in particular, whether or not this new Union needs a permanent President of the European Council. Although

the arguments in favour of such an office are fairly similar among its proponents (coherence, visibility, forcefulness), we detect very different visions of the extent of real power the President should be given. The French vision seems to imply a presidentialization of the Union which is developing into a powerful political entity, while the British/Spanish vision seem more to imply the empowerment of a political personality to represent the dominant tendency among the strongest EU partners. In any event, the issue of a permanent President has pitted small existing and future member states against existing large member states. The former fear that the President of the European Council will break with the fundamental principle of equality among members as the holder of the office will be tempted to follow the dictates of the larger states.

Another issue where small and large states have found themselves crossing swords is the creation of a European Foreign Minister. On this issue fault lines occur on the nature of the relationship between the Foreign Minister and the Commission (should the office be part of the Commission or not, should the incumbent take part in decisions taken by the college in areas bordering on external affairs etc.) and the related question whether the administrative resources of the Foreign Minister should be located in the General Secretariat of the Council or in the Commission.

In response to the proposals to create a President of the European Council and a European Foreign Minister, the smaller existing and future member states, with the exception of Denmark, Estonia and Sweden, has been to plead for a stronger role of the Commission: on the first issue by proposing that the Commission President be elected by the EP with a double political accountability to the European Council and the EP and retaining in essence the system of rotating presidencies; and on the second issue by proposing that the current offices of the HR and the Relex commissioner be merged and placed within the Commission so that the European Foreign Minister will operate from within the Commission offices drawing on its administrative resources.

Placing the European governments on an integration spectrum, we would find the UK farthest to the left (intergovernmental tendency), closely followed by Spain, (Turkey?), Sweden, Denmark and Estonia. In the middle, we find countries that propose an institutionalized intergovernmentalism spearheaded by France and (somewhat more reluctantly) Germany. Occupying the right side of the spectrum (supranational tendency) we find the other countries participating in the Convention.

This schematic view does not deny the fact that all countries placed to the right of the spectrum might in the end not support moves towards deepened supranationalism. In fact, some countries' positions (Portugal, Ireland, Romania, Lithuania, Latvia etc.) are not very explicit on a number of areas and might therefore become more intergovernmental as negotiations intensify. It does show, however, that when proposals are put forward that in their view threaten the principle of equality and the Community's ability to take all member states' concerns and interests into account before taking a decision, they are ready to defend this specific quality of European integration. Smaller countries prefer obviously the specific type of collective government that the Union has adopted thus far and would loath to give it up in favour of an

institutionalized political dominance of larger partners or for that matter an ***à la carte*** cooperation where member states pick and choose areas of cooperation without bearing a collective responsibility for the political or material costs of integration.

At this stage in the debate, it is telling that the deepest dividing line in the Convention is between small and large countries, not between existing member states on the one hand and future members and applicant states on the other, nor between countries in the North and those in the South. However, the conflict between a majority of the smaller member states, existing and future, and the bigger member states may conceal a deeper rift between, on the one hand, those countries which see the community method, and in particular a strong Commission, as a guarantee for the equality between member states and the safeguard of the Community interest, and, on the other hand, those countries which would prefer the intergovernmental approach to prevail in areas such as the CFSP and the ESDP and in the political direction of the new Union.

When the Convention will have drawn to a close, the IGC will take over the negotiations over the reform of the EU. In the end, it will be the nature of the political dynamic in the intergovernmental negotiations that will decide the final outcome. As the Convention will have prepared the ground thoroughly, there will probably be only a few issues left to negotiate among the member states. This survey shows that unless small and big member states can accommodate each other's concerns, the IGC risks going into trench warfare on the issue of national representation and the allocation of political power in the Union. This would not be a particularly productive way of preparing the EU for enlargement and not bode well for the future.

Appendix

Survey of the Official Positions of the EU Member States,
Future Member States, Applicant and Candidate States

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<i>Austria (AU)</i>	
Constitution	AU favours the creation of a constitutional Treaty
President of the European Council	Austria condemns the proposal for an appointed President of the EU. Equality between member states is a fundamental principle.
Role of the National Parliaments	National parliaments, the Committee of the Regions, and regions with legislative powers should be given a right of an ex-ante control of subsidiarity by referring to the ECJ for a ruling of compliance. AU stresses the role of regions and municipalities in the new EU whose rights should be written in to the Treaty.
Role of the Commission	AU pledges to resist all attempts to weaken the role of the Commission. The Commission President shall be the voice and face of Europe.
Council	AU is in favour of team presidencies and rejects plans to appoint permanent chairs of certain Council formations.
Congress of the Union	The EP should function with all 'usual' parliamentary prerogatives in the decision-making process.
Subsidiarity	Costly administration is criticised. AU suggests the rearrangement of competences in three categories. Certain provisions on the allocation of competences and the definition of subsidiarity should be clarified as well as the monitoring of the application of the subsidiarity principle. Member states exclusive rights should be written into the Treaty.
Legal Personality	The Union should be developed on the basis of international law equipped with a legal personality.
Simplification	Simplification is desirable and it will be necessary to merge the trea-

	ties to cater for a legal personality.
External Policies	'No member state of the Union can deal with any international crisis by itself. To guarantee the security of the citizens we need a strengthened co-operation. Therefore we have to merge the agendas. We need a dedicated personality (institution) which acts for Europe.' Chancellor W. Schuessel AU favours the creation of a genuine 'foreign minister' within the Commission with a special status (right of initiative shared with the member states). Decisions should increasingly be taken by QMV. A single EU representative to the G7/8 summits and the UN Security Council.
Justice and Home Affairs	There should be uniform asylum and migration policy; in favour of 'Vergemeinschaftung', step-by-step transformation towards EU - competence (1 st pillar) with the right of initiative also for the member states.
Economic Governance	AU underlines the need for progress in harmonisation and co-ordination in economic and financial policies as well as a common representation in international economic organisations. Farnleitner has called for an EU-wide tax
Charter of Fundamental Rights	A legal basis should be given to the CFR.
Representative of the national government	1 Hannes Farnleitner, economics minister 1996-2000 2 Gerhard Tusek (member of Fed. Chamber)

http://www.zukunfteuropa.gv.at/html/downloads/00241_HF.pdf

<http://www.zukunfteuropa.gv.at/html/index.htm>

<i>Belgium (BE)</i>	
Constitution	BE supports the creation of a constitutional Treaty, as the basis for the future development of the Union.
President of the European Council	The Benelux favour maintaining the system of rotation on the level of the European Council and Council of Ministers. Benelux will in any case never accept a President from outside the Council.
Role of the National Parliaments	The most urgent thing is to strengthen the possibilities of the parliaments of the member states to exercise control over their representatives in Council. The Benelux support the Commission's pledge to forward its legislative proposals to the parliaments of the member states and also its legislative programme. An improved exchange of information should be realised through a strengthened COSAC. The Convention method should be used again in connection to any amendments to the constitutional treaty.
Role of the Commission	The President should be elected by the EP, followed by a reform of the whole structure of the Commission and integration of all EU agencies and other bodies under the Commission's roof. Implementation legislation should be adopted by the Commission within a framework of a reformed comitology system to guarantee transparency and political control. The number of Commissioners should be reduced and its monopoly of initiative should be reconfirmed. The Commission should ensure the external representation for all policies of the Union except CFSP/ESDP, on the model of the WTO.
Council	Benelux support maintaining the rotating presidencies. A clear separation of its legislative and executive functions should guide its reform.

	The Council should adopt laws and framework laws by a qualified majority with the EP according to the co-decision procedure. Decisions in the area of external policy should be taken on QMV on the basis of an initiative from the Commission and after consultation with the EP.
Congress of the Union	Benelux reject the creation of a Congress of the peoples of Europe. This can only increase the institutional complexity of the Union, and will not create any added value with regard to the present situation.
Subsidiarity	The Union must ensure that its action does not go beyond what is necessary to achieve the objectives in question (principle of proportionality). Member states retain their right to exercise their power as long as and in so far as the Union has not exercised its power.
Legal Personality	Benelux favour giving the EU a legal personality.
Simplification	Simplification means first of all transparency of the decision-making process.
External Policies	The Union should have a common external representation for the exclusive powers of the Union including all aspects of foreign trade. The roles of HR for the CFSP and the Relex Commissioner should be performed by a single person (known as 'double hatting'), who enjoys the status of Commission Vice President, but operating in the field of CFSP and ESDP under the authority of Council. The HR/Relex Commissioner should be nominated by qualified majority by the Council in its composition of Heads of State and Government and in accordance with the President of the Commission. He exercises his competences in accordance with the community proce-

	dures or in accordance with the procedures, which apply specifically for the CFSP in function of the field of action concerned. He is discharged of his role as Council Secretary General. He is responsible for the external representation of all issues relating to CFSP or ESDP. Belgium together with France, Germany and Luxembourg has proposed setting up a defence Union in the framework of enhanced cooperation between countries willing and able to take part in closer military integration.
Justice and Home Affairs	The access to the territory of the Union by goods (customs union) and persons (immigration and asylum) from third countries should be an exclusive competence of the EU as well as the rights and obligations resulting from the citizenship of the Union.
Economic Governance	The budget of the Union and monetary policy of the Euro zone will be exclusive Union competences. Closer coordination of economic policies within the framework of the Broad Economic Policy Guidelines (BEPG) should be sought, in order to guarantee macro-economic stability, growth and employment, social progress and sustainable development.
Charter of Fundamental Rights	Future reforms of the Union must be developed on the basis of the values mentioned in the articles of the Charter. 'For this reason, we (the Belgian delegation) want the Charter of Fundamental Rights to be integrated into the future Treaty and to have its binding legal character guaranteed.'
Representative of the national government	1. Louis Michel, Minister for Foreign Affairs 2. Pierre Chevalier, Lawyer, MP, Former State Secretary

