

# EU Constitution Project Newsletter

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In line with the Federal Trust's aim to enlighten the debate on good governance, this Newsletter reviews the current reform process of the EU from the standpoint of the work of the Federal Trust's project on Constitutionalism, Federalism and the Reform of the European Union (the 'EU Constitution Project'). The Newsletter looks at current developments in and outside the Convention and also covers the UK debate. Finally, it provides information about relevant events and publications.

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## 1. Guest Editorials:

*The inability to find a compromise between the irreconcilable positions of the Polish-Spanish and Franco-German governments led to the collapse of the Intergovernmental Conference in December 2003.*

### The Future of the European Constitution - The Polish perspective

Enough time has passed since the Brussels summit to permit a certain detachment and reflection. The Polish delegation went to the summit with its best intentions to come to an overall agreement. We thought that Europe needed the Constitution (and by the way we are still of this opinion). It was evident that a good compromise was badly needed, especially as far as the voting system was concerned. Similarly as other participants, we put all our efforts in order to come to an agreement. We thought that one good solution could be postponing the decision in time - a so-called *rendez-vous* clause - and checking in practice the way the Nice system operates. At the same time we were in favor of adopting all the remaining provisions.

Looking at the summit with a certain distance, we can say that we did not come to an agreement because of our over-ambitious approach. Let us only consider the fact that we wanted to approve the final European Constitution within 10 weeks of beginning the IGC!

I am fully aware that directly after the summit, in some European countries, people said that Poland, in order to secure her national interests, sacrificed the general European interest. But these statements are unfair. Surely others at the summit also tried to secure their national interests? Blaming Poland for the lack of the European Constitution is a false premise.

## The EU Constitution Project

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Poland was one of its strongest supporters and one of the most active participants in the Convention and in the Intergovernmental Conference. But we - along with others - understood clearly from the very beginning that the draft Constitution prepared by Valéry Giscard d'Estaing and his team could only be regarded as a starting point - and not as a document to be accepted without a debate. One cannot oversimplify by saying that the draft Constitution was a result of a general agreement of the Conventioneers. Obviously it was not. If that were the case, as some people say, we would not have needed the IGC.

We cannot call the outcome of the Brussels summit a failure of the process of European integration. Several times in the history of the EU there were problems that needed to be discussed much longer than initially predicted. In Poland's opinion, the forthcoming debate on the Constitution should focus on the question of the Union's efficiency. Individual countries define efficiency differently. Some see it in terms of how easy it is to take decisions, but to others it has to comply with such basic values as the cohesion of the EU. The smoothness of decision-making procedures does not necessarily translate - in the long run - into strong co-operation. The art of compromise is a characteristic of European integration, yet it could be undermined if decision-making procedures are geared to pushing through decisions, rather than seeking agreement. This would put Europe on a fast track to disappointment and discontent, and the cohesion of the enlarged European Union would be threatened.

The Intergovernmental Conference is going on. The Irish Presidency is aware of the fact that we need more time to find better solutions on some issues. What is really important is that we agreed on many key topics and this should be the foundation on which we are going to build.

One can notice another important development, which proves that time for reflection was needed. The countries regarded as those standing on the opposite sides of the barricade have just

resumed the discussion. The latest example of 'Weimar Triangle' consultations which involve Poland, Germany and France speaks volumes. Naturally, it does not mean that any breakthrough of their positions took place but one of the most crucial aspects of such talks is that the parties want to talk to one another and express their willingness to have the Constitution. No doubt about it.

When talking about the future of Europe we should think about our common obligation as well as our destination. Let me then share with you one very important thought which concerns the whole process of the European integration but seems to be very up-to-date in the context of the issues I have just mentioned. The Polish Minister of Foreign Affairs, Włodzimierz Cimoszewicz, the second most important person in the Polish team at the IGC, said that the time has come for Europe to really understand that EU enlargement is not a favour done by somebody to somebody else. It is a common future constructed by many more architects than before. I am saying this because in some commentaries after the summit one can notice an often repeated thesis: that Poland should not present such a firm position and defend it with such a determination not being a member of the EU yet. Let me then emphasise that we definitively reject such suggestions.

