

The Position of the German Government with regard of the Constitution-IGC

Together with France and the Council Presidency, the German Government wished that the Draft Treaty establishing a Constitution for Europe be adopted, and passed in its last Convention version. In addition, Germany was eager to reject the “opening” of the Treaty-package, in order to avoid the danger, or necessity of a substantial restructuring of the draft Treaty establishing an EU-Convention. Therefore the task of the IGC should be to prevent that draft paper from any amendments; amendments called, for example by a few smaller Member States and/or by Spain or Poland. This should be done through well led negotiations, maybe through a procedure of bargaining.

After the summit of ministers for foreign affairs in Luxembourg in October 2003, the Federal Minister for Foreign Affairs J. Fischer pragmatically modified the position of Germany.

Independent from the aim to adopt the Draft Treaty in the IGC as far as possible, and to present that result as the basis of decision to the Member States’ parliaments, Fischer noted, that there would be very difficult negotiations in the IGC. Concerning this he added, it would be almost impossible, to insist on the original, strong German position.

In spite of this, he argued that it is much better to make use of experience. Experience reveals that controversial points of the drafted Treaty should at first only be included in the EU-Constitution if they are absolutely necessary for a functioning Constitution, but which in the case of later reform will not lead to real, or substantial change of the contents. In this context he would like to point out a problem for the future Council Presidency. According to Mr. Fischer the upcoming Union of 25 will deliver better decision guidelines.

However such problematic issues as the extent of the (main) amendments; the number of Commissioners; the right of Member States to participate in the Commission; the question of the EU-Presidency and how these problems should be addressed, Fischer didn’t explain. He only said, that Germany itself will now not deny any Treaty amendments.

With regard to the current IGC–negotiations, he praised the Italian presidency. It was very helpful to put the easiest subjects at the beginning of the IGC-agenda, so the Member states were able to handle these matters in a consensual manner. On the other hand, and in the perspective of the IGC, Fischer pointed out that there will still be a lot of contentious affairs which will demand a great deal of compromise from the Member States. Germany itself will contribute to this process.