<http://www.euconvention.be/contributions/detail.asp?ID=82>

<http://www.diplobel.fgov.be/Press/Home/homedetails.asp?ID=400>

Denmark (DK)	
Constitution	DK's opinion is somewhat ambiguous. DK favours a Constitutional Treaty, but only a treaty is acceptable since the Union consists of nation states. However, it should be constitutional enumerating fundamental democratic rights in a manner known from national constitutions.
President of the European Council	DK would prefer maintaining the system of half-yearly presidencies reformed and strengthened (maybe through closer cooperation between successive presidencies) chiefly because it guarantees the equality between small and larger members. DK also supports the introduction of a permanent President of the EU on the conditions that it does not encroach on the position of the Commission, ensure equality among member states and do not involve the creation of a large bureaucracy.
Role of the National Parliaments	The strengthening of national parliaments involves giving them a role as guardians of subsidiarity, thereby supervising the division of competence between the EU and the member states. The co-operation between the national parliaments and the EP should be developed further through COSAC.
Role of the Commission	The Commission shall be strengthened and rendered more efficient and its power of initiative reconfirmed. The candidates to the presidency will be selected by the governments, elected by an electoral college composed by representatives from the EP and national parliaments. The European Council acting on QMV will confirm the President-elect. This should give the Commission President a very strong mandate and enhance its power.
Council	Debates in the Council of Ministers

	should be held in public when the Council acts as legislator to ensure democracy and transparency for the population. QMV should be extended to new areas.
Congress of the Union	Though it was referred to a college instead of a congress, DK proposes a parliamentary body composed by members of national parliaments and MEP to elect the President of the European Commission.
Subsidiarity	The principle of subsidiarity should be used to a greater extent ensuring that the EU only acts in areas where it can add value to what member states can do on their own. It is desirable to monitor the compliance of subsidiarity through a safety mechanism that allows national parliaments to react against proposals made by the Commission.
Legal Personality	-/-
Simplification	The content of the Treaties must be easier to read and understand.
External Policies	In areas with cross-border implications the EU should become stronger. These include the CFSP, immigration policy, the fight against crime, international economic and monetary questions, the internal market, the environment and food safety. DK wishes to see an EU External affairs representative based in the Council drawing on existing resources in the Council and the Commission and given the right of initiative in the CFSP area.
Justice and Home Affairs	It is a must to strengthen cooperation concerning refugees and immigrants and the fight against international crime and illegal immigration.
Economic Governance	It is necessary to enhance cooperation in the economic field.
Charter of Fundamental Rights	There is no totally clear position. 'We must look at how we can link the

	<p>Charter to the treaty or even integrate it in the treaty in a way to strengthen it in the EU's legal base.'</p> <p>The DK is willing to link the Charter to the new Treaty by a reference in the latter or by including it in a protocol without creating any new competences for the EU.</p>
Representative of the national government	<p>1. Henning Christophersen, former minister, former member of the Commission.</p> <p>2. Poul Schlüter, former prime minister.</p>

<http://www.stm.dk/Index/dokumenter.asp?o=6&n=0&d=1366&s=2>

<i>Finland (SF)</i>	
Constitution	The EU should reaffirm its constitutional character by giving itself with a constitutional framework
President of the European Council	In reforming the Presidency, the equality of the member states must be ensured. Appointing a permanent President to the European Council might endanger this. SF considers that the present rotating six-month Presidency should be retained at least for the European Council, the General Affairs and External Relations Council and Coreper.
Role of the National Parliaments	SF considers that the division of competence should continue to be specified areas-by-area in future Treaties. This means for national parliaments that they must be involved when the Union is dealing with issues entailing national interest. Cooperation between national Parliamentarians and their counterparts in the EP should be improved on a practical basis. In this context, SF supports the reforms planned of the COSAC.
Role of the Commission	The Commission's exclusive right of initiative in the Community Pillar should be maintained, and its power of initiative in Pillars II and III

	<p>should be further extended.</p> <p>The President of the Commission could be elected by the EP and approved by the European Council by majorities to be specified at a later date.</p>
Council	<p>Various alternatives could be considered, for instance a team presidency where Presidents of the Council and its committees and working groups perform their duties for longer periods.</p>
Congress of the Union	<p>SF is not in favour of creating new institutions, such as the Congress, because it would contribute to increased structural complication and blur responsibility without bringing any added value.</p>
Subsidiarity	<p>The simplification of the existing treaty structure and clarification of the division of competencies should be made on the basis of the principle of subsidiarity.</p>
Legal Personality	<p>SF is in favour of merging EU and Communities into a single legal personality.</p>
Simplification	<p>'We should strive for more openness and transparency in the decision-making procedures of the Union and protect citizens' right to good governance when they deal with the Union's institutions.' SF considers that the aim in any clarification of the founding Treaties should be to produce a clear, simple, binding basic document</p>
External Policies	<p>In foreign relations, combining the duties of the Relex Commissioner and the HR is acceptable to SF as a transitional measure and as part of a balanced institutional reform. Whoever holds this post should not be appointed President of the External Relations Council and his right of initiative should be defined so that it does not encroach upon the right of</p>

	initiative of the Commission. In the long term, the objective should be to merge the posts of the HR and the Relex Commissioner and to place the new post in the Commission. SF also takes a positive view on broadening the scope of application of the qualified majority, also in CFSP.
Justice and Home Affairs	SF approves of expanding the jurisdiction of the Court of Justice in the sphere of JHA.
Economic Governance	-/-
Charter of Fundamental Rights	SF's opinion is that a constitutional system is still incomplete if it is not firmly founded on the basis of fundamental rights.
Representative of the national government	1. Teija Tiilikainen, researcher and lecturer, Director of Research, Centre for European Studies at the University of Helsinki, 2. Antti Peltomäki, Under Secretary of State for EU-affairs

http://europa.eu.int/futurum/documents/other/oth170103_en.pdf

France (F)	
Constitution	'Traité Constitutionnel'
President of the European Council	Chosen by the Heads of State and Government by qualified majority for either five or 2½ years, in the latter case with the opportunity of re-election. His tasks will be the preparation and the chairing of the work and meetings of the European Council as well as monitoring the execution of its decisions. The President should represent the Union on the international stage, except in CFSP matters (European Foreign Minister)
Role of the National Parliaments	The Union shall remain a Union of Nation States. The national parliaments should retain their role of ratifying and controlling the decisions made by the European Council at the national level. They should be given power in monitoring the subsidiarity

	principle. National Parliaments should take part in future reform of the Treaties in European Convention.
Role of the Commission	The role of the Commission as the engine of integration, guardian of the treaties and representative of a common European interest should be re-confirmed. The Commission's executive powers should be strengthened and the system of comitology simplified. The Commission President should be elected by the EP on a 2/3 majority and approved by the European Council acting on QMV. The President of the Commission should choose the Commissioners who would be approved by the EP and appointed by the Council acting on QMV. The Commission should be politically responsible before the EP and the European Council.
Council	The Council should have extended operational responsibility in particular in JHA and CFSP. Its operational and legislative functions should be separated. In the legislative area it will co-legislate with the EP and QMV should be generally applied. Legislative debates should be made open to the public. The General Affairs Council should be presided by the Secretary General of the Council; the Relex Council by the European Foreign Minister; the EcoFin, Eurogroup and JHA councils should choose a chairman among their members; other council formations should operate under rotating chairmen.
Congress of the Union	F is against creating new institutions. However, there should be a strengthened dialogue between national Parliaments and the EP in an annual debate on the state of the Union in the framework of a Congress.

Subsidiarity	National parliaments should monitor the subsidiarity principle through an early warning mechanism.
Legal Personality	The constitution should consist of a single treaty uniting the present treaties and defining clearly the structure of the Union. The Union should have a single legal personality.
Simplification	Simplification is necessary because of transparency and to make the Union's procedures understandable to the citizen.
External Policies	To achieve efficiency and a more visible representation of the EU on the international scene the office of a European Foreign Minister should be created by merging the current responsibilities of the HR and Relex commissioner. This person will be nominated by the European Council in accordance with the President of the Commission. (S)He will be a commissioner with a special status about the Commission will not take part in decision related to CFSP. CFSP decisions should be taken by QMV while unanimity should be the rule in ESDP. A European diplomatic corps will be created. In the area of defence, enhanced cooperation is proposed (see Belgium).
Justice and Home Affairs	F intends to strengthen the cooperation between the national police forces. It also desires to establish an exclusive EU competence for migration, asylum and border controls, including the extension of QMV to these areas. Progressively QMV should also be used in the area of police cooperation and the Commission and the member states should share the power of initiative. The office of a European public prosecutor should be created. The new Treaty should contain a legal basis for measures for civil protection.