Usually an IGC takes place after an enlargement, and all the countries participating in it are already members of the Union, therefore it is easier for them to discuss the reforms, since they already have an experience of 'an insider'. Although it is not the case this time, it does not mean that the future Member States should remain silent. In the course of the IGC we debate the issues that will have a long-term and irreversible political impact on all of the participants. The European Union is a community that has as one of its objectives shaping the European interests, respecting - at the same time - national ones. There is no reason for Poland to cease to present her position actively, even being still on the threshold of EU membership. Poland hopes very

much for the resumption of the talks within the IGC and an outcome acceptable to everyone.

HE Dr Stanislaw Komorowski  
Ambassador of the Republic of Poland

## French Relations with the European Union in 2004

Relations between France and the European Union (EU) have, historically, been temperamental and cyclical. Moments of great change and progress (be it the Rome or Maastricht treaties; or the adoption of the euro) have invariably been followed by periods of what French historian Robert Frank has called *la frilosité* - wariness, even scepticism. Seen from this historical perspective, Franco-EU relations in the early 21<sup>st</sup> century have been marked by a relatively long period of particularly troubled introspection and, to a point, incoherence, as France's political leaders seek to chart a new course for France within an enlarged EU.

The prospect of the EU's biggest enlargement required some degree of imagination on the part of the Member States, individually and collectively, in thinking about how to balance their existing interests with those of the then candidate countries. For France, as for its EU partners, this provided an opportunity to redefine its strategic European objectives, nurture allies within the EU to back them, and popularise them at home. In this context, the Convention on the Future of Europe provided a stimulus to French thinking about the future of Europe. Overall, the Convention was a fairly positive experience for France, whose leaders emerged more than satisfied with the results as they were expressed in the draft Constitution, and which they were determined to preserve during the IGC.

Indeed, it was in part the French insistence at the IGC on preserving the revised Council voting weights (as proposed by the Convention's draft text), a proposal that acknowledged Germany's superior demographic weight, that barred the route to an IGC consensus on the draft Constitution. Significantly, such a stance appeared to contradict the equally firm line taken by France's leaders three years

previously, at the Nice European Council summit of December 2000, where the priority regarding Council voting weights had been to maintain a semblance of parity between France and Germany. The notional founding pact of parity, established between the two countries in the 1950s, which had successfully absorbed their various inequalities and differences, had already begun to unravel in the 1990s, but was explicitly challenged by German leaders at Nice. Although the 'deal' was maintained as such, the mere fact of the challenge mounted to it by Germany amounted to its demise. Henceforth, French relations with its most favoured partner would become less predictable, and harder work.

The Franco-German relationship indeed remains key to any attempt to interpret or unravel France's thinking on Europe since the hollow victory of the Nice summit, and can be taken as an indicator of change in French attitudes. At institutional and symbolic levels, the Franco-German friendship has undoubtedly been strengthened, via excellent cooperation in the Convention, and the renewal in January 2003 of the friendship vows taken forty years earlier in the form of the Elysée Treaty. The relaunch of the relationship culminated in French calls in late 2003 for a future Franco-German Union, and the first ever Day of Franco-German Friendship on 22 January 2004. But Germany's leadership is neither as stable, pliant, or dependable as it used to be in its relations with France, and it is intent on forging a full and independent role for itself in the EU and beyond. Faced with this reality, French perceptions of its priorities have altered: its strategic objective remains the exercise of French influence, through ideas as well as institutions, in the EU and beyond. Servicing this objective has required tactical, even ideological shifts, and the replacing of the 'parity pact' with Germany by a more pragmatic nurturing of Germany's emerging political power is one indicator of ongoing intellectual change amongst France's leaders.

