

## **Where is the Real Debate on the Future of Europe?**

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Europe's constitutional convention should by now be almost halfway through its job of redesigning and reinventing the European Union. But amidst the ever-growing mountains of paper and reports, is the convention really getting to grips with the key issues? In particular, does its failure to address head on the integrationist versus intergovernmental debate represent a clever strategy to promote new ideas and eventual consensus, or does it risk allowing the convention to be sidelined by the member states?

The politics of the convention is increasingly complex with multiple groupings and political interests. Its chairman, Giscard d'Estaing, is powerful but by no means in complete control. Some convention members accuse him of selective listening - their comments lost in a 'communications Bermuda Triangle' as one MEP put it.

Beyond these internal dynamics, much of the real debate is in fact taking place outside the convention in a parallel dialogue with and between member states which is already well advanced. Nor is it a coincidence that some of the larger member states are so far dominant in this debate. The debate over political power in the enlarged EU in the end will come down largely to a battle between the big and small countries.

This is not to deny that the convention is hard at work and important proposals are beginning to emerge from its 10 working groups. And leaving some of the key questions to the end may be the best way to avoid premature divisions while pushing for compromise issue by issue. Or it may be a deliberate tactic by Giscard with the aim of eventually imposing a specific, as yet unknown, blueprint. But it also risks leaving too much space to the external member state debate, which could end up dominating the convention's political debate - or worse, ignoring it.

The autumn will be critical in showing whether the convention can take the lead. Certainly, the working groups are undertaking an unprecedented reassessment of the Union's decision-making processes and instruments. The first working group to report wants the convention to support a significant new role for national parliaments in controlling subsidiarity. This might suggest a tendency to give power back to the nation states.

But the convention also clearly supports a major simplification of the EU's incoherent and labyrinthine legislative processes. And one of the simplest routes to do this is to extend the co-decision powers of the European Parliament so that it legislates equally with the Council of Ministers across the board. Ideas are also gaining ground of a new Congress composed of national MPs and MEPs - though with varying views of its actual role.

A stronger role for both national parliaments and the European Parliament could both help to overcome the democratic deficit and to promote simplification. A single EU legal personality has also been recommended by the second working group to report. This, per se, does not change the balance of power between the institutions but it opens up the possibility for a stronger single EU voice and role internationally.

Work is also moving ahead rapidly on clarifying the division of competences between the EU and member states - albeit with no support for producing a detailed list and little likelihood of any important changes in competences, with the key exception of justice and home affairs (driven forward in the post September 11th environment). Proposals on incorporating the Charter of Fundamental rights into the EU Treaty are also advancing.

But amidst all this work, the convention has mostly studiously ignored the central question of the relative roles and power of the European Commission and the Council in running the EU. It has come to the forefront only once, in the convention's first discussion of European foreign policy - with a predictable split between those who support the Commission's idea of having a single foreign policy *supremo* based in the Commission (merging Javier Solana, the Council High Representative, into Chris Patten, the external relations Commissioner) and those, led by the UK's Peter Hain, who insist on the primacy of the Council and the member states.

But in the external debate, important new French ideas are now emerging of doing exactly the opposite - merging Patten into Solana, as the Brussels shorthand goes. This would be potentially much more acceptable to the UK. Once again the external debate among the 'big's' is moving forward.

The UK and France were also responsible for the earlier proposal to have a new EU president of the European Council. While attracting support from Spain and Italy, it has been bitterly attacked by the small countries. France is floating ideas of guaranteeing that the president would first come from a small country to win the opponents over. Meanwhile, integrationists have responded by calling for the election of the European Commission President - possibly by the new Congress of MPs and MEPs.

Germany will be crucial here and is beginning to show its hand. It seems that Germany may support the idea of an EU President but not without also strengthening the Commission. Joschka Fischer, strengthened in his position as foreign minister after the German elections, is making clear that the Commission must not be weakened and is due to produce a strategy document in the coming weeks. This German position could raise the possibility of electing both Commission and European Council presidents, although democratising the Commission is anathema to the UK. While this debate moves ahead it has yet to be directly discussed on the floor of the convention.

The convention did have a brief unscheduled discussion of whether the Commission's sole right of initiative in Community legislation should be shared with Council and Parliament. Such a move could seriously undermine the Commission. But no conclusions were forthcoming as this issue is not yet scheduled for full formal discussion.

Nor has the convention yet tackled other key issues such as the size of the Commission or the weighting of Council votes. German ideas are emerging to tackle the smaller countries' reluctance to give up a Commissioner by proposing to share out Commission posts together with chair of individual Council posts in one big deal, so each country gets something. This would result in a balance between a smaller, stronger Commission and a stronger Council, through abolishing the 6 months rotation of posts.

New proposals are also needed on what to do with the role of the veto in a 25 country EU. Preliminary discussions suggest the convention will support a considerable extension of qualified majority voting. Ironically this may find more favour than previously among the big countries since it will help them to centralise control in the Council without the difficulties that could be posed by a string of small country vetoes.

Other Council reforms were already tackled, outside the convention, at the Seville Summit in June - with Germany and the UK bringing forward joint proposals. As a result the number of Council formations has been cut, some legislative sessions will be held in public, and the European Council has asserted its leading role in determining the strategic work programme of the Union.

The convention needs to take back the initiative here. It should call strongly for all legislative sessions to be public and not just a token few, and for a clear role for Commission and Parliament in strategic planning.

Much is at stake in all these discussions. But too much of the debate is happening in the corridors of power around the big member states. The convention now must force these debates into the open and show that it can take the lead. There are strong and differing views within the convention. But in the end consensus will not be found by avoiding the debate.