Economic Governance	The Euro-Group existence should be formally acknowledged in a protocol. Its chairman should be elected for a period of two years. Countries from the Euro zone should take decisions between them in a Euro-EcoFin Council. The Commission should be given a stronger role in enforcing the rules of the Stability and Growth Pact and in the early-warning procedure. The EU should have a single representative in international financial institutions. The EU should have recourse to QMV in matters of taxation linked to the internal market.
Charter of Fundamental Rights	The Charter should be inserted in the Constitution in its entirety.
Representative of the national government	1. Dominique de Villepin, Minister of Foreign Affairs, 2. Pascale Andreani, Conseillère auprès du Premier Ministre pour les Affaires Européennes

www.diplomatie.gouv.fr/actu/impression.asp?ART=30831

www.diplomatie.gouv.fr/actu/impression.asp?ART=29942

www.diplomatie.gouv.fr/actu/bulletin.asp?liste=20021122.html

<http://www.elysee.fr/actus/arch0301/030122/textes/CONTRIB150103.html>

Germany (G)	
Constitution	In favour of a 'centre of gravity' (group of more integration-minded countries) with a new European basic treaty at its heart.
President of the European Council	To be appointed by the European Council in accordance with the Commission and the EP.
Role of the National Parliaments	See Subsidiarity
Role of the Commission	The Commission and the EP embody the Community. They need to be strengthened. The Commission President is to be elected directly by the EP with QMV. The Commission President chooses the commissioners who will be approved by the EP appointed by the Council.
Council	See France.
Congress of the Union	A Congress of the Union is an inter-

	esting proposal. There are two conditions to create this institution: that it does not diminish the power of the EP; and that it will be given truly important tasks, such as controlling the European Council. It should not be given legislative power.
Subsidiarity	The principle of subsidiarity should be clearly defined and developed further. The regions should also be given the right to take cases to the ECJ. The EU should be attentive to individual countries' national identities and constitutional evolution. No EU competence should hollow out national law.
Legal Personality	Germany is positive towards giving the EU a legal personality.
Simplification	Is a necessary improvement of the new treaty.
External Policies	See France and Belgium
Justice and Home Affairs	See France, qualified majority intended visa, immigration and border management. Community instruments should be adopted in JHA. Progressively QMV should also be used in the area of police cooperation and the Commission and the member states should share the power of initiative. The office of a European public prosecutor should be created. The new Treaty should contain a legal basis for measures for civil protection.
Economic Governance	The Euro-Group existence should be formally acknowledged in a protocol. Its chairman should be elected for a period of two years. Countries from the Euro zone should take decisions between them in a Euro-EcoFin Council. The Commission should be given a stronger role in enforcing the rules of the Stability and Growth Pact and in the early-warning procedure. The EU should have a single representative in international finan-

	cial institutions. The EU should have recourse to QMV in matters of taxation linked to the internal market.
Charter of Fundamental Rights	The Charter will be included as it stands in the new treaty. There is strong support.
Representatives of the Government	1. Joschka Fischer, Minister of Foreign Affairs, 2. Hans Martin Bury, Former Secretary of State in the Chancellor's Office, now Secretary of State for Foreign Affairs,

http://www.auswaertiges-amt.de/www/de/infoservice/download/pdf/eu/bm_beitrag_5.pdf

http://www.auswaertiges-amt.de/www/de/infoservice/download/pdf/eu/bm_beitrag_4.pdf

http://www.auswaertiges-amt.de/www/de/infoservice/download/pdf/eu/bm_beitrag_3.pdf

http://www.auswaertiges-amt.de/www/de/infoservice/download/pdf/eu/bm_beitrag_1.pdf

http://www.auswaertiges-amt.de/www/de/infoservice/download/pdf/eu/bm_beitrag_2.pdf

<http://www.elysee.fr/actus/arch0301/030122/textes/CONTRIB150103.html>

<i>Greece (GR)</i>	
1. Constitution	GR is in favour of a constitutional text.
2. President of the European Council	GR is not in favour of a permanent president.
3. Role of the National Parliaments	The GR government considers it necessary to strengthen the role of national parliaments in the EU through their control over national governments and by strengthen CO-SAC. It is not favourable to giving national governments access to an early-warning mechanism.
4. Role of the Commission	The role of the Commission should evolve progressively to become the administrative power also in economic policy and external relations. Its power of initiative must be safeguarded. The treaty should not set the exact number of members of the Commission. The President should be elected by the EP and approved by the European Council. GR mentions the possibility of a direct election of the Commission President in the future.
5. Council	The Council in its legislative func-

	tions can be regarded as a second chamber (ensuring public access to its activities) which expresses, on the basis of equality, the opinion of a majority of member states.
6. Congress of the Union	GR expresses reservations on the proposal to create a Congress.
7. Subsidiarity	GR is against a catalogue of competencies as well as a mechanism of control of the division of competence in order not to make the allocation too rigid and let the member states retain flexibility in regard to the division of competences.
8. Legal Personality	The EU should have a legal personality replacing the one of the Community. This is particularly important in the international context.
9. Simplification	The third pillar should merge with the first.
10. External Policies	The Union should play a more active role in external relations. The functions of the HR and the Relex Commissioner should be merged. The new office should be placed within the Commission and become a vice-President of the latter. GR favours the use of QMV in the CFSP and the creation of European diplomatic corps. In ESDP unanimity should still be the rule. Enhanced cooperation could be necessary to make ESDP a reality.
11. Justice and Home Affairs	GR favours the creation of a European Border Police and Customs Authority. It wishes a strengthened cooperation between police and judicial authorities. It favours a common European immigration policy.
12. Economic Governance	Europe needs a common economic policy, an objective that cannot be achieved without adequate means.
13. Charter of Fundamental Rights	The provisions of the Charter will enrich the constitution, including environmental issues.

14. Representative of the national government	1. Prof. P.C. Ioakimidis, Prof. and Director of EKEM Research Institute; 2. Georgius Katiforis.
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http://www.ekem.gr/frames_en.html

<i>Ireland (Ir)</i>	
1. Constitution	Constitution or Constitutional Treaty - the name is less important and Ireland is in favour.
2. President of the European Council	The government wants to see a strengthening of each side of the institutional triangle bearing in mind the principle of equality, important for the smaller member states. That is why the Union should maintain the system of rotation.
3. Role of the National Parliaments	The nation state remains the basic building block of the Union. The control over the national executive should be at the national level. Representatives from national parliaments and the EP should elect the Commission President.
4. Role of the Commission	Reduced size and increased efficiency do not necessarily go hand in hand. The smaller member states must also be represented in an equal manner in the Commission (compare with Benelux Memorandum). An electoral college, consisting of the EP and representatives of the national parliaments, should elect the President of the Commission. It is also possible to elect the President of the Commission by a majority in the EP provided that the Commission's independence is guaranteed.
5. Council	An extension of the qualified majority voting has improved the functioning of the legislative process. It will continue to be the norm in most areas of the Union's work although some sensitive areas (taxation) should still be ruled by unanimity. Equality among member states is

	crucial – a principle of equal rotation should be ensured.
6. Congress of the Union	See role of national parliaments in electing the Commission President.
7. Subsidiarity	Should be achieved by clearly defined competences and giving national parliaments the right to monitor compliance ('watchdog').
8. Legal Personality	The creation of a single legal personality for the Union is strongly welcomed by the Irish government.
9. Simplification	Legal text is sometimes difficult to comprehend; the treaties should be as simple as possible. Ireland supports a clearer division of competences. Instruments and procedures should be simplified wherever it makes sense. People need to understand what the Union is and who does what.
10. External Policies	Ir hesitates to take a clear position on the question of double-hatting. It seems rather in favour of it. In other foreign policy areas, intensified cooperation and pooling of the resources of diplomatic services make sense. In the area of a common defence policy provision which guarantees people's consent before military action is decided is crucial. The eurozone needs a single external representation. Unanimity should be preserved in areas with defence implications.
11. Justice and Home Affairs	After having introduced stronger cooperation of Europol radical proposals towards Community practice should be approved consequently. Only immigration and asylum policies should move to QMV on the basis of the recommendations of the working group.
12. Economic Governance	Ir is skeptic about need to increase the role of the Commission in economic governance.
13. Charter of Fundamental Rights (CFR)	Ir would favour an incorporation of the Charter only in a manner that

	does not encroach on national legislation. It would prefer the Charter to remain a political declaration and the European Union should not establish parallel and inconsistent human rights regimes to avoid confusion with the ECHR (see UK).
14. Representative of the national government	1. Dick Roche, Minister for State at the Department of the Taoiseach and Minister for State at the Department of Foreign Affairs with special responsibility for European Affairs; 2. Bobby McDonagh, Director General, European Union Division, Department of Foreign Affairs.

http://www.forumoneurope.ie/html_docs/cowan_lecture.htm

Italy (IT)	
1. Constitution	IT is in principle in favour of a constitution, though it does not declare any clear positions on the items below.
2. President of the European Council	The Union is in search of a stable presidency for representative purposes. The rotating system will be replaced through a voting procedure ensuring that the Union's external actions become more visible for its citizens.
3. Role of the National Parliaments	Sovereignty belongs to the nation-states. They will keep national competences as guaranteed in the treaties except for a few new areas to be defined precisely in the treaty. Cooperation between the national parliaments and the EP must be enhanced and a control mechanism for the principle of subsidiarity should be introduced. See Subsidiarity.
4. Role of the Commission	IT opposes the idea of electing the Commission President. In general, IT is in favour of strengthening the power of EU institutions, but does not say how and where exactly.
5. Council	-/-