This rethink is not without its difficulties. President Chirac's notion of 'pioneer groups' to lead and inspire the

integration process has still not found official favour in Germany. Moreover, President Chirac's pro-Europeanism itself is probably as superficial as his former Euroscepticism, and Prime Minister Jean-Pierre Raffarin's earlier pro-Europeanism has not prevented him from making several undiplomatic attacks on Brussels in the course of the last twelve months. French public opinion has distinguished itself as the most reticent of the EU15 towards EU enlargement, and deems itself uninformed on European matters. Finally, and more broadly, the Franco-German relationship never did exist in a vacuum, and in an enlarged Europe even less so. The couple needs simultaneously to woo other influential member states, including Britain, and avoid the traps of the 'big member state syndrome'.

Dr. Helen Drake  
University of Loughborough

## 2. January, or What Now?

January has ushered in the usual round of New Year's Resolutions. Germany has resolved that the Constitution must be finished by year's end. The Irish Presidency has resolved that France's suggestion of a two-speed Europe will *not* come to fruition. What, of course, has not been resolved, is when the Intergovernmental Conference, suspended indefinitely in December, will reconvene.

During January, a consultation process to assess the willingness of delegations to re-start the IGC was initiated. Ireland declared that they would push ahead with the method of bilateral talks favoured by the previous Italian Presidency, and would present a report evaluating the situation and any progress in the consultations at the Spring European Council in March 2004.

It is worth stressing that even now, at the end of January, discussions are still not concerned with setting a time for reconvening. Far less ambitiously, the language used by EU leaders is one of 'taking stock', of establishing the will of delegations, and at the most 'reporting' on the state of affairs. No definite decision on when and how to resume

talks will take place until March.

Should delegations be ready to go back to the negotiating table and resume talks in March under the Irish Presidency, governments would have an occasion to meet on 1 May (enlargement ceremony) and in total a gap of three months would exist before the scheduled 17-18 June European Council in Brussels. However, should this opportunity be lost then the Dutch Presidency would take over the IGC dossier in the second half of 2004.

## The Irish Presidency: testing and reporting

During January, the newly instated Presidency tested the ground for a future resumption of negotiations. The ideal calendar of each delegation will certainly juggle issues such as general elections (in the near future and also in the medium term - 2005), the use of parallel issues (negotiations of the forthcoming financial perspectives), and other institutional dates in the EU calendar such as the new terms for the Commission and the European Parliament.

Taking a different line from his initial tone in December, the *Taoiseach* Bertie Ahern emphasised early in January the need to take stock and move forward with the IGC as soon as possible. The Presidency has declared that it will advocate quick progress in the talks on the Constitution provided that sufficient collective political will exists. Yet the Irish have not rushed to reach compromise during the Convention nor during their first month of Presidency. The Irish may be moving with a more deliberate speed because unlike some other countries, Ireland requires a referendum for the adoption of any new EU Treaty. The prospect of the future ratification referendum and the need to minimise unintended effects in domestic politics is likely to influence the Irish approach.

Perhaps in the light of criticisms addressed to the previous Presidency, the Irish Presidency claims to play the honest broker, 'determined that nobody would be able to question our even-handedness'. The Irish Presidency has declared that it 'will be open, fair and

balanced. We will listen to all views and work to accommodate them. We have no hidden agendas, no pet projects’.

In any case, there has been a bad relay between the Italian and Irish Presidencies. Although the IGC ‘confessionals’ were restricted bilateral discussions, the lack of communication between Presidencies is quite striking. There appear reports of the Irish having to search for what had been agreed i.e. what was already an *acquis*, leading to confrontation with the UK, among others (see UK Debate).

### Progress? Where are we going if we don't know where we have been?

The draft Constitutional Treaty proposed by the Convention and amended by both the Group of legal experts and the Italian Presidency are the main working documents for the IGC. But what is the IGC *acquis*? It certainly remains unclear what has been the progress of the IGC up to the point where it was suspended. After the more deliberative method of the Convention and for all the talk about the openness of the process, the IGC *acquis* remains a mystery. Perhaps overlooking the fact that agreements among governments will be provisional until the whole package is agreed, the EP has asked for a report on the progress achieved so far.

According to Prime Minister Berlusconi in his oral address at the closing of the Summit in December, some 80 points were close to consensus at the time the talks were suspended. Some elements of the *revised* Constitutional Treaty are clearer than others. Among those points it seems that each Member State will have one Commissioner with one vote; also that the minimum number of seats in the EP per Member State will be 5 rather than 4 as proposed by the Convention. However, other aspects are far from clear. According to Minister MacShane, the possible abandonment of the extension of QMV in the domains of social policy, tax, the financial perspectives and co-operation in legal domains has been ‘banked’ (see UK debate). What is clear is that there is no agreement on the use of double majority

in the Council as defined by the Convention.

In any case, although at the beginning of the January the feeling was of stagnation, by the end of the month the general feeling is that some movement had been achieved. The *Taoiseach* and Foreign Minister had separate rounds of consultations with their counterparts: with Belgian Prime Minister Guy Verhofstadt, with German Chancellor Gerhard Schröder, with the Spanish Prime Minister and Foreign Minister, with the leaders of France and Poland, Sweden, etc. Meetings have also taken place in parallel and outside the central orbit of the Presidency between the various axes: such as among the Franco-German couple, in the new Franco-German-British *ménage à trois*, and in the context of the Weimar triangle. The language at the outcome of these meetings has been a mixture of the positive and the inconclusive. Or, in other words, in a clear return to the intergovernmental mode, the consultations have taken place with much speculation as to what is the actual state of affairs and when EU leaders will return to the negotiating table. Ironically, if Ireland succeeds in completing the negotiations, many may read the achievement as a victory of the IGC method.

### IGC over lunch

On 20 January Irish Foreign Affairs Minister Brian Cowen explained to MEPs that the next ‘collective’ step in IGC talks was going to be an informal lunch on 26 January, on the margins of the General Affairs and External Relations Council. Far from being a formal meeting of the IGC, the occasion was presented by the Presidency as a preliminary informal discussion over lunch ‘with no papers’ and ‘no intention to draw any conclusions’, simply an exchange of views about the best way to proceed. The aim of the meeting was to confirm the general political climate and to map out the existing political will among the foreign ministers in order to move forward with discussions on the Constitution. Noticeably, the representatives of the European Parliament and of the three candidate

countries were invited - as well as the Commission.

Judging from the language of the declarations, the occasion appeared to indicate a generally positive climate for resuming the process. No collective decision will be made before March. In the meantime, one could anticipate that the Presidency would be able to use a positive tone in its report to the summit in March. In the short term ‘bilateral consultations with opportunities for periodic wider discussions to ensure transparency’ will continue.

[Taoiseach Address to EP, 14 January 2004](#)

[Address by Brian Cowen to the EP Constitutional Affairs Committee, 20 January 2004](#)

[Press conference following informal GAERC discussion, 26 January 2004, Irish Presidency website](#)

[EU Observer](#)

[Financial Times](#)

[Reuters](#)

## 3. Parallel developments

### Judgement Day?

#### Commission v Council

On 25 November, in a marathon meeting lasting over nine hours, the Ecofin Council voted to halt disciplinary proceedings against France and Germany for infringing the Stability and Growth Pact. The Netherlands, Austria, Finland and Spain all voted against the measure, supporting the Commission’s view that action should be taken. The timing of the blow-up could not have been worse - increasing already heightened tension over big versus small country concerns in the IGC. The Dutch even asked for the Pact to be written into the Constitution to ensure constitutional legitimacy. (See [December Newsletter](#).) But many agreed that the Stability and Growth Pact was inflexible and needed to be revised. In fact, back in 2002, even Commission President Romano Prodi referred to the Pact as ‘stupid’, and he recently said that it was ‘not going to help growth.’