6. Congress of the Union	IT does not see any necessity for the creation of a new chamber.
7. Subsidiarity	The mechanism of subsidiarity, which guarantees an efficient involvement of national parliaments should be developed further, also in order to introduce in the decision-making capacities of the EU. Italy rejects the idea of a catalogue of competences, though it would like to see some kind of a declaration to safeguard national competences.
8. Legal Personality	A legal personality is useful for external operations.
9. Simplification	The new treaty will simplify the existing treaties as well as their instruments.
10. External Policies	The Union should be granted enhanced operational capabilities in the CFSP and the internal security though the intergovernmental approach shall be maintained. Thus, the HR/Relex Commissioner and the member states should share the right of initiative. Qualified majority voting in the area of the common foreign and security policy is supported. External Representation could be merged.
11. Justice and Home Affairs	Internal security and immigration will become Union competence. This option of further development should be kept open, in particular for asylum and immigration policies. The collaboration between Europol and Eurojust must be deepened.
12. Economic Governance	-/-
13. Charter of Fundamental Rights (CFR)	The incorporation of the CFR into the constitutional treaty will render it into a binding legal document.
14. Representative of the national government	1. Gianfranco Fini, Vice President of the Council of Ministers, Journalist; 2. Francesco Speroni, Member of European Parliament; Chief of staff of Minister for institutional reforms and devolution;

Online-Article: In my opinion there is no '*Italian problem at the Convention*' (about the lack of Italian official positions), in AgenceEurope.com, 31/01/2003

<i>Luxembourg (Lxg)</i>	
1. Constitution	Lxg favours a Constitutional Treaty
2. President of the European Council	Benelux favours maintaining the system of rotation on the level of the European Council and specialised councils. The Benelux will in any case never accept a President appointed from outside the Council.
3. Role of the National Parliaments	<p>The possibilities of the parliaments of the member states should be strengthened to exercise control over their representatives in Council.</p> <p>The Commission should forward its legislative proposals to the parliaments of the member states as well as its legislative program. A better exchange of information should be realised through a strengthened COSAC.</p> <p>The Convention method should be used again in connection to any amendments to the constitutional treaty.</p>
4. Role of the Commission	<p>The president should be elected by the European Parliament, followed by a reform of the whole structure of the Commission and integration of all EU agencies and other bodies under the Commission's roof. Implementation legislation should be adopted by the Commission within a framework of a reformed comitology system to guarantee transparency and political control. The number of Commissioners should be reduced and its monopoly of initiative should be reconfirmed. The Commission should ensure the external representation for all policies of the Union except CFSP/ESDP, on the model of the WTO</p>
5. Council	The Council, in its composition of heads of state and government, will approve with qualified majority the

	election of the Commission President by the EP. Council and European Parliament can invite the Commission to introduce a legislative proposal. Those legislative matters have to be voted on with qualified majority.
6. Congress of the Union	The Benelux reject the creation of a Congress of the peoples of Europe. This can only increase the institutional complexity of the Union, and will not create any added value with regard to the present situation.
7. Subsidiarity	The government's primary objective is to clarify the relationship between the members and the EU. See National Parliaments.
8. Legal Personality	Lxg is in favour of giving the EU a legal personality.
9. Simplification	In order to enhance transparency of the procedures and institutions a simplification makes sense.
10. External Policies	The roles of HR and the Relex Commissioner should be performed by a single person (known as 'double-hatting'), who enjoys the status of Commission Vice President, but operating in the field of CFSP and ESDP under the authority of the European Council. The HR/Relex Commissioner is nominated by qualified majority by the European Council and in accordance with the President of the Commission. He exercises his competences in accordance with the community procedures or in accordance with the procedures, which apply specifically for the CFSP in function of the field of action concerned. He is discharged of his role as Council Secretary General. He is responsible for the external representation of all issues relating to CFSP or ESDP. Lxg is seeking enhanced cooperation in the area of defence (see Belgium).

11. Justice and Home Affairs	The Benelux demand the extension of the Community method in legislative procedures in asylum, immigration policy and civil law cooperation.
12. Economic Governance	The budget of the Union and monetary policy of the Euro Zone will be exclusive Union competences. Closer coordination of economic policies within the framework of the Broad Economic Policy Guidelines (BEPG) is needed in order to guarantee macro-economic stability, growth and employment, social progress and sustainable development.
13. Charter of Fundamental Rights (CFR)	The treaty should at least contain a reference to the Charter.
14. Representative of the national government	1. Jacques Santer, former prime minister, former president of the European Commission 2. Nicolas Schmitt, Ambassador of Luxembourg to the EU since 1998.

<http://www.avenir-europe.lu/FR/Contributions/default.cfm#2>

<http://www.diplobel.fgov.be/Press/Home/homedetails.asp?ID=400>

<i>The Netherlands (NL)</i>	
1. Constitution	The Dutch government is in favour of a Constitutional Treaty
2. President of the European Council	Benelux favour maintaining the system of rotation on the level of the European Council and specialised councils. Benelux will in any case never accept a President appointed from outside the Council.
3. Role of the National Parliaments	The possibilities of the parliaments of the member states to exercise control over their representatives in Council should be strengthened. The Commission should forward its legislative proposals to the parliaments of the member states as well as its legislative programme. A better exchange of information should be realised through a strengthened COSAC. The Convention method should be used again in connection to any amendments to the constitutional

	treaty
4. Role of the Commission	The President should be elected by the EP, followed by a reform of the whole structure of the Commission and integration of all EU agencies and other bodies under the Commission's roof. Implementation legislation should be adopted by the Commission within a framework of a reformed comitology system to guarantee transparency and political control. The number of Commissioners should be reduced and its monopoly of initiative should be reconfirmed. The Commission should ensure the external representation for all policies of the Union except CFSP/ESDP, on the mode practised in the WTO.
5. Council	The European Council will approve by qualified majority the election of the Commission President by the EP. The Council and the EP can invite the Commission to introduce a legislative proposal. Those legislative matters have to be voted on with qualified majority. The President of the Commission should chair the General Affairs Council and the HR/Relex Commissioner should chair the External Relations Council.
6. Congress of the Union	The Benelux reject the creation of a Congress of the peoples of Europe. This can only increase the institutional complexity of the Union, and will not create any added value with regard to the present situation.
7. Subsidiarity	NL's objective is to clarify the relationship between the EU and the member states. The government therefore rejects the notion of a 'Kompetenzkatalog', but favours clarifying the principle of the attribution power in the Treaty.
8. Legal Personality	There is general agreement that the EU should have a legal personality. This would make the EU a more ef-

	fective actor in world affairs.
9. Simplification	NL hesitates in regard to simplifications since some remaining questions should first be answered, for instance the relation between the constitution and the existing treaties.
10. External Policies	The roles of HR and the Relex Commissioner should be performed by a single person (known as 'double-hatting') who enjoys the status of Commission Vice President, but operating in the field of CFSP and ESDP under the authority of the European Council. The HR/Relex Commissioner is nominated by qualified majority by the European Council in accordance with the President of the Commission. He exercises his competences in accordance with the community procedures or in accordance with the procedures which apply specifically for the CFSP in function of the field of action concerned. He is discharged of his role as Council Secretary General. He is responsible for the external representation of all issues relating to CFSP or ESDP.
11. Justice and Home Affairs (JHA)	There is an urgent need for the Union to contribute more effectively to the fight against illegal migration and against international crime. Those subjects increasingly require an EU-wide solution. The government's objective is to strengthen cooperation in the field of justice and home affairs using the Community method and thus to accord a central role to the European Commission.
12. Economic Governance	The government's objective is to ensure that existing agreements are better implemented and procedures streamlined. The integration of the capital markets is progressing steadily. However, much work remains to be done in the service sector. Here, the Community method continues to

	be the appropriate path.
13. Charter of Fundamental Rights (CFR)	The treaty should at least contain a reference to the Charter.
14. Representative of the national government	1. Gijs de Vries; 2. Tom de Bruijn, Ambassador of the Netherlands to the EU.

<http://www.diplobel.fgov.be/Press/Home/homedetails.asp?ID=400>

http://www.minbuza.nl/default.asp?CMS_ITEM=MBZ416429.

http://europe.eu.int/futurum/documents/contrib/oth260902_en.pdf

http://europe.eu.int/futurum/documents/speech/sp221102_en.pdf

<i>Portugal (P)</i>	
1. Constitution	A constitution must be based on the principle of equality between member states.
2. President of the European Council	It would be a mistake to put an end to the rotating presidency. It should be maintained, though it could be improved. An office like the US President is not a 'must' for the EU.
3. Role of the National Parliaments	European legitimacy is based on two things: its peoples who are represented in the EP and its states which are represented by representatives of national government that have a seat in the European Council and on the various other councils. National parliaments are responsible for appropriate democratic controls of the decisions taken by their respective governments at the European level. This needs to be maintained. The coordination of this 'double' legitimacy could be deepened within COSAC.
4. Role of the Commission	The role of the President of the Commission should be strengthened and provided with increased democratic legitimacy. Portugal aims at strengthening the Commission and ...
5. Council	... reforming the Council.
6. Congress of the Union	P opposes the idea of a Congress, but proposes a bicameral system (Senate of states).
7. Subsidiarity	Some kind of a bicameral system, the creation of a new chamber like a

	‘Senate’, will safeguard the principle of equality among the member states as well as the principle of subsidiarity. P opposes the re-nationalisation of competences.
8. Legal Personality 9. Simplification	Entrusting the control of the application of the principle of subsidiarity and proportionality to a political or jurisdictional body would lead to greater transparency and increased democratic legitimacy. The abolition of the pillar structure in a single treaty is welcome. P favours the reunion of the three pillars into one single communitarian pillar. The Open Method of Coordination should be further developed in view of integrating it in the Treaty.
10. External Policies	P asks the Commission to make increasingly use of its right of initiative and to play a more dominant role in CFSP coordination. P supports the idea of a European representative for external affairs.
11. Justice and Home Affairs	New operational competences should be added to Europol’s existing functions. P pleads for a consistent application of the principle of subsidiarity in this area.
12. Economic Governance	-/-
13. Charter of Fundamental Rights (CFR)	-/-
14. Representative of the national government	1. Ernâni Rodrigues Lopes, Director and Professor, Institute for European Studies, UCP - Universidade Católica Portuguesa, Lisbon; 2. Manuel Lobo Antunes, Deputy director general for EU Affairs.