Nonetheless, on 13 January the Commission set out its strategy for economic policy co-ordination and surveillance. In a press release on the Europa website, the Commission stated

that it would continue the surveillance of all Member States in the framework of the Treaty and the Stability and Growth Pact and would monitor developments in those countries in excessive deficit. It also announced that it would make proposals for revising the Stability and Growth Pact, in a report due out in February. Finally, it stated that 'consistent with its role as the guardian of the Treaties, the Commission will seek to establish legal clarity and predictability regarding EMU related provisions of the Treaty.' In other words, the Commission has decided to challenge the Ecofin Council conclusions of November in the European Court of Justice.

What is the case actually about? The Commission has brought the case on a technicality - a question of procedure in the Ecofin Council. It seems, therefore, to be about preventing a repetition of the Council's 'lawlessness', rather than overturning the Council's conclusions. As the Commission has said, 'the purpose of a Court ruling would be to establish that, in a Community of law, the Treaty rules cannot be ignored or changed for the sole reason that the Council could not reach the majority to adopt the decisions under Articles 104(8) and 104(9), as recommended by the Commission. The purpose of challenging the Council's conclusions would not be to put into question either the economic analysis or the corrective measures recommended by the Council to the two Member States concerned.'

Supposedly the Commission was not unified in its decision, as the French, German and British Commissioners are 'believed' to have been against it. Reactions to the Commission's decision have been varied. Needless to say, France, Germany and the European Central Bank opposed the action. The Spanish Economy and Finance Minister Rodrigo Rato said the lawsuit could have 'positive' effects if it made EU finance ministers 'think about certain decisions that they have taken'. But neither Spain, nor Finland or Austria is joining the Commission as a party to the case. Although the Netherlands toyed with giving its support to the Commission, by 16 January it had decided against it.

Many take a highly politicised assessment - calling the decision an 'unprecedented trial of strength with the Member States'. Others, such as Daniel Gros (CEPS), suggest the Court case isn't really that important - it is the loss of French and German credibility which is the real political fallout of the affair. In fact, because of its political nature, some, such as Jacques Delors and Pat Cox, believe that a legal case is wholly inappropriate. Cox, the President of the European Parliament, has said: 'Policy-making requires judgement and the primacy of politics. Bringing legal proceedings may illuminate the law but it won't help the decision-making process.'

It is not unusual, however, in the European Union to look at political decisions through a legal prism, and the incremental constitutionalisation of the Treaties owes much to this process. The case is perhaps not as 'novel' as it appears. It is not an enforcement action under Article 226 of the EC Treaty, involving the taking a Member State to the Court of Justice for breach of an obligation under the Treaty. The presentation of the case in the press, as the Commission against the Member States, is somewhat misleading. Rather, it is an action under Article 230 of the EC Treaty, an inter-institutional question - the Commission against the Council. As such, while it is hardly a novelty for the Court to be faced with a 'Commission v Council' standoff, it may none the less push the bounds of constitutional adjudication, as other similar cases (e.g. the so-called *ERTA* case at the beginning of the 1970s) did before it. *ERTA* involved a challenge by the Commission to Council minutes determining that the Member States had competence in relation to the conclusion of the European Transport Agreement, rather than the European Community.

The words of Commissioner Pedro Solbes shed light on what may be the underlying agenda of the Commission. He said, 'We all know that the Council could have adopted the substance of the Ecofin conclusions in the form of Council recommendations, which is what the Treaty provides for in this area. But Member States deliberately chose

to take an intergovernmental position.' The Commission's role as the guardian of the Treaties is closely allied with its purpose as the embodiment of the Community method, of the 'Community way'. The Ecofin Council, by ignoring the Commission and failing to achieve consensus, undermined the so-called Community method.

The Commission has requested the Court to use an expedited procedure under which the President of the ECJ may limit the written procedure stage of the case. The President, Vassilios Skouris, can decide whether or not to accept the request. Should he do so, the decision could be made in as little as six months.

Undoubtedly, the Ecofin Council meeting on 20 January discussed the Commission's plans, although the case was not formally on the agenda. Future events will be watched closely - the Commission's position has been described as a Catch-22. Had it not launched the case, it would have lost authority within the institutional balance of the EU. However, the case threatens to damage relations with the Member States. Looking at the previous decisions of the Court on interinstitutional relationships and the interpretation of the rule of law in the EU context, it may be that history is on the Commission's side.

[Commission Press Release](#)

[European Parliament](#)

[The Independent](#)

[The Times](#)

[EU Observer](#)

[Draft Agenda, Ecofin Council](#)

[Euractiv](#)

[AFP](#)

[Le Figaro](#)

[Financial Times](#)

#### 4. UK debate Ménage à trois

In an interview with *Le Figaro*, published on 14 January, Jack Straw compared Franco-British relations to the effort and work which is associated with a marriage. It may, in fact, become a marriage that includes three parties. Britain has been muscling in on the Franco-German romance - and people are beginning to notice. As Jack Straw

has said, 'Associating the UK with the Franco-German motor seems logical as Europe passes from 15 to 25 members.'

On 18 September 2003, Prime Minister Tony Blair attended a trilateral meeting with President Chirac and Chancellor Schröder in Berlin - at that meeting the UK began to change its position on defence issues. On 20 October, the Ministers for Foreign Affairs of the three countries made a visit to Tehran to pressure Iran to sign the Nuclear Non-Proliferation Pact. At the stormy meeting of the Ecofin Council in November, the UK supported France and Germany's motion to suspend the Stability and Growth Pact. On 12 December, the big three met again in Berlin, to sort out defence positions in advance of the IGC. And on 16 December in the 'budget letter', which was published after the IGC, and suggested capping spending from 2007, the UK again signed with France and Germany. Now they will have regular meetings ahead of EU summits to co-ordinate their positions.

The question is, of course, how will the other Member States react to this news? It is clear that the UK, at least, does not want to appear as part of a 'directoire'. Peter Mandelson, while praising the initiative, has added that 'it is very important that this should not be seen as an exclusive club. We don't want to create divisions between big and small countries.' The concern is well-founded - back in November 2001, when Blair invited Chirac and Schröder to dinner to discuss Afghanistan, other EU leaders, upset at being left out, demanded to be included. And given the recent concerns of the Netherlands and others regarding the Stability and Growth Pact, and the Spanish-Polish divide may be becoming a reality.

However, according to *Le Monde*, the UK's presence should reassure 'new Europe' that they won't be forced into something by the Franco-German axis, and it may help to reopen a dialogue with the US.

On 18 February, France, Germany and the UK will meet to prepare for the March European Council summit.

Joschka Fischer, for one, has been reserved - welcoming the UK but wondering if it is ready to be a real European leader.

[EU Observer](#)  
[Le Monde](#)  
[Financial Times](#)

### What's 'banked' and who 'banked' it?

Back in December, after the failure of the IGC, Dennis MacShane, the Minister for Europe, was invited to give testimony before the House of Commons European Scrutiny Committee. He indicated that in a oral statement to the Heads of State and Government at the end of the IGC, Berlusconi stated that consensus had been reached on a number of points. He continued, 'we believe that it is reasonable for Britain to say that those should be banked and we will not return to that if we restart negotiations shortly.'