<http://www.presidenciairepublica.pt/pt/cgi/noticias.pl?ver=discursos&id=811>

<i>Spain (SP)</i>	
1. Constitution	Constitutional Treaty
2. President of the European Council	SP favours the election of a President for 4 years or less to represent the Union and to prepare the meetings of

	the European Council. A team of five or six heads of state and government, in accordance with a rotating system, could help him fulfilling this work. He would also chair over the General Affairs Council and inform the EP of the work of the European Council
3. Role of the National Parliaments	The 'Charter of National Parliaments' should define the involvement of national parliaments in affairs on EU level. Their primary means of influence should be at the national level via an effective control of their respective government's action. SP is favourable to new powers for national parliaments to monitor Commission proposals on subsidiarity grounds.
4. Role of the Commission	The Commission's power of initiative should be extended in JHA and it should propose the multiannual strategic agenda adopted by the European Council. Its power to pursue breaches of non-compliance should be strengthened and explore the possibility of introducing a new category of 'delegated acts'. Its President should be appointed by qualified majority in the European Council and approved by the EP.
5. Council	Collective presidencies composed by a number of member states during a two-year period. Portfolios could be shared within each presidential team and should be agreed on in advance. The HR transformed into a Minister of Foreign Affairs should chair the Relex Council. Each presidential period should coincide with the duration of one multiannual strategic programme.
6. Congress of the Union	SP is against the creation of an institution with formal powers to adopt resolutions or recommendations, but is favourable to creating an informal political body that could meet once a

	year to discuss the European Council's guidelines and the Commission's work programme.
7. Subsidiarity	Any new formula for the exercise of power should be based upon respect for the principles of subsidiarity, efficiency and proportionality, but without a rigid catalogue of competences.
8. Legal Personality	The EU should be granted a legal personality conferring a more unitary stature to the operations of the Community institutions.
9. Simplification	The pillar structure should be merged in a comprehensive treaty. The Open Method of Coordination should be written into the new Treaty.
10. External Policies	The Council for External Relations will provide an opportunity to debate and decide within the framework of a formal body chaired by the European Minister for Foreign Affairs. The Minister of Foreign Affairs should participate in the Commission's meetings where proposals concerning the Union's external action are discussed. (S)he should have a formal right of initiatives for CFSP. SP opposes the proposal of merging the HR and the Relex Commissioner. SP is favourable to increase the degree of communitarisation of the CFSP.
11. Justice and Home Affairs	The establishment of co-ordinated management of the control of external borders, a well-defined common asylum and immigration policy and the integration of these in the Union's relations to third countries are of high priority. Europol and Eurojust need to be reinforced. EP and national parliaments should be given an enhanced role. SP is favorable to grant a group of member states the right of initiative in the area of police cooperation and penal law.
12. Economic Governance	At the present time, economic inte-

	gration is much more developed than political integration. Economic governance in a single internal market must be developed further through a strengthening of common policy and the willingness for deeper co-operation and harmonisation. Spain opposes the creation of the ECOFIN-Eurozone Council.
13. Charter of Fundamental Rights (CFR)	To bring Europe closer to its citizens the constitution should include the CFR.
14. Representative of the national government	1. Ana Palacio, Minister of Foreign Affairs; 2. Alfonso Dastis, Secretary general for European Affairs, Foreign Ministry.

<http://www3.europarl.eu.int/omk/omnsapir.so/debatsL5?FILE=20020702EN&LANGUE=EN&LEVEL=DOC&NUMINT=2-033&SEARCH=ORAT&LEG=L5>

Contribution by Ana Palacio and Peter Hain, 'The Union institutions, 28 February 2003, CONV 591/03.

<i>Sweden (SW)</i>	
1. Constitution	(More or) less in favour. The treaties already function as a kind of constitution.
2. President of the European Council	An appointed chair to represent the Union externally is an imperative to make it more attractive and respected on the international stage. The European Council chair should be supported by a rotating team presidency made up by a number of member states focussing on specific areas.
3. Role of the National Parliaments	The influence of national parliaments should be primarily via their governments in the Council. The Nordic model of information, consultation and accountability should be applied throughout the EU. Some essential policy areas, such as those linked to the welfare state and taxation should remain national prerogatives.
4. Role of the Commission	The role of the Commission should be strengthened and it should retain

	its power of initiative. It should have extended executive powers (delegation from the Council) and a strengthened capacity to enforce compliance. Its President should be appointed according to the Nice procedure as his independence should not be undermined by a politicizing his office due to his election by a majority in the EP. If the Commission President were to be elected national parliaments should have a stake in that procedure.
5. Council	The Council should have recourse to majority voting in more areas, especially those with cross-border implications. Team-presidencies (see above). The Council's legislative activities should be transparent, but no distinction between legislative and operational Councils.
6. Congress of the Union	SW is quiet on this point, but implies that if the Commission President were to be elected by the EP national parliaments should also have as large a stake in the process.
7. Subsidiarity	National competences should be protected in the new Treaty. Only matters of a genuine cross-border character should be transferred to the EU level. In general SW is positive to the inclusion of a catalogue of competencies in the treaty, which identifies a division of the competences of nations and the Union.
8. Legal Personality	SW in favour of granting the EU a legal personality.
9. Simplification	A single document gives the opportunity to simplify the treaties and makes the content more understandable for the citizens. The Open Method of Coordination should be introduced in the Treaty.
10. External Policies	The Union should seek improvements in its role as an international actor through the appointment of a

	permanent chair of the European Council. There should be no new office of a European Foreign Minister. The strategic decisions within CFSP should remain intergovernmental.
11. Justice and Home Affairs	SE supports strongly QMV in the asylum and immigration policy. Stronger cooperation in the fight against terrorism, organised crime and civil protection. Cooperation in judicial and penal law should be strengthened with clear reference to its means, aims and overall objectives.
12. Economic Governance	The Union should undertake more actions in this area, in particular to finalise the internal market.
13. Charter of Fundamental Rights (CFR)	Incorporation of the Charter is acceptable as long as it does not create new competences for the Union. The EU should accede the ECHR.
14. Representative of the national government	1. Mrs. Lena Hjelm-Wallén, Deputy Prime Minister 2. Sven-Olof Petersson, Ambassador of Sweden to the EU.

information-ud@foreign.ministry.se

<http://www.euobserver.com/index.phtml?sid=9&aid=8017>

http://www.utrikes.regeringen.se/inenglish/frontpage/speech_lenahw.htm

http://www.europakonvent.info/europakonvent/materialen/psfile/download/20/Position_S3debee74506fa.doc

UK	
1. Constitution	A proper constitution for Europe is right in Britain's opinion.
2. President of the European Council	A fixed chairmanship of the European Council enables the Council to play a more effective role in a stable partnership between the institutions. The UK favours a 'team presidency' which allows the chairs of the principal Councils to be divided amongst Member States.
3. Role of the National Parliaments	New early-warning rights as proposed in the Convention will improve the control of national parlia-

	ments of the Commission and involve them better in the EU decision-making process. Should cover both subsidiarity and proportionality.
4. Role of the Commission	Strengthening the position of the Commission is an option for further development enabling it to carry out Europe's agenda.
5. Council (Structure)	A combination of a fair rotation and the opportunity to elect a stable chair of European Council is worth further discussion. Britain is opposed to a Commission stronger than the Council.
6. Congress of the Union	UK sees a strong role for national parliaments, but is unenthusiastic about a Congress.
7. Subsidiarity	Europe should only act where it adds value, where a policy objective can be better achieved by collective decision-making than by Member States acting alone. Also regions should be granted a formal role in the new Treaty.
8. Legal Personality	The EU is founded on Nation States. The idea of single legal personality is not mentioned in British documents.
9. Simplification	Clearer and simpler Treaties – but retaining the crucial checks and balances that have been negotiated over the years.
10. External Policies	The HR could chair the Council of the Foreign Ministers; have an independent right of initiative. Britain does not favour a merge of the Relex Commissioner and the HR. This would lead to increased complexity. The UK rejects giving the Commission or the EP any real power in the CFSP.
11. Justice and Home Affairs	The Court of Justice is essential for the integrity of the Single Market and for the effectiveness of common action in an enlarged Union. It is necessary to strengthen it. Immigration, asylum policies and border control

	will be transformed into common EU policy. The UK rejects the creation of a European public prosecutor.
12. Economic Governance	Unemployment needs to be reduced, productivity and development of the single market needs to be enhanced to the benefit of all areas. Economic policy is exercised by the member states through co-ordination in the Council within the framework of the rules established by the EU.
13. Charter of Fundamental Rights (CFR)	The inclusion of the Charter in any form is rejected. In Britain's opinion, it would the EU competence encroaches over national legislation, especially in relation to industrial law. Britain's opinion was softened towards accepting the incorporation of the Charter, but clearly without any new rights.
14. Representative of the national government	1. Peter Hain, Foreign and Commonwealth Office, Minister for Europe, Member of Parliament for Neath, South Wales; 2. Patricia Scotland, Parliamentary Secretary, Lord Chancellors Department, Former Parliamentary Under Secretary of State, Foreign Office (1997-2001).