The trouble with 'banking' decisions is that in a treaty negotiation, nothing is agreed until everything is agreed. The Irish Presidency appears to have recognised this point - in early January, Bertie Ahern made it clear that in reality very little was 'banked'. He claimed discussions in Brussels were not conclusive, and the Irish Presidency would be using only two texts in its efforts to reach agreement: the draft Constitution as produced by the Convention, and the document produced by the Italian Presidency for the meeting of EU foreign ministers in Naples. Tony Blair's 'red lines' may therefore not be guaranteed, and everything could be reopened in discussions in March.

If criticism can be directed at the UK government for wrongly implying that many things, and particularly the UK 'red lines', were more or less agreed, then equal or greater criticism should be aimed at the Italian Presidency. A questionably-organised hand-over to Ireland in the wake of hectic negotiations and pressurised conditions; Prime Minister Berlusconi's predilection for bilateral discussions which could not result in any 'bankable' group decisions, and probably gave false hope of

concessions to national leaders; and Berlusconi's decision to schedule a prolonged 'vacation' right after the conclusion of the IGC - these choices have combined to leave IGC-watchers - and perhaps national governments - with only the haziest understanding of the events of 12-13 December.

[Oral Evidence taken before the European Scrutiny Committee](#)  
[The Independent](#)

### Early Warnings

Perhaps proving that the Convention's *acquis* has some 'body' well before the draft Constitutional Treaty is even approved, the UK Parliament is proving keen to put into practice the scrutinising role which the draft Constitution is signalling for national parliaments. As regards the Commission's Annual Legislative Programme, the draft Constitutional Treaty provides that this document as well as legislative and policy proposals will be sent to national parliaments for scrutiny.

While in the past in the UK the Annual Work Programme has been a matter which mainly received the attention of the Lords EU Select Committee, the Commons Scrutiny Committee decided in June 2002 that it would 'make the Annual Work Programme an important part of its scrutiny programme, since it offered an opportunity to consider possible legislative proposals at a much earlier stage and perhaps also influence the Commission's plans'.

In its Report on the European Commission's Annual Work Programme for 2004, the European Scrutiny Committee appears determined to make full use of its future prerogatives and to do so without delay. Although in its Report the Scrutiny Committee cleared the Work Programme from scrutiny, the Committee did not miss the opportunity to raise a subsidiarity warning on one of the points in the Programme, namely on prevention of violence at work.

The raising of subsidiarity questions by both Houses is not new, but it will not take long for the two UK Houses of Parliament to take advantage of the new opportunities - which will potentially

become more politically prominent than in the past.

In its report, the Committee objects to the *initiative* of the Commission to start consultations on possible legislation on prevention of violence at work and to launch impact assessments to determine whether these matters are better attained at national level. The Committee sees no need for action at Community level, and claims the Commission's decision to launch consultation 'imposes the burden of responding' on small businesses.

While the Scrutiny Committee boasts that it is the only example of a national parliament which has contacted and had hearings with the Commission, it remains unclear whether in the future the Scrutiny Committee is only going to scrutinise the Commission Programme, or the Council's programme as well - either the Multi-annual Strategic Programmes (the first of which was adopted by the General Affairs and External relations Council on 8-9 December), or the Annual Operational Programme for 2004 setting the Council's work programme for the year ahead (just discussed by the Council on 26 January). While scrutiny of European institutions is a welcome factor, national parliaments will have to ensure that the scrutiny of national governments is not lagging behind.

[European Scrutiny Committee, Sixth Report: The Commission's Annual Work Programme for 2004 \(HC 42-vi\)](#)

## 5. Forthcoming in February

During February the Irish Presidency will continue to prepare its Report in view of

the 25-26 March European Council. Deliberately scheduled before the March European Council, on 18 February, a meeting will take place between Blair, Chirac and Schröder. At the least the Franco-German leaders will be asking the British Prime Minister to bridge the gap between them and the Polish/Spanish positions and to intercede with Poland and Spain for compromise. At the most, common positions could emerge on defence, finance, the economy, employment, social affairs.