<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029391647&a=KArticle&aid=1014918160874>

<http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029391647&a=KArticle&aid=1024679161556>

<i>Bulgaria (BU)</i>	
Constitution	BU is in favour of a new treaty.
President of the European Council	n.a.
Role of the National Parliaments	There is scope to improve the co-ordination and the collaboration of national parliaments within existing instruments (COSAC) and more flexible measures could be considered.
Role of the Commission	Measures towards increasing the efficiency and authority of the Commission would help to defend more eas-

	ily the common European interest. The election of the President of the Commission by the EP would consolidate its political authority and help to retain its monopoly of initiative. The Commission should have the right to adopt regulations and thus becoming the EU's main executive institution.
Council (Structure)	The legislative and executive functions must be clearly distinguished. Legislative debates should be held in the public. The trend to extend QMV within the Council should be continued and super-qualified majority in sensitive areas could replace unanimity. The General Affairs Council needs to be reformed. Therefore, the Council dealing with foreign affairs and the Council coordinating the work of sectoral Councils should be distinguished in their competencies and composition.
Congress of the Union	The creation of a second chamber or a new institution would be counter-productive in BU's view.
Subsidiarity	A catalogue of competencies should be avoided. It hinders the further development of the Union, it means in particular that policy areas could not be distributed or transferred to a new level within the system without a formal revision of the treaty. The decision where a competence is best exercised should be answered on a case-by-case basis.
Legal Personality	The treaty should establish a single body by abolishing the pillar structure. Doing away with the pillars though maintaining different instruments and mechanisms would be instrumental in solving the problem of the EU's legal personality.
Simplification	The treaty should be divided into two parts – the first containing basic provisions and the second the re-

	maintaining provisions. Legislative procedures should be streamlined making codecision with QMV the main procedure.
External Policies	The merging of the HR for the CFSP and the Relex Commissioner deserves support.
Justice and Home Affairs	The Union should also realise that a common 'neighbourhood'-policy is closely related to a common (im-) migration, asylum policy and a common border control. Police and judicial cooperation should be deepened.
Economic Governance	The role of the Commission should be strengthened, f.i. by replacing recommendations with proposals.
Charter of Fundamental Rights (CFR)	The CFR should be incorporated in the constitutional treaty.
Representative of the national government	Meglana Kuneva, Minister for European Affairs and chief negotiator with the EU. Neli Kutsikova, Chair of Sofia District Court

<i>Cyprus (CY)</i>	
1. Constitution	Yes.
2. President of the European Council	-/-
3. Role of the National Parliaments	There is a possibility of enhancing exchanges and consultations in bodies such as COSAC where members of both national parliaments and the EP participate.
4. Role of the Commission	The Union must be careful not to subject the Commission to party politics in ways which might detract it from its traditionally neutral role. The Commission should retain its power of initiative.
5. Council	The legislative work of the Council should be held in public so that more popular access is achieved.
6. Congress of the Union	'The creation of an additional legislative or vetting chamber in the EU legislative process does not however

	find us in agreement, as it would complicate the whole process, and by adding another layer would probably lead to greater delays and would not be a contribution to greater effectiveness.'
7. Subsidiarity	CY opposes a strict catalogue of competencies, preferring the general principles of subsidiarity and proportionality under the control of the Court.
8. Legal Personality	-/-
9. Simplification	The simplification of the Treaties and the incorporation of the Charter would create a basis for a European Constitutional text. The procedures are complex, much jargon is used and the relevant legal instruments are inaccessible. All need to become much more accessible to ordinary citizens through simplification and an information and transparency exercise. The pillar structure could be transformed into one single document entailing all instruments and measures.
10. External Policies	As a first small step the co-ordination of the different factors of external policy must be developed into a co-operation of the HR and the Commission. Later on, a new institution should be founded in order to promote the convergence of analyses and positions. The Relex Commissioner should be chosen and agreed upon by the President of the Commission and the Heads of State and Government.
11. Justice and Home Affairs	CY considers that in the current context the community method could be extended to the area of JHA, an area of high salience and importance for both governments and citizens. This area, especially asylum and immigration policy, should become a part of the first pillar practice. Europol will

	be reinforced under democratic control.
12. Economic Governance	CY sees the need for a stronger and greater cooperation of economic policies.
13. Charter of Fundamental Rights (CFR)	In the context of a European constitution, CY warmly welcomes the incorporation of the CFR.
14. Representative of the national government	1. Michael Attalides, Secretary for Foreign Affairs; 2. Theophilos Theophilou, Ambassador.

<http://www.mfa.gov.cy/mfa/mfa.nsf/DebateContributionsbyCypriot>

http://www.ekem.gr/frames_en.html,

<http://www.mfa.gov.cy/mfa/mfa.nsf/DebateEuropeEn>

(Cyprus's positions also provided in Greek documents)

<i>The Czech Republic (CR)</i>	
Constitution	The CR is in favour of a constitution.
President of the European Council	The adaptation of the system of rotation of the presidency should respect equality of member states. Thus, The CR is against a permanent President of the European Council and supports the idea of a combined team presidency and sectoral presidencies with an 18-month term in office, composed by three member states.
Role of the National Parliaments	The CR supports for the proposals presented to the Convention by its Working Group on Subsidiarity: political control of national governments corresponding to the model used on the domestic scene; political control of subsidiarity applied by national parliaments at European level.
Role of the Commission	The European Council should present candidates for the President of the Commission to the EP. On the basis of this list, the EP would first elect the President and thereafter individual Commissioners who would have been selected by the President of the Commission from among the candidates presented by the member states before. The power of legislative

	initiative should remain with the Commission, with the exception of the CFSP.
Council	The reform towards a greater openness of the Council within its legislative function was launched at the Seville Summit. The three members of the team presidency will each chair three of the Councils. The GAERC would be divided into two units - one of them presided by the HR for the CFSP.
Congress of the Union	-/-
Subsidiarity	The catalogue of competences as a catalogue of a procedural process, i.e. as a contractual mechanism, makes it possible to assign competencies more flexibly and more readily. 'It also allows us to respond more promptly to new, as yet unpredictable circumstances, which European integration will have to face up to in the future. Therefore, we regard this alternative as more useful' than a strict catalogue.
Legal Personality	-/-
Simplification	The Convention should consider naming the fundamental act of EU legislation 'EU law'. This would make it easier to distinguish – also for citizens – the legislation adopted at the EU level from that enacted by the national legislative bodies. It is still necessary to distinguish between EU laws and EU framework laws.
External Policies	The idea of merging the HR and the Relex Commissioner could take the following form: the 'double-hatted' representative would act as a Vice-President of the Commission, he would have two deputies – one for external relations in the Commission and one for external affairs in the Council.
Justice and Home Affairs	Transforming parts of the third pillar into communitarian policies is re-

	garded as important and highly desirable. The CR also supports very much the idea of the creation of a common EU border guard and an improved political and judicial control over Europol.
Economic Governance	-/-
Charter of Fundamental Rights	If the Charter was given a more prominent legal statute it could be included in the system of treaties.
Representative of the nat. Government	1. Mr. Jan Kohout, Deputy Minister of Foreign Affairs of the Czech Republic; 2. Lenka Anna Rovna, Vice Dean for Public Relations, Charles University, Faculty of Social Sciences.

www.euroskop.cz, section 'Konvent'

<http://www.mzv.cz/missionEU/convention.htm>

<http://european-convention.eu.int>

<i>Estonia (ES)</i>	
Constitution	ES is in favour of a constitutional treaty.
President of the European Council	ES does not support the creation of a post of a President of the European Council. By this the EU would undermine the efficient operation of the Community method and threatening the balance among the member states. The European Council will be given a status of a formal institution
Role of the National Parliaments	ES considers it important that for the monitoring of the principle of subsidiarity an early warning system involving the national parliaments of the member states is set up. Nevertheless, the best opportunity for national parliaments to influence the work of the EU's decision-making process is via scrutinising their governments in the Council.
Role of the Commission	ES is not in favour of supporting the election of the President of the Commission by the EP, as the President would risk becoming a 'hostage' and dependent on the parliamentary

	majority.
Council	The six-monthly rotating system constitutes a working solution for the Council presidencies until proved otherwise. The role of the Secretary General of the Council could be strengthened to ensure continuity. In this case his post would have to be untied from that of the HR.
Congress of the Union	ES does not favour the creation of new bodies because it would further complicate the institutional structure.
Subsidiarity	This principle has to be maintained as the basis of the Union of nations (see Role of National Parliaments), though ES is cautious in regard to the reference to a 'federal basis' in article 1.
Legal Personality	The Union will be given a judicial personality and the relevant provision should be included at the beginning of the constitutional treaty.
Simplification	A logical consequence of the legal personality is the merger of the different treaties into a single coherent text consisting of two parts that would contribute to simplification. This means in particular to reduce the number of instruments and legislative procedures and an extension of the QMV.
External Policies	Estonia would like to see the role of the HR strengthened including the possibility to chair the meetings for the political dialogue but does not see any reason to merge the HR with the Relex Commissioner. Decision-making processes in the area of CFSP as well as defence have to remain intergovernmental due to the fact that they are the essence of the nation state.
Justice and Home Affairs	The nation states should continue cooperation in police matters and separate border control but establish the system for sharing the financial

	burdens of external border control.
Economic Governance	The Commission should be given more competencies in co-ordinating and implementing economic policy, e.g. monitoring the Stability and Growth Pact. ES strongly opposes any moves towards giving the Union any competences in the field of direct taxation.
Charter of Fundamental Rights	The CFR should be made legally binding incorporated into the treaties either through insertion of the full text of the Charter or an insertion of a direct reference. (ES also supports the accession of the EU to the ECHR)
Representative of the national government	1. Henrik Hololei, Director of the Office of European Integration, State Chancellery, Foreign Affairs Career; 2. Lennart Meri, Former President of the Republic of Estonia.

<http://www.eib.ee/pages.php/020801>

<http://www.vm.ee/eng/index.html>

<http://www.estemb.be>, link Estonia-EU relations

<i>Hungary (HU)</i>	
Constitution	In favour of a constitutional Treaty.
President of the European Council	
Role of the National Parliaments	A stronger and more co-operative relationship between national parliaments and the EP should become part of the institutional system, allowing for national Parliaments to play a more active role in European developments. It would perhaps be worth considering the possibility to set up a second chamber, serving as the framework for a deeper co-operation between Parliaments. But, the competing suggestion - namely to turn the Council into a Senate - does not seem to be the appropriate road to follow.
Role of the Commission	It is essential to strengthen the Commission in its role as the engine of the integration process through its

	right of initiative and in overseeing the implementation of Treaty obligations, common policies and community rules. The election of its President directly by the citizens would mark a move towards the evolution of a genuine European executive.
Council	The future Council should, like the present one, function as a forum of intergovernmental co-operation. As the body taking major political decisions, on the basis of strategic guidelines of the European Council, it should serve as the forum bringing national interests and member states together. Thus, a one-year term for the presidency consisting of a team of four states ('four wheel') could provide a solution on the debate about abolishing the rotation system.
Congress of the Union	-/-
Subsidiarity	It is very important to avoid creating an inflexible system through fixing the competencies once and for all. Therefore, the duties to be fulfilled by the Community are to be clarified, without dismantling existing community powers.
Legal Personality	-/-
Simplification	The evolution of a European Constitution could give a new, clear framework that is easier to understand.
External Policies	HU can well imagine a EU with a more accentuated security dimension, enabling it to fulfil the role it ought to be playing in the international arena.
Justice and Home Affairs	It is possible to strengthen the co-operation in the field of JHA to ensure the security of citizens.
Economic Governance	-/-
Charter of Fundamental Rights	To incorporate the Charter in the simplified Treaties, later to become the 'pre-figuration' of a future constitution is an option worth to consider.

Representative of the national government	1. Peter Balazs, State Secretary for Integration and External Economic Relations; 2. Peter Gottfried, State Secretary, Head of the State Secretariat for Integration of the Ministry of Foreign Affairs.
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<http://www.ekormanyzat.hu/english?kateg=english:1258>,

<http://www.humiseu.be/>

http://www.kum.hu/euint/index_future.html

http://europe.eu.int/futurum/documents/other/sp080901_en.htm

Latvia (LA)	
Constitution	The new constitutional Treaty should set out clearly the objectives of the EU with clear indications of institutional competences. The government favours the EU remaining an entity of nation states. The notion of federalism in the Draft Treaty could be misleading.
President of the European Council	LA is against creating an office of a President of the European Council. Equality among all member states, old/new and small/big, is all-important.
Role of the National Parliaments	LA believes in a strengthening of the role of national parliaments in the decision-making procedure and by giving it the right to issue early warnings allowing national parliaments to give their opinion of draft legislation.
Role of the Commission	The role of the Commission should be strengthened in the 2 nd and 3 rd pillar. The Commission's independence should be strengthened implying a commissioner from each member state. The Commission President should be elected by the EP.
Council (Structure) Congress of the Union	The system of rotating presidencies should be retained. Possible to consider technical chairs of certain councils and working groups.
Subsidiarity	LA sees the EU as a union of sovereign states with certain federalist features, such as the European Mone-

	tary Union and the EP. They do not see the need at the moment to create a unified federal European state. It is against a strict catalogue of competencies.
Legal Personality	
Simplification	The key for LA is to create a clearer treaty structure.
External Policies	In LA's opinion, the EU must continue to forge a Common Foreign and Defence Policy, so as to optimally represent the common security interests of its member states on the world stage. LA is open to QMV in the second pillar. The EU should speak with one voice on the international arena.
Justice and Home Affairs	In favour of further integration in the third pillar.
Economic Governance	The EU should have one institutional representative in international economic affairs.
Charter of Fundamental Rights	n.a.
Representative of the national government	1. Mrs. Sandra Kalniete, Minister of Foreign Affairs of the Republic of Latvia; 2. Mr. Roberts Zle, Minister of Special Assignment for Co-operation with the International Financial Agencies.

<http://www.am.gov.lv/en/?id=850&page=2669>

<i>Lithuania (LIT)</i>	
Constitution	Equality among member states, democratic legitimacy and efficiency are the cornerstones of reform.
President of the European Council	LIT is not in favour of a permanent President of the European Council since it would change the institutional balance, lead to competition with the Commission President and bring confusion with regard to political accountability.
Role of the National Parliaments	National parliaments should be more involved in the political surveillance of the application of the subsidiarity

	principle before new legislation enters into force.
Role of the Commission	The EP could elect the Commission President. In the event that the Nice provisions are revised, the Commission should be composed by one commissioner per member state. If the Commission were to be composed by fewer members than there are member states, the selection of commissioners should be according to a system of rotation based on the principle of equality. The HR and the Relex commissioner should be merged.
Council (Structure)	The system of rotating presidencies should be maintained. Continuity and coherence of the work of the Council should be ensured by strengthening strategic planning and by closer cooperation among the national presidencies and European institutions. Team presidencies is an option but should be seen in the context of interaction among all European institutions. The scope of QMV should be extended but on a case-by-case basis. The scope of co-decision should be extended.
Congress of the Union	A new structure would increase the complexity of the decision-making in the EU.
Subsidiarity	The right to review the application of the principle of subsidiarity should remain with the Court of Justice.
Legal Personality	
Simplification	The task is to make the complex library of treaties easier to understand.
External Policies	LIT wants the Union to play a more significant role in the world. It supports the proposal to merge the offices of the HR and the Relex commissioner who should become a vice-President of the Commission. The European Council in consultation with the President of the Commis-

	sion should appoint this person.
Justice and Home Affairs Economic Governance Charter of Fundamental Rights	n.a.
Representative of the national Government	1. Rytis Martikonis, Deputy Minister of Foreign Affairs with responsibility for European affairs; 2. Oskaras Jusys; Ambassador Extraordinary and Plenipotentiary, Chief of the Mission of the Republic of Lithuania to the European Communities in Brussels.

Malta (MA)	
Constitution	MA uses the concept of a Constitution.
President of the European Council	The system of rotation should be maintained for this important position.
Role of the National Parliaments	National Parliaments should be given a consultative role in the control of the principle of subsidiarity in Commission proposals. They should also be given the right to channel recommendations to the EP on the substance of proposed legislation on a case-by-case basis through national parliamentarians nominated to this end. This proposal would be without prejudice to the EP's decision-making autonomy since the EP's would retain its discretionary right to considering including these proposals or not. This type of cooperation would not entail the creation of a new institution.
Role of the Commission	The Commission's power of initiative should be maintained to safeguard the Union's general interest. The composition of the Commission must continue respecting the principle of equality between member states. A reduction of the number of commissioners in relation to the number of member states should be clearly

	based on a principle of equal rotation agreed upon by the governments in advance. The president of the Commission should be elected on the basis of nominations made to an electoral college composed of an equal number of MEPs and national parliamentarians. The nominations could be made either by the European Council presenting two or more nominees, or groups of not less the five member states presenting a common candidate.
Council (Structure)	The council should meet in open session when exercising its legislative function. The separation of the General Affairs and External Relations Council into two distinct formations deserves to be considered. The member state holding the presidency should chair the European Council and the General Affairs Council (even though MA could accept the Secretary General of the Council assuming this role). Specialised councils could either maintain rotation through a system of team presidencies or elect a member of each specialised council to serve as president for a longer period than six months. QMV should be extended; unanimity should be maintained for certain sensitive areas, including the revision of the Treaty. The extension of the co-decision procedure should be paralleled by the extension of QMV.
Congress of the Union	An electoral college composed by MEPs and national parliamentarians.
Subsidiarity	Competences are hard to establish, even on a list. More important is to make decentralisation work.
Legal Personality	n.a.
Simplification	The treaties should be simplified, but could already be seen as a constitution.
External Policies	The offices of the HR and the Relex

	commissioner should be merged so that the person holding this office could act as the EU's foreign minister. Malta has a strong interest in the Middle East peace process, which pushes the government towards a relatively maximal position on the role of the EU in foreign policy.
Justice and Home Affairs Economic Governance Charter of Fundamental Rights	n.a.
Representative of the national government	1. Peter Serracino-Inglott, Advisor to the Prime Minister, Professor of Philosophy and Chairman, Mediterranean Institute, University of Malta; 2. John Inguanez, Director of the European Union Directorate, Ministry of Foreign Affairs.

<i>Poland (PO)</i>	
Constitution	PO is in favour of a constitutional Treaty.
President of the European Council	The competences of a permanent president of the European Council need to be clarified. However, PO is cautiously positive about the French-German proposals.
Role of the National Parliaments	The role of national parliaments within the EU framework will be extended through a monitoring mechanism on the principle of subsidiarity, as well as a deeper coordination between the EP and the national equivalents by a reinforced COSAC.
Role of the Commission	The President could be elected.
Council (Structure)	The rotation system for Council formations needs to be retained.
Congress of the Union	PO is against the formation of a new chamber.
Subsidiarity	PO is against a rigid catalogue for competences. A possible installation of a control body made up of national parliaments is acceptable.
Legal Personality	PO is favourable to the EU be given a legal personality and extending the

	community method.
Simplification	Instruments, methods and the positions of power in the treaties must be simplified in a single treaty with a clear structure.
External Policies	Seen as a long-term goal, PO is in favour of merging the second and the first pillars with the use of both community and intergovernmental methods. The merging includes the posts of the HR and the Relex Commissioner and the chairing of the GAERC by the HR. The double-hat approach is also supported.
Justice and Home Affairs	The Union should receive extended and enhanced operational capabilities.
Economic Governance	The Commission's role needs to be strengthened with regard to the Broad Economic Policy Guidelines. A tax harmonisation is not desirable.
Charter of Fundamental Rights	Should be integrated in the Constitution.
Representative of the national government	1. Danuta Huebner (Secretary of State for Integration in the EU, former professor in economics); 2. Janusz Trzcinski, former Judge at the Supreme Court.

Romania (RO)	
Constitution	RO's position to the Convention is cautiously progressive but does not provide many ideas. A constitution is probably a possibility for Europe.
President of the European Council	The European Council should return to its role of 'supreme instance' within the Community decision-making process and cease acting as 'mediator' among different horizontal Councils.
Role of the National Parliaments Congress of the Union	The monitoring procedure of the principles of proportionality and subsidiarity is a useful mechanism. The approach could be confirmed by creating a 'Committee of National Par-

	liaments', after the models of CO-SAC, Economic and Social Committee or the Committee of the Regions. However, cooperation among national parliaments could also be developed further by upgrading their role. In order to ensure greater democracy, a reinforced role of the national parliaments within the Community legislative process should be granted.
Role of the Commission Council	RO supports the separation of the executive and legislative functions of the Council and a greater importance of the Commission.
Subsidiarity	The instauration of a hierarchy of norms is necessary. This includes the adoption of a flexible catalogue of competences.
Legal Personality Simplification	n.a.
External Policies	The merger of the HR and the Relex Commissioner should be envisaged. Furthermore, the extension of QMV seems useful.
Justice and Home Affairs	The third pillar might be transferred into the first pillar. There is a need to identify the instruments and the institutional arrangements in order to enable a common policy for JHA and a reinforcement of Europol and Eurojust. RO supports efforts to stop the inflow of illegal immigrants, combat organised crime, the activities of the networks for trafficking drugs, human beings and arms.
Economic Governance	In this field, the Union could develop a better tax harmonisation and a deeper common economic space.
Charter of Fundamental Rights	-/-
Representative of the national government	1. Hildegard Puwak, Minister of European Integration, Romanian government; 2. Ion Jinga (or Constantin Ene, Ambassador, several data for the alternate).

<i>Slovakia (SK)</i>	
Constitution	SK favours a constitution.
President of the European Council	The rotation system of the presidencies should be abolished. ('Il faut abolir le système actuel de rotation de la présidence.') But later: the half-year rotating presidency must be maintained. The equality of member states must be maintained.
Role of the National Parliaments	n.a.
Role of the Commission	Its role should be strengthened through a safeguarding of its power of initiative. The one-commissioner-per-state principle should be maintained. The EP should elect the president.
Council (Structure)	SK is in favour of the broader use of QMV. Legislative procedures in the Council have to be held in public. The rotation system should be reformed towards longer duration of each presidency.
Congress of the Union	The government opposes the foundation of new institutions.
Subsidiarity	-/-
Legal Personality	Favours the creation of a legal personality
Simplification	In favour of simplification.
External Policies	Slovakia welcomes the merger of the HR and the Relex Commissioner as well as letting a vice-president of the Commission preside the External Relations Council.
Justice and Home Affairs	n.a.
Economic Governance	n.a.
Charter of Fundamental Rights	Favours a legally binding status of the CFR, possibly attached as a protocol in order to limit the contents of the new Treaty
Representative of the national government	1. Ivan Korok, Secretary of the Ministry of Foreign Affairs of the Slovak Republic; 2. Juraj Migaš, Ambassador, Head of the Mission of the Slovak Republic to the European Communities, Brussels.

<i>Slovenia (SL)</i>	
Constitution	The final achievement of the Convention should be a constitutional treaty.
President of the European Council	The system of a rotating presidency needs to be safeguarded in the European Council. The principle of balance between smaller and bigger countries will always be an important element of the legitimacy of the Union. It is in the interest of smaller countries, including Slovenia, to strive for positive discrimination.
Role of the National Parliaments	The role of the national parliaments should be reinforced. Through the general supervision of European affairs and of their national governments, national parliaments should be able to monitor and supervise important activities of the Union, such as EMU and CFSP.
Role of the Commission	The commission should be strong, independent and be required to represent the common interest of the Union. Its President should be elected directly or by the national parliaments. The one-state-one-commissioner principle has also to be maintained. Its exclusive right of initiative should be maintained and extended, also to JHA.
Council	Legislative and executive functions have to be distinguished. The presidential chairman will be determined by the rotation principle. The supranational character of the Union is based on intergovernmental agreements between member states. The individual countries are fundamental, central elements of the European architecture, thus creating it. Intergovernmental processes in the EU are not an anti-thesis to the supranational ones but rather a precondition for them.

Congress of the Union	The Prime Minister of Slovenia referred once to the possibility of a bi-cameral EP, but not exactly to a Congress of the Union.
Subsidiarity	A catalogue of competence is possible but must be dynamic. The distribution of competences must be based on the principle of subsidiarity. National competences shall be language, culture and education.
Legal Personality	n.a.
Simplification	Simplification and deregulation are necessary.
External Policies	The CFSP should gradually be communitarised and the posts of the HR and the Relex Commissioner should be merged.
Justice and Home Affairs	The community method must be applied in the areas of asylum, immigration, border control and in judicial and policed cooperation. See Commission.
Economic Governance	
Charter of Fundamental Rights	The CFR should be incorporated in the new treaty.
Representative of the national government	1. Dimitrij Rupel, Minister of Foreign Affairs of the Republic of Slovenia, replaced since January by Matjaz Nahtigal, Secretary General of the Government; 2. Janez Lenari, State Secretary in the Office of the Prime Minister of the Republic of Slovenia.

<i>Turkey (TU)</i>	
Constitution	In favour of a constitution.
President of the European Council	n.a.
Role of the National Parliaments	An active role for national parliaments is a key to the EU's legitimacy.
Role of the Commission	The executive branch of the Union must be firmly anchored in a stronger role of Commission, which should be composed by one commissioner from each member.

Council Congress of the Union	n.a.
Subsidiarity	The division of competencies should be clarified, but without excessive rigidity. The early-warning system should be supported (proposal WG I).
Legal Personality	n.a.
Simplification	TU supports a simplification.
External Policies	In the second pillar, the community method is an objective, but still far away from being attained. Turkey is not opposed to the merger of the HR and the Relex Commissioner. The EP and national parliaments should be involved in CFSP decision-making. The government makes clear that the CFSP should avoid duplication with the NATO. Defence policy is very important.
Justice and Home Affairs	TU favours a strong JHA policy with integrated border controls and mutual recognition of national judgements.
Economic Governance	TU supports the present division of competences between the EU and the member states. It rejects any changes to the status of the ECB. TU considers that the proposal to give the Commission the right to put forward formal proposals in the framework of the Broad Economic Policy Guidelines as contrary to the principle of subsidiarity, neither should it be given the right to issue early warnings in this area. The Growth and Stability Pact should be kept outside the constitutional Treaty. Provisions on the Open Method of Coordination should not be inserted in the new Treaty.
Charter of Fundamental Rights	TU supports the incorporation of the CFR.
Representative of the national government	1. Yasar Yakis, Minister of Foreign Affairs; 2. Oguz Demiralp, Ambassador to the EU.

‘-/-’ = n.a. (Not available)

EP = European Parliament

HR = the High Representative for the CFSP (Javier Solana)

GAERC = General Affairs and External Relations Council

QMV = Qualified Majority Voting

RELEX = Relations extérieures (External Relations), thus: Commissioner

RELEX = Commissioner for External Relations

General overviews:

http://www.euractiv.com/cgi-bin/cgint.exe/2864557-934?714&1015=9&1014=ld_borderline#gov

http://www.europakonvent.info/europakonvent/konvent/kat/show.php3?nodeid=2&id=2&_language=de&elem_start=21#137

http://www.europakonvent.info/europakonvent/konvent/kat/show.php3?nodeid=2&id=2&_language=de&elem_start=25

Other sources:

europa.eu.int, especially the debate on the future http://europa.eu.int/futurum/index_en.htm;

The European Convention's website <http://european-convention.eu.int>, especially the contributions;

Documents and contributions via e-mail from Convention members as well as information provided on the national websites of the ministries of foreign affairs;

MEP Johannes Voggenhuber's website with an overview of information on the national position towards the Convention

http://www.europakonvent.info/europakonvent/konvent/kat/show.php3?nodeid=2&id=2&_language=de&elem_start=21#137.

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