[Financial Times](#)

The Nice Treaty established the composition of the Commission at 25 for the period 2005-2009. Nominations to the new Commission are expected in February. The new Commission will take office on 1 November 2004.

[EU Observer](#)

The long awaited Communication from the Commission relating to the Community own resources and the forthcoming Financial Perspectives are expected by mid-February.

[E-politix](#)

[Commission website](#)

The process of accession for Bulgaria and Romania continues. After the decision by EU leaders in December to complete negotiations by December 2004, the EU financial package to Bulgaria and Romania will be presented by the Commission on 10 February.

[Euractiv](#)

[Presidency Conclusions](#)

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## 6. News from the EU

### Constitution project

#### Federal Trust/UACES Conference: Towards a European Constitution

London, 1-2 July, 2004

With support from BIICL, University of Manchester, the Foreign and Commonwealth Office and the European Commission.

This conference will explore the constitutional dimensions of the current round of Treaty reform. A major two-day event, the conference will provide a platform for debate on the Convention and the IGC and well as more general themes about the EU as a constitutional project. Speakers include Deirdre Curtin, Ingolf Pernice, Larry Backer, Thomas Christiansen, Andrew Duff, David Phinnemore, Neil Walker, Branko Smerdel and Miguel Poiras Maduro.

See our Call for Papers and other information on our Conference webpage: [www.fedtrust.co.uk/conference2004](http://www.fedtrust.co.uk/conference2004)

### New Constitutional Online Papers

Tony Brown, 'Achieving balance: Institutions and Member States', [Paper no. 01/04](#)

John Monks, 'Europe's Future', Jean Monnet Lecture, University of Manchester, [Paper no. 02/04](#)

### Graduate Student Essay Competition

With support from UACES Student Forum, European Parliament Office in the UK, University of Manchester, and the University of Birmingham. Terms and conditions of the competition are available on our website:

[www.fedtrust.co.uk/graduatecompetition](http://www.fedtrust.co.uk/graduatecompetition)

## 7. Web corner

The 'Single Source Europe' web site was launched on 19 January 2004 with great success. With just a click of a button you are able to access publications from Central and Eastern European think tanks by using a user-friendly drop down list. You can make your search by country and/or by area of work as well as by using the keyword 'search' facility. You can access the web site and look through the online library's pages at:

[www.singlesourceeurope.com](http://www.singlesourceeurope.com).

Contact: [info@singlesourceeurope.com](mailto:info@singlesourceeurope.com)

Political Science Papers, Institute for Advanced Studies, Vienna  
[www.ihs.ac.at/index.php3?id=450](http://www.ihs.ac.at/index.php3?id=450)

## 8. External Events

Launch: 'The European Union and National Parliaments' Houses of Parliament London, 4 February 6 p.m.

The director of The Federal Trust Brendan Donnelly will be presenting the new Policy Brief 'The role of National Parliaments in the EU' [www.fedtrust.co.uk/policybriefs](http://www.fedtrust.co.uk/policybriefs) by Brendan Donnelly and Lars Hoffmann

Contact: [owt@parliament.uk](mailto:owt@parliament.uk)

Lecture: 'Policing competence: Who should do it, how and why?' by Professor Stephen Weatherill, University of Oxford. 9 February 6 p.m. King's College, London.

Contact: [cel@kcl.ac.uk](mailto:cel@kcl.ac.uk)

Conference on 'The New Transatlantic Relationship: Facing Challenges of the Twenty-First Century', Cambridge, 27-28 February.

Info: [www.intstudies.cam.ac.uk/jmce/events.shtml](http://www.intstudies.cam.ac.uk/jmce/events.shtml)

Jean Monnet Café: 'The Future of the European Union and the Debate about a European Constitution' by Sir John Kerr. University of Manchester. 1 March.

Contact: [jan.dormann@man.ac.uk](mailto:jan.dormann@man.ac.uk)

The Federal Trust is a member of:

