



**ANALYTIC REPORT
XXIIIrd COSAC, VERSAILLES,
16-17 OCTOBER 2000**

French presidency of the European Union

Mr Alain Barrau, Chairman of the National Assembly Delegation for the European Union – We are pleased to welcome Mr Lionel Jospin, Prime Minister of France, who is back from the Biarritz European Council — like the President of the Republic—and has accepted, as a prelude to our work, to take stock of the perspectives of the French presidency of the Union after that informal Council.

As you know, Mr Prime Minister, COSAC brings together twice a year delegates from Member States' parliaments representing the committees specialised in European affairs, a delegation from the European Parliament and a delegation from the parliament of each Union candidate country. And, from meeting to meeting, COSAC has clarified and strengthened its role of contributing to combating the democratic deficit of the European institutions, which we all observe and deplore. Of course this combat must be waged with the European Parliament and not competing against it. That is clearly understood today—past misunderstandings have now been cleared up.

We are, Mr Prime Minister, at a crucial moment of European construction, as the Union must meet vital deadlines.

The first of its priorities is to reform its institutions. I thank Mr Moscovici, Minister delegate with responsibility for European affairs, and Mr Queyranne, Minister with responsibility for relations with parliament, for having accompanied you. I have no doubt you will insist on the Intergovernmental Conference work which France wishes to accomplish.

The other priority is the citizens' Europe: the social agenda, food safety, shipping safety, and sport are other subjects of importance which were debated in Biarritz and which you felt, along with the President of the Republic, should also be considered as major issues of our presidency.

The Biarritz European Council also afforded an opportunity to address the Charter of Fundamental Rights. The Charter interests us in two respects—it represents an important result, beyond expectations; its method groups national and European parliamentarians as well as representatives of the executives of each country.

Lastly, as the delegations of the Union candidate countries are present here, I would like you to address the topic of enlargement—even if Mr Védrine will deal with it again tomorrow—which is for us as French people a major political issue.

Indeed the European Union should not be confused with some free trade area or other. We therefore hope, Mr Prime Minister, that you will give a sign, after that you already gave in Budapest, by reaffirming, following the Helsinki agreement, that Europe expects to be ready, as of 1 January 2003, to receive the first countries in a position to accede.

You know how important this French determination is in the eyes of our friends representing the candidate country parliaments, here in this hall where we, French parliamentarians, adopted the constitutional amendment allowing the Amsterdam Treaty to be ratified.

Mr Lionel Jospin, Prime Minister – I am pleased to participate in this XXIIIrd COSAC meeting, with Mr Moscovici, Minister delegate with responsibility for European Affairs, Mr Queyranne, Minister with responsibility for relations with parliament and the other ministers who will be present today and tomorrow.

I thank for their invitations Messrs Alain Barrau and Hubert Haenel, who chair the National Assembly and Senate Delegations for the European Union. Members of the national parliaments of the Fifteen, members of the European Parliament, delegate observers from candidate country parliaments—you represent a Europe at peace, gathered around the values of democracy, like that which has just come into being in Serbia. I pay homage to the courage of the Serbian people, who by their peaceful uprising, forced Slobodan Milosevic to step down after refusing the verdict of the polls. Now that the French minister for foreign affairs has announced, on behalf of the European Union, the removal of sanctions, we are ready to help Serbia to rebuild itself and take its place in an ever more united Europe. By inviting Mr Kostunica to meet them on Saturday at the informal Biarritz European Council, the Fifteen showed their determination to start new cooperation with the Federal Republic of Yugoslavia.

You are the representatives here of such a Europe. I am pleased to welcome you to this hemicycle, one of the prestigious symbols of France—of the Ancien Régime, of course, but also of the Republic. Here the Presidents of the IIIrd and IVth Republics were elected. It is in this hall that the French parliament continues to meet—National Assembly and Senate together—when it amends the French Constitution. It is here, in particular, that the amendments which had become necessary following the signature of the Maastricht Treaty and then the Amsterdam Treaty were voted. This place—which brings to mind so forcefully the French Nation, its history, its character and its power—has therefore also become a symbol of France's European commitment. By its composition and its functions, COSAC expresses the conviction that the destiny of each of our countries and that of Europe must be united as closely as possible. That is why, before commenting on the French presidency of the Union, I would like to underscore the importance of your role in European construction.

COSAC is now an important body in the European democratic debate.

Between the fifteen national parliaments making up today's Europe, in the same way as between these parliaments and the European Parliament, cooperation is essential. Essential for concerted action between parliamentarians, this cooperation promotes the information of our fellow citizens on European issues. Essential in order to better communicate citizens' concerns to Union institutions, it contributes to the democratic control of European construction, as the European Parliament emphasised in its resolution of 17 May 1995.

Infusing life into this essential cooperation between the parliaments of Europe is the very *raison d'être* of COSAC which, I'm proud to say, was born of a French initiative. Taking up an idea of Mr Fabius, then President of the National Assembly, the speakers of the parliaments of the Union Member States decided in May 1989 to set up a meeting of the various national parliamentary committees specialised in European affairs.

Since then, COSAC's role has constantly grown stronger. In 1996, the conclusions adopted in Dublin had recapitulated the proposals of the Fifteen aimed at deepening European democracy. From these analyses arose the idea of a protocol appended to the Treaty, affirming the role of national parliaments in the Union and recognising COSAC's action. Similarly, in 1997, when the Amsterdam Treaty was signed, the governments of the Fifteen and the parliaments of the Union agreed unanimously on the need to strengthen COSAC's role. Thus, while remaining a forum for exchanging information between parliamentarians, COSAC has become an arena for collective expression via the contributions it forwards to governments and to the European institutions. In the process you are participating in European construction by contributing to the analyses on Union enlargement, the reform of its institutions, the social policy or the setting up of a European area of freedom, security and justice.

Among these topics, the reform of European institutions illustrates the good cooperation which has arisen between European parliaments. For example, in March 2000, the Delegation chaired by Mr Alain Barrau had the opportunity, along with the Foreign Affairs Committee, to hear the President of the European Parliament, Mrs Fontaine, present the proposals of that assembly. Similarly, I know about the excellent reception that was given to your parliamentary delegations by the Constitutional Committee of the European Parliament, so that the latter can take into account your opinions in the resolutions it communicates to national governments, to the European Council and to the Commission.

The French government would like COSAC to get its voice heard even better. It lies with you to organise a greater participation of national parliaments in Union activities. There is no competition, but indeed complementarity between the contributions of national parliaments and those of the European institutions. The concerns of our fellow citizens will be all the better taken into consideration at European level if they are backed up by national parliaments. Accordingly it is essential, in particular, for the committees of each national parliament to maintain close relations with the corresponding European Parliament committees.

Such cooperation between national parliaments and the European Parliament is at the heart of the original model of shared sovereignties we chose fifty years ago to build Europe. It is essential. I pay homage to the efforts made by each of you in implementing it. As protagonists of the democratic debate within the Union, you are helping the European project to advance. As parliamentarians responsible to the peoples of Europe you uphold the conviction that this project cannot advance without support from European citizens.

This same conviction inspires the French presidency of the European Union.

Presenting the priorities of our presidency before the National Assembly on 9 May 2000, I emphasized the need better to associate a greater number of our fellow citizens in European construction. Strengthening the support of all for the European project—that is the goal of our presidency.

We reaffirm that Europe is a community of destiny based on shared values. That is the very meaning of the Charter of Fundamental Rights of the European Union. The draft Charter was greeted as a success by the heads of State and government of the Fifteen convened in Biarritz. For that text is exemplary in two respects.

It is remarkable, firstly, on account of the work method which brought it into existence. The Cologne European Council—at the initiative of our German friends—indeed chose to entrust the drafting of the Charter not to a traditional diplomatic conference, but to a Convention consisting of members of the European Parliament, national parliamentarians and personal representatives of the heads of State and government. This diversity was a strength. The Convention also opened up to other viewpoints by holding hearings of the major NGOs, the social partners and the representatives of Union candidate countries. Lastly, the Convention worked with transparency and interactivity in mind: all the text drafts were available on the Internet and every citizen could send his contribution to the Convention. Pluralism, opening, transparency, interactivity—so many principles whose value and efficacy were underscored by the Convention, so many lines of conduct which should guide the work of all European leaders.

This Charter is also remarkable, of course, by its content. By enshrining in the same declaration civil and political rights, and also economic and social rights, as well as so-called ‘new’ rights, this Charter will embrace a broad vision of fundamental rights which accounts for the originality and success of the

European social model. Whether it is a matter of human dignity or freedoms, equality or solidarity, citizenship or justice, the fifty or so articles of the Charter contain all the principles and values founding our European civilisation. I am pleased that this initiative is coming to fruition at the time when France is holding the Union presidency.

We want a Europe closer to citizens and better meeting their concerns. Europe's priorities must be those of the Europeans. With due regard for the principle of subsidiarity, the Union can be a relevant level in solving practical problems citizens face. With that in mind we devised the work programme of the French presidency. It has been our goal to place Europe at the service of growth and employment. We have worked to re-focus European economic policy along such lines, to promote innovation and build a genuine European area of knowledge. A stronger and more competitive Europe is also a more equitable Europe with greater solidarity. Defining a 'social agenda' is a priority. We have also made progress in the transport field, particularly sea transport, a sector where safety is a legitimate concern of Europeans. Similarly, we are devoting ourselves to protecting consumers better by means of a stricter control of food products. Lastly, we are defining a more equitable and more effective European policy on the right to asylum and immigration.

We want Europe to assume the choices committing the future of its constituent States. The French presidency is sparing no effort so that the Nice European Council will make new steps forward regarding each of the political files it has inherited with the French to address. Union enlargement, first of all, which forms the backdrop to our presidency, is a historic process for our continent. The Union must prepare itself for this prospect, which requires institutional reform: the debates we have just held in Biarritz were very rich and, I feel, useful. You know the stakes involved. I know that the governments of your countries, whether Union members or candidates, are extremely attentive to the contributions they receive from their parliaments. In any case this is a major concern for my government. Lastly, European defence: I welcome the progress accomplished since the past few months. It should help us to reach very substantial results in Nice.

In less than three months the French presidency will end. This half year will have seen, I hope, new advances for the Union and greater support for the European project on the part of our fellow citizens. You will have made your contribution to these results.

Beyond this half-year presidency, you are the privileged witnesses of the transformation process the Union is experiencing: in its geographical

boundaries, in its ways of operating and, above all, in the requirements of its peoples. Tomorrow's Europe will be vaster, more diverse, more multiform and therefore more complex. That is why we will have to preserve and even deepen the founding elements of our unity. The peoples of Europe expect you—elected representatives in the national parliaments and at the European Parliament—to participate in the collective effort to give a meaning to Europe. Your work today and tomorrow will be an ideal opportunity to do so. May your debates be very fruitful and followed by new contributions by COSAC, so that the path taken by Europe continues to be traced with the help of all the parliamentarians of Europe.

Mr Alain Barrau, Chairman – Thank you, Mr Prime Minister, for having commented on the French presidency and COSAC's role in European construction. I give the floor firstly to Mr Manuel Dos Santos, who so kindly welcomed us in Lisbon.

Mr Manuel Dos Santos (Portugal) - I thank the prime minister for the information he has just given us. The complex situation of the European Union is not only the result of a growth crisis. We must break the deadlock we are in. We tried to do so simplistically at the institutional level. Introducing a distinction between big and small countries appears to me to be a wrong approach to the problem. Europe is a peace project and a democracy project. And in such a matter there are no big and small countries: a country either is or isn't democratic and peaceful.

The Biarritz European Council makes us optimistic in this respect, since it appeared that the question of institutional reform remained open. All solutions can therefore be envisaged. I hope the French presidency reaches its aims.

Reaching a better Europe is our fundamental goal. Referring to qualified majorities and closer cooperation, we are heading in the right direction. As for the issues of power represented by the number of commissioners and the weighting of votes in the Council, it is a good thing that these questions remained open at the end of the Biarritz European Council.

The Portuguese delegation will contribute very actively to improving Europe, without losing sight of the public opinion of our country or the opinions of our parliament.

Mr Dimitrios Tsatsos (European Parliament) – We need a Europe that is more efficient, taking more decisions by a qualified majority, and more democratic, which implies a more active European Parliament.

Despite the signs observed in Biarritz we are far from our aims. The list of decisions that have to switch to qualified majority voting is not exhaustive enough.

The issue also arises of efficacy in democracy. The European Parliament must intervene regarding all decisions, in accordance with the Amsterdam Treaty.

How can that be achieved? After the Nice Council, will we still be able to present our vision of Europe in the same terms?

Turning to closer cooperation, a very administrative notion prevails. Closer cooperation must be used as an instrument of integration and progress, by giving it legitimacy. While the right to veto the launching of closer cooperation must disappear, a guarantee must be introduced and the only guarantee is the intervention of the European Parliament.

The European Parliament is concerned about many matters. In the Council, for instance, where equality is essential, a balance must be achieved between big and small countries. A country of a million inhabitants admittedly does not weigh as much as a big country, but it too is a sovereign State. Admittedly, the Council must be representative, but little countries must be given the chance to act.

We really feel that an administrative approach dominates. We must have the courage to affirm the parliamentary dimension, a more political outlook, and heed public opinion. The European Parliament guarantees these principles.

Mr Michiel Patijn (Netherlands) – I thank the prime minister for his clear and instructive overview.

Referring to enlargement, I agree with his remarks. The opening of the European Union to central Europe is a historic necessity and all the European institutions are going to have to rise to this challenge.

But I wonder about the political management of this enlargement. In Luxembourg, two years ago, we decided to negotiate with a group of countries and prepare negotiation with another group. Then in Helsinki, a year ago, we adopted the 'Regate' model: negotiations take place at the same time with all the candidates and the first ready join first. Among the initiated in Brussels, a 'big bang' is now referred to, in other words enlargement to many countries at the same time.

Can the European Council clarify this situation? Can we also have information on the content of enlargement? Will we require these countries to be in a position to participate in the internal common market and join the Schengen area? What will happen with respect to the protection of agricultural markets and the Charter of Fundamental Rights?

In this respect, should it be understood from President Chirac's remarks that the Biarritz European Council has adopted the Charter text, or will there be amendments before its official adoption in Nice?

Dr. Friedbert Pflüger (Germany) – I thank the prime minister. His presence among us demonstrates the importance the French government grants to COSAC and the esteem Mr Alain Barrau enjoys.

Obviously success must be achieved in Nice, and not only superficially but also substantively. The French presidency therefore bears enormous responsibility. A failure would be very badly felt by the Central and Eastern European countries. Whereas they are involved in genuine revolutions and their peoples must adapt to a new life, we would not be capable of reforming our institutions? We cannot allow such a failure. But the Nice Council, I'm sure, will be a success. If the French presidency cannot achieve that, who could?

I also feel we must start thinking right now of what will happen after December 2000. The Central and Eastern European countries expect clear signals from us. Seeing a light at the end of the tunnel would encourage them; and the final phase is always the most tiring. On several occasions already the enlargement date has been postponed by five years. In 1995 we postponed enlargement until 2000, in 1998 to 2003 and in 2000 to 2005. Postponing enlargement once again would be likely to slow down the accession process, promote instability in those countries and lead to enormous costs. We should therefore define a schedule, at least under the Swedish presidency, and no longer create any new categories. If these countries meet the set criteria it will be up to us to make an enormous effort.

Mr Lionel Jospin, Prime Minister - Thank you for these questions which address Europe's prospects and also the ongoing negotiations.

Of course, Mr Dos Santos, Europe is a peace project, even if the Balkans question—which came to the fore again with a violence we were not prepared for culturally as we are too accustomed to peace—came to remind us that even in Europe peace does not prevail everywhere.

The European Union is also a democracy project. But this democracy must always be defended and the presence in several countries, including mine, of extreme-right forces whose conceptions are far removed from democratic principles, show that we must remain vigilant.

But peace, if we keep it, and democracy, if it develops, as shown by the progress accomplished in Belgrade, do not suffice to carry out all our project for Europe. That's what we have already built. From now on it is around economic and social policies, and cultural notions, that we can defend a civilization project which will give a meaning to European construction.

During the French presidency, if we wish to make a success of the IGC we must avoid allowing a cleavage to develop between big and small countries. While we must take decisions with due respect for States of whatever size, democratic principles also oblige us to take somewhat into account their demographic weight, because decisions must be taken by the majority of people.

We took care in Biarritz not to get trapped in a debate between big and small countries. Some press agencies allowed it to be believed that the dinner on Friday evening was negative. That was not at all my feeling. It was an opportunity for heads of State and government, in an informal framework, to examine in greater depth what each could contribute to European construction to make enlargement a success. There was a deep but also warm and not at all strained debate.

We made progress on qualified majority voting and closer cooperation; we addressed very frankly the question of the Commission and the question of reweighting or a double majority. We approached an agreement on two points and, on the two others, we avoided repeating clashes. All of this has therefore fitted in usefully to the run-up to Nice.

Referring to Mr Tsatsos' question, my answer is that we must ensure a balance between the three European institutions—the Commission, the European Parliament and the Council—to which I add the role played by national parliaments in European construction.

The European Union cannot be considered in the same way as a nation. Whatever questions you may have regarding a country's politics—be it Portugal, Greece, the Netherlands or Germany—whatever opposition you feel against a right-wing or a left-wing government, you don't challenge that country: the nation's cement is solid. On the other hand, European construction must, at

each meeting, give proof that it is progressing. For want of noteworthy progress, observers start asking questions and wonder if Europe has not come to a halt. If only for that reason, we must make a success of the Nice summit. It is also for the euro that we must hope this will be the case: if we give the impression we are experiencing a political crisis, our currency is likely to feel the effects.

For the same reason we cannot content ourselves with simply not failing; we need not just an agreement, but a good agreement allowing Europe to operate more effectively. A minimum agreement would not be considered a success.

Mr Tsatsos also questioned me about 'small' countries. European construction has been of great help for them in terms of the respect owed to States whatever their size. 'Small' countries have obtained far more than they could have hoped from a multiplication of bilateral agreements. When the European Council meets, the relative weight of countries admittedly counts, but also the talents and personalities of their representatives and, in that respect, we are all equal.

Mr Patijn, my vision is of course subjective; I am only an enlightened amateur in these fields; the professional is Mr Moscovici who will answer you later on.

Why therefore have two groups of candidate countries been defined? Simply because we observed they did not all have to go through the same steps—their degree of preparation was not the same. We then affirmed the differentiation principle so as not to remain confined to these two initially defined groups. A given country of the second group may perhaps join before a country of the first group. My astrophysics knowledge does not allow me to speak precisely of the big bang, but I don't imagine anything of the sort for the accessions.

Are we going to clarify the enlargement issue in Nice? The French presidency hopes so. This supposes we are not submerged by the IGC issue. I hope we have sufficiently advanced on the IGC for there to be time to speak of enlargement. We do not intend to wait until Nice to lay everything on the table and, in the small hours of the morning saturated with coffee, find an agreement somehow or other.

Leaving aside the listing of points of detail, I hope we reach a global vision of the problems arising for any given country on the path to accession.

All the problems will of course have to be addressed, including those regarding agriculture.

The draft Charter was approved in Biarritz; the discussion is over, the time for amendments is finished. We agreed however to leave the determination of its legal status until later. After its examination by the Commission and by the European Parliament, the Charter can be proclaimed in Nice.

Mr Pflüger wondered who would solve the IGC issue, if not the French presidency. Well, the Swedish presidency, of course! But I really do hope we reach a result in Nice. The enlargement issue is decisive. Not so long ago enlargement enthused many countries and a number of heads of State and government travelled to the East to promise rapid accession to those countries.

The time of realism has now dawned, which I don't regret. Difficult problems are better solved by considering matters as they really are. Yet that does not mean this realism should give rise to double standards and hide a lack of determination to succeed. We want enlargement to be progressive and successful.

Mr Alain Barreau, Chairman – We are now going to address a new series of questions.

Mr Ben Fayot (Luxembourg) – Thank you, Mr Prime Minister, for your plea for a participation of national parliaments in the construction of democracy in Europe! We, national parliamentarians, have enjoyed in that respect an entirely new experience with the Convention for the elaboration of the Charter of Fundamental Rights: we were almost the majority there—30 out of 62 —and, for the first time, we were not faced with a text submitted to us by governments: we were its authors. I really must say it was a quite extraordinary venture for us. Couldn't we draw inspiration from this method for the negotiation of the new treaties and the Constitution of the European Union? If the national parliaments were associated from the outset in these undertakings, in cooperation with the European Parliament and the representatives of governments, no doubt their involvement would be stronger and it would be in the interest of European democracy.

In the second place, we all want the Nice summit to be a success. Undeniable progress has been accomplished regarding closer cooperation, and qualified majority voting but, referring to the size of the Commission, two points of view are still clearly opposed: there are those who feel that only a small Commission would be effective and, in contrast, there are countries, especially

small and medium ones, which militate in favour of each State having its representative. Does the French presidency have an idea of how these apparently irreconcilable positions could be reconciled?

Mr Matti Vanhanen (Finland) – I thank Mr Jospin for having reported on the Biarritz meeting... thereby getting ahead of our own prime minister!

The Finnish parliament is very attached to enlargement and hopes we will find an equitable solution for all the candidate countries. As for the negotiation on the institutions, we would like to know the stage reached by the discussions on qualified majority voting: it is essential to extend the scope of qualified majority voting (QMV). Referring to the Commission, we would like the principle of one commissioner per country to be stuck to, in order to strengthen everywhere the feeling of belonging to the European Union. Turning to the weighting of votes in the Council, we feel it is very important with a view to enlargement. For the first and third pillars, we hope that the new regulations will bring more flexibility so that all the issues can indeed be settled with the cooperation of all. And, of course, we strongly support the French presidency in its quest for solutions, especially as we know the task is difficult.

Mr Andrea Manzella (Italy) – I am also grateful to Mr Jospin for having shown so much interest for this interparliamentary cooperation exercise. Like Mr Fayot, I feel that, from this viewpoint, the Convention for the elaboration of the Charter of Fundamental Rights has marked an unprecedented step forward for democracy in Europe. Let's therefore avoid 'renationalising' and let's apply in this field the principle of subsidiarity! My first question will therefore be: does this method have a future? In other words, is this Convention no more than a flash in the pan or is it going to become the model to be followed for all institutional matters?

Referring to the Nice summit, how do you see the relationship between the Commission and the Council, Mr Prime Minister? And, speaking of the Council, I mean not only the Council of Ministers, which is what is commonly meant, but also and above all the Council of Heads of State and government, the European Council, each meeting of which has led to a huge step forward.

Also, do you believe this summit will allow us to advance towards an economic government of Europe? The European Central Bank cannot indeed be left all alone...

I share all the wishes for success expressed for this meeting of capital importance for enlargement and for peace in Europe, but this success will

require a great force of conviction. May, in this other championship, France do as it did last year in Rotterdam where it finally won because it believed in its chances right to the end! Believe me, like a few months ago the Italians will applaud!

Mr Dinos Vrettos (Greece) – Greece also hopes France will succeed!

Regarding enlargement, we support the idea of staggered admission in terms of the real progress of the candidates. It is indeed better that not all enter the Union together. I feel that the Nice summit should be an opportunity to clarify this point but not to announce choices already.

In the institutional field, the weighting of votes appears as one of the major issues. However, in defence matters in particular, a 'hard core' is often spoken of. For our part, we would like this core to include all the Economic and Monetary Union member countries and we are insisting so that all the Union Member States can participate in it if that is their wish.

I am personally very disappointed that at the time when the common foreign policy is being spoken of so much, the Union is absent from the new negotiations starting in the Middle East. I of course understand that Mr Solana is participating in them, but he appears to have rather a purely decorative role. Shouldn't we require a Union head of State or government to be present? I am thinking firstly of course about France, which holds the presidency...

Mrs Pervenche Berès (European Parliament) – I thank you in turn, Mr Prime Minister, for having, with the other European Council participants, had the audacity to introduce a new procedure for the elaboration of the Charter which has been praised by many before me. I hope that procedure can be used again. Do you think that is possible?

I also thank you for your personal commitment to a carefully weighed text whose balance made it acceptable to all.

As of the Cologne European Council, the heads of State and government looked into the ways of integrating the Charter in the Treaty. Will the French presidency make proposals to this effect? The European Parliament has adopted a resolution asking for the legal status of the Charter to be examined by the IGC whereas it has already been drafted in 'constant law' under the Cologne mandate. We know that some States oppose this. However, European public opinion is not mistaken in seeing in the Charter a sign of the Union's vitality. It would therefore not understand if, in Nice, the heads of State

and government do not decide to make a reference to the Charter in Article 6 of the Treaty on European Union.

Mr Lionel Jospin, Prime Minister – Mr Fayot was the first to mention the Convention, welcoming it. The method chosen has certainly led to fortunate results and the conciseness of the phrases, solidly backed up at the legal level, has allowed common values to be expressed laconically. The momentum given by President Herzog and the quality of the drafters are not irrelevant to this success.

Other texts in the future will be discussed by heads of State and government and the method consisting in calling on ‘wise men’ or qualified personalities to accomplish the essential synthesis work may be used again if they so desire. The system worked perfectly well this time but it does not lie with me to commit all the French authorities or our partners by assuring you it will be used again.

The size of the Commission has been mentioned. You all know there are two opposing conceptions in this respect. Some indeed favour a small size Commission, feeling that would make the body more effective, above all after enlargement. Others believe that each Member State should, to feel suitably represented, be able to send a commissioner to Brussels.

I must say I am surprised to hear such arguments: isn't the Commission the Community body par excellence, the intergovernmental body being the Council? Better: the commissioners' mandate explicitly lays down that they must not defend the viewpoint of their home country but work collegially for the progress of the Union. I am therefore surprised that some States, which are in other respects among the most fervent Euroenthusiasts, suddenly feel the need for an identity link.

We have also heard that the efficacy of a 27 member Commission would not be lesser than that of a national government, sometimes far greater in number. I doubt that, because in a national government—at least when it operates correctly—there is a cohesion which is, in contrast, more difficult to achieve in a body where men and women of different cultures and different legal training work together. I therefore fear that too large a Commission would lead to the risk of a loss of efficacy and bureaucratic sedimentation—but I won't say any more and I don't know today whether a compromise may be found, for instance on the basis of the idea of Commission members having different levels of seniority.

I am pleased to have been able to give the report of the Biarritz Summit to Mr Vanhanen before even the Finnish prime minister... who, it must be emphasised, has an excellent excuse: the very short time he had. Where are we up to, therefore, with qualified majority voting? The President of the Republic stated that progress had been made, but that reservations remained regarding the fiscal field in particular. An understanding was reached in the social field, provided the national social security systems are left alone. As for foreign trade, progress should be able to be made provided we do not extend the Community competences and so long as certain sensitive sectors, such as culture, are taken into account. The issues of the environment, social cohesion and the right to asylum and immigration were also addressed.

I repeat that, as far as the composition of the Commission of an enlarged Union is concerned, the debate remains open, but I don't feel it is necessary for each country to have a commissioner since they are represented in the Council of Ministers.

Mr Manzella showed concern about the sharing of tasks between the Commission and the Council. It is true that the Commission is an original body since its role is to take the initiative for policy proposals, put them forward and execute Council decisions. It must therefore act in an organised and continuous manner and know how to point out the rules when necessary. European Councils should be an opportunity to get the European Union to make progress in successive stages without excessive tension. The peaceful flow of the river would therefore sometimes accelerate, without this faster current projecting the boat against the rocks...

How can the Central Bank's solitude be broken? This institution must be independent—the principle has been accepted—but it would be bad for it to be solitary. Euro-12 members must therefore demonstrate that the political authority is concerned about the future of the common currency whose value must reflect fundamental economic data. A discreet and constant dialogue must therefore be maintained with the ECB.

I now arrive at the eminently serious question of football... I draw several conclusions from the most recent football events. Firstly they make me see proof of cultural hybridisation, since the French, who are said to be often capricious, managed—like the British or the Germans would have—to make an all-out attempt to win right to the very end. I of course saw the despair on the Italian ambassador's face as he watched this last minute defeat while remaining dignified. But Italy should console itself: while France, for the moment, has the best team in the world, the Italian peninsula has the best

championship... As political personalities, you will no doubt appreciate this balance. All the more so since Ferrari has the drivers' world champion!

Referring to defence, Mr Vrettos, the common security policy must not be confiscated by a few, even if some countries can contribute more to the Union's common capabilities. This policy should be defined in common and shared.

As for the common foreign policy, we have progress to make, through Mr CFSP and the presidency, to affirm and identify Europe's competences. The Middle East is certainly not the best application site. The Israelis and no doubt also the Palestinians have for a long time made do with a three-party dialogue with the United States alone. Admittedly things are beginning to move. But, in Biarritz, we weren't going to add to Messrs Arafat's and Barak's difficulty to meet in Sharm El Sheikh by requiring that the European Union be present. President Chirac was particularly careful about that. Mr Solana will be there. He has enough experience and is sufficiently recognised not to content himself with a purely decorative role. On this issue, as on others, Europe's voice must be heard.

Mrs Berès questioned me on the Convention. The Charter text she elaborated could not merely take up the set of common values of the Age of Enlightenment, of the American Constitution or of the Universal Declaration of Human Rights. We are at the dawn of the XXIst century and not in the XVIIIth century drawing to an end, nor even amid the social conquests of the XIXth and XXth centuries. The fundamental rights and the social rights stemming from our common history had to be completed therefore by rights related to ethics, the precautionary principle, and concern for the environment, which rights comply with our historic heritage but meet the new issues facing our peoples. We had to show Europe's capacity to take account of modernity. That has been achieved, I am pleased to say.

As for the exact legal content of the Charter, if we had had to consider in Biarritz the question of including it or not in the Treaty, we wouldn't have been able to reach a substantive agreement. We chose to obtain such an agreement and it has been reached. Each and everyone has also recognised that the debate will resume later.

Europe doesn't stop either in Biarritz or Nice. A debate is open, which has already been marked by the stands taken by important personalities of the various countries on Europe's future, on the new institutional balance, and on what the enlarged Europe will be. How will it be able to keep its unity on which

its efficacy hinges? How can we bring out of its diversity—which is an extraordinary chance in a world threatened by uniformity—the materials for a new synthesis for the century which is beginning? I welcome the fact we have to work on this, not only now but also in the future with the men and women who will succeed us here and in other arenas.

Mr Alain Barrau, Chairman – I thank the prime minister for his speech which is a very strong political and symbolic gesture for us all just after the European Council. The content of his introductory remarks and the precision of his answers to the questions asked will be very useful to us in continuing our work.

The session, after a break, started again with Mr Hubert Haenel as the chairman.

Mr Hubert Haenel, Chairman – Mr Moscovici is prepared to stay with us longer than he had initially planned. I hope he can be asked a maximum number of questions. Fifteen speakers still have to take the floor.

Mr Ernst Hirsch Ballin (Netherlands) – Before asking you questions in Dutch, I wish, Mr Minister, to congratulate you in your language and salute the French presidency for what was accomplished in Biarritz. The European Charter of Fundamental Rights represents an advance as it contributes to the institutional development of Europe. It bears witness to the specific nature of European cooperation. We have every reason to approve this Charter. As for the reform of the institutions, we hope the Nice European Council will lead to good results.

It is important to carry out this reform before enlargement, which is to contribute to stability. But we regularly hear reservations on majority voting in various fields. As these fields are not the same for each country, the addition of their reservations is likely to leave a large area for the veto right. However, if subsidiarity is applied correctly everyone should be able to accept majority voting. How else could we proceed with the opening of the borders, for instance? To solve the problems that international trade may give rise to, customs duties should be introduced—the veto right must not be used.

In the second place, the Charter is a major contribution. But shouldn't it be given a legal status so that the rights of European citizens are guaranteed? Isn't it time to do that?

Lord Wallace of Saltaire (United Kingdom) – Like the previous ones, the next IGC will decide to postpone certain questions to the one after it. I would therefore like to know—and this question is also directed at the German representation since representatives of the Länder mentioned this question—if the IGC to be held in 2004 will have on its agenda the issue of subsidiarity between the European Union and the national governments, and also between the European Union and the regional authorities.

This question is closely akin to that of the relations between big and small countries. At the next IGC there will be 25 participants. Since Luxembourg has one vote, it will have to be accepted that the regional authorities of big Member States should play a greater role. For instance Scotland has five million inhabitants and Wales two million. As it has two commissioners, the United Kingdom has always managed to appoint one who is either a Scot or, as at the moment, a Welshman, with a view to a multicultural Europe. In Germany, Bavaria and Saxony are pressing for this matter to be included on the IGC agenda. Once again, how can it be explained that Luxembourg and Denmark have a stronger voice than Catalonia, Bavaria, Scotland or Wales?

We are also touching here on the questions of the weighting of votes and the size of the Commission. Mr Jospin said that, to be effective, the latter should have few members. I hope we agree on a figure far lower than 20 commissioners. The permanent representatives in Brussels can represent their countries rather than it being mandatory to have a commissioner for that purpose.

The Scottish Nationalist Party points out that if Scotland were independent it would have more weight in Europe. There are problems of balance here, which small States should understand.

Mr Karl Schweitzer (Austria) – I would firstly like to know the criteria whereby the order of the speakers was decided. The Austrian delegation was the fifth to ask for the floor but had to wait for this third series of questions to speak.

Now for my substantive questions. Firstly, the Charter of Fundamental Rights, in its Articles 21 and 22, does not deal satisfactorily with the protection of minorities. The German, British and Finnish delegations have made the same remark. The French presidency must state whether it will be possible to correct the Charter text on this point.

Secondly, the new weighting of votes, qualified majority voting and the composition of the Commission raise questions. With enlargement it will no longer be possible to assign one seat to each country and the new weighting will favour the big countries. According to the French presidency, in which fields will voting by unanimity apply? We feel that it should apply to water, transport and the right to asylum, for instance. Do you share the Austrian delegation's viewpoint?

Lastly, the Amsterdam treaty lays down the possibility of closer cooperation but with such conditions that it has not been implemented. Austria has a very positive attitude in this respect, but points out that all the Union States are equal. All forms of cooperation should therefore be accessible to all. A 'critical mass' of countries must participate in it so as not to hand matters over to a directory of three or four big States. And the countries that do not participate in it should not be disadvantaged. Closer cooperation is only possible if the Commission gives its prior agreement. Yet efforts should not be abandoned at the first difficulty.

I hope to obtain satisfactory answers to these questions.

Mr Pierre Fauchon (France) – Referring to the place where we are meeting, the prime minister mentioned the Ancien Regime and the Third Republic. I wish to add that in this same place, in 1789, men representing all the provinces of France—then most certainly as different among themselves as the States of Western Europe today—gathered to give advice and created the first legislative power. Their example, without following it to the letter, should be stimulating for our institutions.

At this institutional level, can the existence of technical Councils of Ministers avoid the creation of a second chamber of representatives of the States, like the ones in any federal organisation? The system set up in Rome was excellent in the first decades, but can it be prolonged indefinitely? It is manifestly reaching its limits. As for legitimacy, an assembly of ministers and their staff is not a real legislative power; as for efficacy, overloaded Councils of Ministers meeting episodically cannot study in depth complex issues. They do so technocratically. Therefore, even if it is not a priority, we should think about creating sooner or later a second chamber in the Parliament.

Mr Pierre Moscovici, Minister delegate with responsibility for European affairs – In Biarritz all the delegations felt that an ambitious Nice treaty should include the introduction of qualified majority voting as the general rule. Fifty points were under discussion. We have made good progress on just

over half of them; progress can still be made on a further fifteen or so; but cross hesitations bar our way in six or so fields, namely social protection, taxation, the fight against discriminations, immigration and the foreign trade policy. However, the switchover to qualified majority voting obviously cannot be decided except by a unanimous vote. When this has been achieved we will be able to vote as in any democracy: by a majority.

Referring to the Charter, it is true that we preferred to discuss its substantive issues before engaging in a debate on its legal status. Some delegations would have opposed the adoption of a Charter if we had said beforehand it would be binding. No doubt the Charter will one day be the preamble to an institutional treaty. I would not be against a reference to the Charter in Article 6 of the TEU, but I felt hesitations in that respect in Biarritz.

What will happen after Nice? It will be time to think of that once we have arrived in Nice! Will we need another IGC? What content? What schedule? Our German friends are eager for general interest services in the Länder. Other questions may appear. The debates must continue.

The French delegation shares the viewpoint that the Commission must be the product of the Community general interest. That is why we hope the number of commissioners will be lower than or equal to 20, whatever the number of Member States. On this point the Council is divided. We feel that the COREPER or the General Affairs Council could be reformed so that there is a second body sitting permanently in Brussels and made up of State representatives sitting half their time in Brussels to prepare, in cooperation with the Commission, the Council agenda.

Moving on, the Austrian representative should note that in Biarritz his country's delegation voiced its concerns on the rights of minorities. Everyone approved the Charter, stating that we would not go back over its content. That does not mean we have had enough. France is sensitive to social rights; other States insist greatly on minority rights. Each and everyone's wishes are not all met, but we agreed to stop at the balance we had reached. All the delegations approved it, including the Austrian chancellor.

The new weighting is not aimed at strengthening the rights of the big States compared with the small ones. The threshold of votes for the qualified majority has been greatly reduced; it has fallen from 70% of the population to a figure which would be 50% in a 27 country Europe; from 35%, the blocking minority threshold would fall to 11.6%. It would be paradoxical that the

countries asking for one commissioner per Member States do not accept compensation for a commissioner's post being given up by the biggest States.

I expect big progress in Nice on closer cooperation. We agree that closer cooperation is a subsidiary and not a main mechanism, and that it must remain open to all Member States. We made great progress on the triggering threshold, which could be set at eight countries, and on the suppression of the clause of appeal to the European Council. The field remains to be defined—for there are hesitations concerning the common foreign and security policy—and the operating mechanisms, but I am rather optimistic in this respect.

Mr Fauchon harks back to the States General. The prime minister had thought about mentioning them but that appeared unsuitable to him for a COSAC meeting! Is a second European chamber needed? The question is highly debated, especially since all do not expect the same from it. When the federalist Joschka Fischer and the antifederalist Tony Blair want the same thing, I think there is a slight ambiguity. I am not sure that the second chamber is a good idea, but we will see after Nice.

Mr Herman De Croo (Belgium) – I am pleased we can hold such a rich discussion in the wake of the Biarritz Council. I have been a parliamentarian for 33 years; I have spent a third of this time in the government and I have chaired European Councils on occasions. If it is considered that governments represent only majorities, it can be said that in Biarritz only 55% at most of the European population was represented, whereas here, at the COSAC, most of the political forces are represented.

In all these negotiations, fine and noble topics are addressed to the detriment of what people are really concerned about. From this viewpoint, the recent weeks have not been good for Europe with the rejection of the euro by the Danish, and with the difficulties on our roads. By ignoring all that, realism is left behind, albeit for fine principles. The Charter, for instance, is a very good initiative, but if it is not ratified by the respective parliaments, by what right would it be made a European legislative document?

In fact I fear that genuine realism has been buried by the development of subsidiarity. The death toll stands at 50 000 on our roads. Europe is not doing anything. It is incapable of agreeing on such practical issues as relations with the United States in air transport matters.

I fear we are going astray without knowing exactly whether the material questions—I mean to say the conviction of the populations—will receive

attention. We must keep our eyes on the horizon but also our feet on the ground!

Mr Sören Lekberg (Sweden) – I also feel it is important that the IGC work should be concluded in Nice. Sweden would like there to be one commissioner per country. It even appears to me that this was a principle on which agreement was reached in Amsterdam. The big countries should obtain compensation with the weighting of votes. All decisions should be taken by a qualified majority, except for constitutional and fiscal questions where unanimity should be the rule to our mind. As for those which wish to develop closer cooperation, we won't bar their way, but such cooperation must remain open to all.

We were told that it had been agreed in Biarritz that the Charter of Fundamental Rights would be the subject of a political declaration in Nice. We welcome that: indeed this Charter must not obstruct the operation of national courts or of the Strasbourg Court, or hinder the application of the European Convention on Human Rights. Does the French presidency see things this way?

The Swedish parliament is also very much in favour of the Union taking the Members States' population into account in its work: that is the price to be paid for the European project to be close to people and supported by opinion. Even with increased powers the European Parliament cannot suffice to make the Union popular, especially as the participation in its election is decreasing year in year out. How do you see its role in the future?

Mr Bernard J. Durkan (Ireland) – I feel that at this stage it would be a good idea to reflect over everything that has already been said this morning. Mr Jospin for instance declared we are experiencing a period of major changes during which modern Europe is going to be rebuilt and that its success or its failure depends on the contribution we make or don't make to this project. How can we not be disappointed to date? The big Union countries lobby for themselves, ignoring their smaller or economically less powerful neighbours. Ireland cannot but be worried by their impatience regarding the requests of the small countries concerning for instance the composition of the Commission... To date nothing has been done to reassure us! Of course Mr Jospin was clear on this point but, in a period of deep-rooted change, symbols are of considerable importance: one of these could consist in maintaining unchanged the principle underlying the composition of the Commission. Instead of creating new problems for small countries, we would convince them to support more strongly than ever European construction, the formation of the open market and integration of the continent in all its aspects.

Mr Guillaume Martinez Casañ (Spain) – I will begin by congratulating Mr Moscovici for his speech on television last evening, which I had the opportunity to listen to!

The European Union today no longer has much in common with the Common market whose sole players were the States. What everyone now wants to build is a democratic Europe, a citizens' Europe. In this respect we must be very pleased about the French presidency and the impetus given to the draft Charter. Yet will the Charter be able to be incorporated in the treaties and in the national legislations, as Spain desires? If so, when? In the very next few years or only in 2004, on the occasion of the next IGC?

Enlargement will only be possible if we are all united by the Union. France has prepared a draft for the weighting of votes in the Council taking population counts better into account and therefore more democratic: what will be decided in Nice in this respect? More generally, are there files which it has decided to leave to the Swedish presidency or to the next IGC, for want of a possible agreement?

Mr Hubert Haenel, Chairman – I give the floor to Mr Moscovici, who will then have to leave us - I wish to thank him moreover for having stayed with us longer than initially planned.

Mr Pierre Moscovici, Minister delegate with responsibility for European affairs - Nothing prevents any given Member State from ratifying the Charter, Mr De Croo, so that it would become immediately applicable in its territory. But, of course, that would not make it binding in all the Union.

The French presidency is, on this point like on the others, keeping its feet on the ground. Its work is for the most part that of the Council of Ministers and we have made considerable progress on many topics of concern to our fellow citizens: petroleum issues, shipping safety, combating of money laundering, European social agenda... This progress has often been prepared by previous presidencies; the next presidencies will continue to forge ahead, specifying the framework within which subsidiarity can be exercised...

Mr Lekberg, I am most confident, like the prime minister, about the Swedish presidency: if unfortunately we could not conclude in Nice, I know that you will be able to do so in Stockholm or Malmö.

It is true that a protocol appended to the Amsterdam Treaty mentioned the possibility of there being one commissioner per member country, but we

are today working on two options: either a small Commission with commissioners succeeding one another on a fair rota basis; or a Commission with one commissioner per Member State—but this choice would imply a reorganisation, if not different levels of seniority for the Commission members. The final choice will have to be made taking into account national interests and also the Community interest.

As for closer cooperation, we exclude any idea of pioneer or avant-garde groups, or of a hard core or a centre of gravity: we do not want a two-speed Europe! Flexible cooperation is needed, open to all States wishing to join in subsequently, and that was clearly said in Biarritz.

All those who participated in the Convention for the elaboration of the Charter of Fundamental Rights said they wanted a clear interconnection between the Charter and the European Convention on Human Rights, and between the Strasbourg Court and the Luxembourg Court. We reject any form of subjection or contradiction: the two courts should work in harmony.

In Biarritz, the Swedish delegation mentioned the possibility of the European Union acceding to the Convention on Human Rights. That is not our choice. I repeat that we above all seek an interconnection, homothetics...

As for the European Parliament, the codecision field cannot expand with the extension of qualified majority voting.

Mr Durkan, the IGC cannot be described as the setting for an opposition between big and small countries. Small countries have gained considerably from European construction and are infinitely stronger as members of the Union than if they were alone. We must steer clear of two pitfalls: the creation of a directory and the introduction of intergovernmentalism in the operation of the Community, including that of the Commission. If we adopt the principle of one commissioner per Member State, the Commission would then operate like the Council and would be redundant. It would then be likely no longer to fulfil its functions of taking the initiative, and coordinating and managing Community credits.

Contrary to what part of the press affirmed, the Biarritz Council showed that people are beginning to become aware of this point.

Mr Martinez Casañ referred back to the important question of the incorporation of the Charter in the Treaty. He is not unaware that opinions diverge widely on this point: a third of the Member States want this, a third

refuse this and the remaining third do not pronounce themselves for the moment. It will probably be necessary in Nice to stick to proclaiming the Charter, with perhaps a reference to Article 7 of the Treaty on European Union. It will then lie with another intergovernmental conference to settle the matter.

Referring to the weighting of votes, future enlargement makes it necessary to take the demographic factor into account. Not to do so would be a denial of democracy: the qualified majority would be exercised with a very low number of votes and the blocking minority with an even more ridiculous proportion, which would be tantamount to an institutionalised veto right. Another mechanism must therefore be defined, and there are two opposing conceptions: the double majority, which has the preference of some seven Member States, and the re-weighting of votes which the other eight support. The French presidency will draft a proposal for which it could draw inspiration from the weighting proposal put forward by Italy. One way or another Europe must advance, which means that the Union cannot indefinitely postpone decisive institutional decisions.

As I have attended ten or so summits, I can say that the Biarritz summit took place rather well. It took place in a constructive spirit, which makes me more optimistic about the possibility of concluding in Nice. But this greater optimism does not make me lose all lucidity—I am fully aware of the remaining difficulties and the obstacles to be overcome to make the IGC a success. For we don't want any old text, but a good Treaty, settling in a satisfactory manner four essential matters: qualified majority voting, the weighting of votes, the composition of the Commission and closer cooperation. Concessions will certainly be necessary but the final document must be acceptable to all the Member States. In other words, in the next few weeks, the contribution of national parliaments to the ongoing political process aimed—in case it should be remembered—at strengthening the Union's weight, will be decisive.

Mr José Barros Moura (Portugal) – As I have already said, this matter is no football championship. There cannot be a winning team and a losing team: either Europe comes out of the ongoing negotiations victorious or else we all lose. I insist that the discussions on the future of the European institutions must strengthen the Union and allow it to speak, preferably in a single voice. It has been said often enough: the Union was not represented in Sharm El Sheikh at the level it should have been, and that's regrettable.

We must put an end to battles of influence and power conflicts and ensure that progress is made by European construction which is stagnating. The

democratic requirement and realism must encourage us to rethink the vote weighting mechanism, but certainly not along the lines of the Italian proposal: under its reasonable appearance, it is unacceptable for its consequence would be to considerably strengthen the weight of the big States to the detriment of the small countries. Such proposals, which public opinion would not accept, explain alone that the Union cannot manage to speak in a single voice.

Mr Claus Larsen Jensen (Denmark) – Although we worked hard for seven months to convince the Danes to join the euro area we did not manage to overcome their scepticism. That does not mean that we will put an end to our cooperation with the Union: on the contrary, we will continue to contribute actively to seeking common solutions to our common problems. In this respect, our priority is enlargement and we hope it can be carried out with due regard for the interests of the candidate countries, some of which are in a difficult situation. Without more ado we must set clear accession prospects for them, otherwise we will lose the support of the populations concerned.

It is also important, nay essential, to deepen democracy by bringing the community institutions closer to its citizens. This was the meaning of the Danish vote and I have no doubt that an identical opinion would have been expressed in other Member States if a consultation of the same type had been held there. People's support for European construction depends on the strengthening of democracy. Hence the very great importance of real representativeness. This also means that the candidate countries should be able to contribute, they too, to tracing the contours of the new Europe.

Mr Lars Tobisson (Sweden) – May I firstly thank you for your hospitality. It is marvellous to obtain an immediate report of the Biarritz summit. I will make two remarks. On the IGC, we all hope that the questions left pending in Amsterdam will be settled in Nice.

We must observe that a fourth point has been added to them, namely closer cooperation.

But I have heard no-one say that the vote weighting rules would prevent proposals from advancing. Setting the threshold of States required at eight, to avoid a veto, would limit closer cooperation to an insufficient number of countries. We could fear a partitioned development with a two-speed Europe. I hope that will never happen.

As for the Convention, I participated in it. I am not convinced that it provides the best solution to the problem raised. We could have devoted the time remaining before Nice to examining other questions.

The text as it is should remain a political declaration. Otherwise the question of relations with the European Convention on Human Rights must be settled. The risk exists of competition between two Courts of justice deriving from two parallel systems.

The Finnish proposal of giving a legal basis to the Charter should be examined rapidly in Nice.

Mr Hubert Haenel, Chairman – To answer the question raised by the Austrian delegation, I wish to point out that 28 delegations are present. The prime minister answered nine questions this morning. For the second series of questions, you passed in 3rd position out of 15, whereas you were in the 12th place out of 25 who had put their name down. I have tried to treat all the delegations fairly.

The area of freedom, security and justice

Mr Hubert Haenel, Chairman - Mrs Keeper of the Seals, I wish you welcome among us to start the discussion on a topic of interest to all our fellow citizens.

European construction cannot be limited to its economic successes or even to its foreign and defence policy. It must also be synonymous with security and freedom for persons. There cannot indeed be any accession to the common institutions if Europe does not prove capable of defining a protective framework, thereby ensuring respect for the fundamental rights of freedom, security and justice.

Criminality is part and parcel of the globalisation trend and even in its avant-garde.

The Amsterdam Treaty has strengthened the Europe of justice. Many fields coming under intergovernmental cooperation have been communitarised. Above all, it was decided at the Tampere European Council to establish an area of freedom, security and justice. This aim has become a priority, in accordance with the expectations of our fellow citizens. It remains to be put into practice.

Mrs Keeper of the Seals, would you therefore inform us about the results you hope to reach under the French presidency and about the prospects.

Mrs Elisabeth Guigou, Minister of Justice, Keeper of the Seals – It is a great pleasure for me to participate with you in this Conference—which I have attended while exercising other responsibilities and also as a member of the European Parliament—to speak to you about the main worksite of the next 25 years: the area of freedom, security and justice.

I am pleased to salute Chairmen Haenel and Barrau, who have shown how the two chambers of the French parliament know how to rally interest on European issues.

These COSAC meetings give us the opportunity to help the Europe of democracy make progress. The peoples are not sufficiently involved in European construction. It is by working with the European Parliament and the national parliaments that we will be able to involve them more.

This morning with Lionel Jospin and Pierre Moscovici you debated the priorities of the French presidency. You will address the enlargement issue.

I have made a point of my ministry being greatly involved in this process by multiplying the ties with candidate countries. For instance we have put in place institutional twinings, particularly with Poland, Romania and the Czech Republic. My ministry has a long tradition of bilateral cooperation, but we have gone even further on the occasion of the French presidency.

For three consecutive years, 16 October has been the date of an important appointment for me concerning the area of justice, security and freedom.

On 16 October 1998, at my initiative, one of the first meetings on this topic took place in Avignon. Mr Haenel was there. The Avignon Declaration itself inspired the guidelines decided on 16 October 1999 by the Tampere European Council thanks to the remarkable work by the Finnish presidency. The conclusions of that Council formed the basis for defining the priorities of the French presidency. We have worked most cordially with the previous presidencies and with those which will follow. The Tampere conclusions allowed me to give a strong impetus to the process, following the line of the Portuguese presidency which had obtained excellent results.

The French presidency is taking action along three main lines: bringing judicial systems closer together thanks to the principle of mutual recognition of court orders; strengthening the fight against organised crime, particularly against money laundering; and developing judicial cooperation and assistance, without awaiting a harmonisation of judicial systems, which is of course desirable but difficult to obtain.

I will also speak of the strengthening of fundamental rights, even if this step forward does not concern only justice. It was concluded in Tampere that a judgement should be respected throughout the European Union, the mutual recognition of court orders having been considered the cornerstone of judicial cooperation.

In civil matters major progress has been made. France was tasked with drawing up a schedule which will lay down, before the end of the year, a precise and binding work programme, so as to transpose the principle defined in Tampere into the law of each Member State.

We have also made progress in matrimonial matters, with the settlement of proceedings relative to 'mixed couples'. A convention negotiated under the Portuguese presidency has been converted into a Community regulation, known as 'Brussels II'. It is an important text since, in the event of divorce, mixed couples will appear before a single judge. We will no longer see the absurd situations in which two judges from two different countries delivered judgements after hearing both parties. This text will enter into force at the beginning of 2001. The decision of the judge of the place where the couple lives will prevail, which represents considerable progress.

We have worked further to put the principle of mutual recognition into practice regarding another sensitive point: the right to visit children. For the first time, a judge's decision will be enforceable in the territory of another country than his own. With my German counterpart, I have particularly studied the case of Franco-German couples.

Another application of the mutual recognition principle is the collection of accounts receivable. Many SMEs, for want of subsidiaries, have a hard job in collecting their receivables abroad. We would like a European writ of execution to be created so that a court order can be enforced throughout the Union without an additional validation procedure.

Progress has thus been made on two subjects concerning every day life. I am hopeful there will be others.

I also hope that the mutual recognition principle will also apply in criminal cases. The length of court proceedings must be shortened.

Mutual recognition cannot however be decreed. It implies the development of a common legal culture. That is why France suggests a network of legal service training colleges should be set up, associating moreover the candidate countries—like France has already done in the seminars it organises. The Phare programme will contribute to this, just like institutional twinings.

Secondly, France is taking action by combating organised crime. This action should be intensified for such crime is developing and uses the new technological means. Today dirty money circulates at electronic speed and the euro makes the European Union more attractive. Enlargement will be an additional challenge. We must be vigilant to combat corruption, money laundering and criminal trafficking. Organised crime today handles such sums that democracy itself is challenged. It is the duty of the European Union to

prove that freedom of movement is no more profitable for criminals than for the police and judges.

The French presidency is focusing its efforts on combating money laundering. This first step has been achieved with the political agreement of the ministers of finance on the content of a new directive strengthening the Community system in this field. With my counterpart ministers of justice I have ensured that, while extending the fight against laundering to the legal professions, the text preserves for barristers secrecy issues affecting the defendant.

An additional step will be achieved tomorrow in Luxembourg where the first joint Council of Ministers of justice, home affairs and economy and finance will be held. I made this proposal two and a half years ago under the German presidency. It was not adopted because such a Council can be the best or the worst of things. It must be very well prepared. In this case, for such a subject, a joint Council is a necessity. The practitioners indeed tell us that coordination is missing between those in charge of prevention—financial institutions and legal professions—and those in charge of sanctions, namely the police and judges. I welcome the holding of this Council which will promote their reciprocal information and their efficacy.

The Portuguese presidency had achieved a fine success by getting a criminal investigation convention adopted which modernised the Council of Europe convention of 1959. I wanted to complete it with a draft convention on mutual assistance in criminal matters, in order to combat financial criminality and eliminate the obstacles judges face such as fiscal secrecy and banking secrecy.

Thirdly, France is developing judicial cooperation. Justice is a national competence and that will apply for a long time yet. I do not think it would be in our interest to centralise at European level criminal jurisdiction and civil jurisdiction. Admittedly, having the same codes would facilitate matters. But, rather than at unification, I feel we should aim at harmonisation avoiding delays and preserving decentralised systems.

In other fields such as protecting the financial interests of the Communities and combating fraud, mention has been made of the project to introduce a European prosecutor general. Perhaps that project should be deepened, but our immediate responsibility is to ensure good coordination between the States. That's why I have wanted to create a European criminal judicial network, with judges serving as contact points.

Following in-depth work between a few States and upon France's proposal, the Tampere Council decided to create a judicial cooperation unit, EUROJUST, to combat serious forms of organised crime. EUROJUST should become the judicial equivalent of EUROPOL. This step forward seems so important to me that it should be incorporated in the Treaty. Its creation is scheduled for the end of 2001. However, so as not to lose any time, we have proposed to create, as of the end of this year, a provisional coordination unit which will operate from the beginning of 2001. On 28 September this year I obtained the political agreement of all my colleagues on this proposal and we are awaiting the result of the European Parliament consultation. Our approach is pragmatic. Harmonisation of fiscal measures, which is the subject of legal debates, will take time. Without waiting, we want to promote contacts between judges, make daily cooperation systematic, and limit derogations.

Drawing inspiration from these criminal arrangements, the Commission submitted on 28 September a project for a European civil judicial network to overcome certain stumbling blocks. Without awaiting the harmonisation of civil law provisions, it may serve as a European civil justice centre informing citizens about procedures.

All these efforts to combat criminality and harmonise procedures must duly respect fundamental rights. I praise the work of the Convention which elaborated the Charter, a new and essential aspect of which is the protection of personal data. In addition to a regulation which will ensure that the Community institutions respect the national guarantees in this field, a document is being elaborated on this protection within the framework of criminal judicial cooperation. The Charter clearly defines the rights of persons residing in the European Union and affirms at an opportune moment a common base for European construction. Many would like the Charter to be binding. I am convinced that its quality is the best guarantee for its respect. Nevertheless, the Charter could be integrated in the fundamental treaties sooner than we expect. We also took all the necessary steps to ensure that competences are shared fairly between the Strasbourg European Court, which applies the European Convention on Fundamental Rights, and the Court of Justice of the European Communities.

Parliaments must be better associated in the construction of this European area of freedom, security and justice. For too long they were excluded from it because it came under intergovernmental cooperation. The Amsterdam Treaty marked a first step forward for the communitarisation of civil justice, the right of initiative granted to the Commission jointly with the Member States and better guarantees relative to time periods related to European Parliament consultation.

In addition, outline decisions, which are closely akin to Community directives, allow national parliaments to be associated in defining means to reach the aims defined in common. With the national parliaments and European Parliament we will make progress in this field which interests people far more in their daily lives than economic or monetary questions—at least so long as no-one has euros in their purse!

To see this huge worksite through, we must act without waiting.

Mrs Maria Eduarda Azevedo (Portugal) – Following Maastricht, it was feared that the single market would facilitate the internationalisation of crime and terrorism as well as drug trafficking. The fall of the Wall also led the European population to want a more common management of the migrations issue. Amsterdam allowed progress to be made towards a common judicial and security area and to improve police cooperation, particularly by integrating Schengen into the Treaty. But much still remains to be done.

Divergences do not appear at the stage of diagnosis, on which there is general agreement, but on the manner in which we should make progress so that European citizens trust the Community institutions in the justice and security field. As you said, Mrs Minister, the harmonisation of legal matters should not lead to a unification: each people has its own culture and its specific ideas, which must be kept with their differences.

Mr Tanase Tavală (Romania) – Romanian citizens must, like Bulgarians, hold a visa to move on the territory of the European Union. This requirement is barely compatible with our status as candidate countries, which supposes a relationship of partnership and confidence. We are placed in the same category as countries which do not have any special tie with the Union, and we are refused a similar status to that of the other candidate countries. How can that be explained to our fellow citizens?

The Romanian authorities are taking action. They have taken practical measures to combat illegal immigration and organised crime, strengthen controls at Romania's eastern borders and sanctions against Romanian citizens committing offences abroad, reform the visas policy and improve the level of security of travel documents. This significant action reflects the responsible manner in which Romania intends to honour its commitments as a future Member State. The interest for the European Union to have an extended external border requires that Romania should be removed from the list of countries subject to the mandatory visa regime on entry to the Union. The European Commission has made a proposal to this effect. I wish to stress this

point to the Union parliamentarians so that Romanian citizens may move on the Union territory without a visa.

Mr Tino Bedin (Italy) – These security and justice questions concern European citizens very closely. You have not mentioned immigration, Mrs Minister. Yet I feel this is a very sensitive issue today. The French presidency has planned to organise an informal meeting of ministers of justice and home affairs on immigration related questions. France, Germany and Italy have decided together an action plan providing for the control of the Union's external borders. What do the other European countries think of this? Related problems such as family reunification or the reception of refugees will also have to be addressed.

Mr Gérard Fuchs (France) – I quite understand that it is neither necessary nor desirable to unify our legal systems. The system you propose, that of mutual recognition, is both quicker to organise and more respectful of national specificities. Unification is however necessary in three fields.

When the Union creates a new situation where systems of national sanctions do not exist yet—I am thinking, for instance, about the introduction of the euro—it would be necessary to define a European system of sanctions, such as against the counterfeiting of currency.

The Charter of Fundamental Rights mentions new rights in the field of bioethics in particular. Once again we could take advantage of it to define common sanctions aimed, for instance, at a violation of the prohibition of cloning...

My last suggestion will be more general: whenever the Union adopts a directive or a regulation this text should be given not only a financial or an environmental appendix, as is sometimes the case, but also a penal appendix presenting the sanctions applicable in the various countries. Convergence mechanisms could be defined in case the situation would be too different between countries: this would be in the interest of our fellow citizens for, it is well known, offences are especially numerous where there is a lesser amount of legislation against them.

Mr Juergen Meyer (Germany) – I congratulate you, Mrs Minister, for the compromise you have obtained regarding the directive on money laundering. It is indeed important to show that crime literally does not pay! As for banks and credit institutions, they should understand that their reputation is at stake.

For my part I suggest submitting serious forms of tax evasion to the same treatment as the arms trade and drug trafficking. No criminal—Al Capone's example is eloquent—can prosper without engaging in such generally considerable evasion: declaring his income would be tantamount to giving himself up. Let us therefore consider serious tax evasion as an act prior to money laundering!

All those who participated in the elaboration of the Charter of Fundamental Rights congratulate themselves on it. You quite rightly said that it will become a binding legal instrument faster than what was thought. The quality of this instrument is indeed such that many national parliaments, including the Bundestag, have already reached a decision to that effect. These changes also appear to comply with Article 6 of the Treaty on European Union according to which the Union must be based on the principles of democracy and of the rule of law, and on human rights. All in all, it is therefore no surprise that the Luxembourg Court considers that this Charter should become the basis of our law.

Mrs Tuija Brax (Finland) – Finland has just devoted many years to reforming its code of criminal procedure over a hundred years old: any change in legal matters requires considerable time! In a democracy, criminal legislation cannot change every year without damage, especially as it concerns the principles of the State and the culture of each country. I am therefore pleased, Mrs Minister, that you emphasised the need to make progress in cooperation and not to impose identical legal rules on all countries. Harmonisation must be prudent and respectful of national traditions.

Having said that, the Convention observed, during its work, that the principles on which we based ourselves were quite similar and it therefore appears possible to move forward quite fast. I am consequently quite confident in our capacities effectively to combat organised crime or ecological crimes, provided we are humble in addressing the task and provided cooperation does not rule out fair recognition of the different traditions!

Mrs Keeper of the Seals – Indeed, Mrs Azevedo, much remains to be done and that's why I spoke of our next big worksite: the political goal began to be clear only with the Tampere Council and we have just defined the instruments we will need to move forward. It took 40 years to set up the single market, 30 years to make the single currency: similarly we will need a lot of time to achieve the area of freedom and internal security.

Like you, I feel that EUROPOL's operational capacities should be improved in combating terrorism and money laundering, and that its ties should be strengthened with the future EUROJUST. The police should make progress at the same time as justice. The stake is considerable since it is a matter of protecting fundamental rights.

I agree that, in working to draw our systems closer, we should take into account the existing situation and the traditions or cultures of each country. Single criminal codes and single criminal procedure codes for all the Union are today outside of our reach. Nevertheless, as pointed out by Mrs Brax, we can base ourselves on common principles and the great proximity of our respective laws. Mr Fuchs is therefore right in wanting common rules to be established whenever new laws are introduced: monetary and financial field, environment, food safety, bioethics, new technologies... We haven't taken this path sufficiently yet and I would therefore like the Commission's right of initiative to be developed in this field. I insist in this respect on praising the work done by Mr Vitorino.

I have taken good note of your appeal for the suppression of the visas imposed on your compatriots, Mr Tavalá. France places great importance on Romania being able to join the European Union and is sparing no effort in this respect, supporting institutional twinning projects for instance.

The question of immigration is more specifically a matter for my home affairs colleague but, as we participate in the same Council, we must cooperate and I can therefore speak of a common position. The problem stems here above all from the difficulty of effectively controlling the external borders when a good share of the controls are made within the Member States. We must therefore work so that the legal, judicial, police and administrative systems are as effective as possible, including in the States which have not yet joined. To combat organised crime and clandestine immigration it does not suffice to have correct legislation—satisfactory control systems are also needed. However we still fall far short of that, which is why the French presidency has elaborated a draft framework decision on this point.

I believe I have given you an answer, Mr Fuchs. True, we could set ourselves the aim of elaborating a common law in the new fields. But that would not mean that, in doing so, we would be engaging in the definition of a uniform European justice. Nothing would prevent decentralised judicial systems from being maintained. To tell the truth it would be better that things stay like that because the closer judgements are delivered to citizens the better they are accepted.

I feel, like Mr Meyer, that the Union must have an effective instrument to combat serious tax evasion. OLAF, the European Anti-Fraud Office, must therefore make further progress, and it is important there should be perfect cooperation with EUROJUST, particularly in combating organised financial crime. Any kind of rivalry between specialised institutions is indeed totally out of the question.

I welcome the fact that Mr Meyer shares my conviction concerning the Charter of Fundamental Rights: the quality of this text is such that it will compel recognition.

Mr Giorgios Dimitrakopoulos (European Parliament) – It was with interest that I heard Mrs Guigou emphasise the need to make progress in the Community area of freedom, security and justice. In this respect what can we expect from the amendment of Article 67 of the Treaty, in other words from the switchover to qualified majority voting. Mrs Guigou, in her capacity as a member of the European Parliament, had at the time contributed to a five-year transition period being provided for in the Amsterdam Treaty. Where are we up to in that respect? Do the Member State governments intend to extend this transition period and, if so, what is the justification for the extension?

Mr Gerrit-Jan Van Oven (Netherlands) – EUROPOL, established in The Hague in 1994, has been greatly strengthened since its creation, and the Member States have very often called on this organisation, which therefore meets a patent need. However, how long will it be before Community judicial control is exercised over it, and by what means?

Mrs Keeper of the Seals – I have been a long-time supporter of the extension of qualified majority voting without which no important decision can be taken—or, if it is taken, is a very difficult and therefore very slow matter. Our peoples will no longer accept that years are necessary before agreements are found on issues closely affecting them.

Referring to civil and commercial proceedings, I am in favour of a shortening of the transition period. Such a shortening would be more difficult to envisage in criminal cases because the national judicial systems are barely harmonised. However, the distinction made in this respect in the Amsterdam Treaty appears artificial to me: we don't need Community law for everything coming under civil law, for instance. Solutions can be found by using the existing conventions in divorce matters without the need for harmonisation. In contrast, we do need to make swifter progress in harmonising criminal legislations if we want to combat organised crime more effectively.

As for the scrutiny of EUROPOL's powers, this will be exercised by EUROJUST. Yet EUROPOL must develop in accordance with the Treaty provisions, which is not yet the case today. EUROPOL should be strengthened and, pending the setting up and running-in of EUROJUST, its activities will be supervised, like now, by the national judicial authorities, without any rivalry with OLAF.

Much ground remains to be covered, but the Tampere summit marked a decisive step. I thank Finland for the remarkable results obtained under its presidency and I seize the opportunity to emphasise the asset formed by cooperation between successive Union presidencies. Once simple and clear political aims have been defined and priorities prioritised, such cooperation allows suitable instruments to be created, which, after quite natural initial experimentation, will show their usefulness. This development has been particularly welcome within the Council of Ministers of Justice: the discussions are no longer confiscated by experts and there can be no doubt that, once political questions have been settled, solutions will be found. With your help we will move forward, I'm sure.

Mr Hubert Haenel, Chairman – Mrs Keeper of the Seals has categorical imperatives and cannot attend the rest of our work. I will nevertheless give the floor to all the speakers who put their names down for the discussion.

Mr Lucas Apostolidis (Greece) – The prime minister did us the honour this morning of telling us personally about his grand ideas and even his dreams of a united Europe. But we are faced with institutional realities. I expected the French presidency to give commitments on social subjects like unemployment. Admittedly the 35 hour week has been discussed a lot since Amsterdam. I must also point out as a reminder the employment programme.

The Charter of Fundamental Rights is certainly a very important document, but it must include social rights to flesh out European construction.

I now reach the subject that is the responsibility of the minister of justice. Perhaps the presidency can give me an answer. What stage has been reached in the substantive discussions on refugees? Are they still on the agenda? Will the working document on the right to asylum lead to practical measures?

As for the progress of European adjective law, it would be useful for the national parliaments' committees specialising in European affairs to receive in due time, for instance via the Internet, working documents on EUROJUST and

EUROPOL and they should not merely be informed after action has been taken.

Another question worries me: will we be able to establish common rules applying to political and economic affairs and not only to economic affairs?

It is a good thing that the fight against criminality has been made a European Union priority. What stage have the fifteen ministers of justice reached in elaborating common rules that would show a guiding precept drawing politics closer to citizens?

France has a minister of solidarity. May this topic become a real subject of political discussion in Europe!

Mr Laurent Mosar (Luxembourg) – I had four questions to ask the minister of justice...

Mr Hubert Haenel, Chairman - Her staff can take note...

Mr Laurent Mosar (Luxembourg) – ...but she is not there to answer. I will therefore not take the floor.

Mr Philippe Mahoux (Belgium) – I thank the minister for her speech.

I welcome the attempts to harmonise civil law, particularly family law—I am thinking especially about mixed couples. In this field, it is desirable to lay down common rules, not only in the European Union, but also with non-member countries. I am fully aware of the difficulties of harmonising criminal law, which sometimes involves cultural issues. For instance, regarding sexual mutilations, progress remains to be accomplished at European level. Some States have taken measures to take proceedings no matter where the criminal offence was committed.

Regarding the protection of private life and individual rights, we have not obtained all the assurances we wanted. Scrutiny of police investigations is necessary at European level.

As for immigration—which is also a responsibility of the ministers of the interior—we insist on control over trafficking in human beings, whether it is aimed at sexual exploitation, undeclared employment or illegal immigration.

The European commissioner tasked with these issues has informed us that 3 000 corpses are found each year along the coasts of a Member State. So we still have a long way to go in this field.

Lord Wallace of Saltaire (United Kingdom) - The European Affairs Committee of the Chamber of Lords will publish in two weeks a report on border control which will, I hope, be useful to the candidate countries. How can the European Union's borders be controlled effectively, with due respect for the law and cooperation between States? This question raises major problems, particularly at Europe's southern and eastern borders.

Austria and Germany are likely to ask for stricter controls than those in force at the Union's external borders. We know that illegal immigrants are entering the United Kingdom and the European Union, especially via the eastern borders. The present controls are not sufficient.

Efficacy requires cooperation with the States situated on the other side of the border: Poland, Hungary, Slovakia and, in the future, Ukraine and Russia. Who will pay? How will this impact the European Union's budget after enlargement? I also wish to raise the question of common visas and visas with multiple entries, which are very useful to maintain open economic relations with the candidate countries. These relations must not be hindered by border controls.

Mr Ignasi Guardans (Spain) – I wanted to question the minister of justice on the parliamentary scrutiny of the third pillar. We have debated in depth on EUROPOL and the Schengen system in the Spanish parliament. National parliamentary scrutiny can no longer operate, neither can scrutiny by the European Parliament since it is a matter of intergovernmental mechanisms.

The visas and police questions directly concern fundamental rights. There cannot be any parliamentary scrutiny in these fields. As for the proposals put forward by the French presidency to combat organised crime and money laundering, we feel in Spain that obliging barristers to inform of their suspicions concerning their clients raises a problem: this obligation is acceptable from the political viewpoint but challenged by barristers. We are having to face in Spain a real civil disobedience movement on their part.

Mr Pierre Fauchon (France) – I am not totally satisfied after having heard the explanations by the minister of justice. In actual fact we are still in interminable intergovernmental and interadministrative procedures.

The decision on EUROJUST was taken more than a year ago and nothing has been done yet. We are in a situation of paralysis whereas organised crime made its Europe ages ago.

We must change method. It is too easy to say we are going to draw judicial systems closer together because it would be too difficult to unify them. That remains to be seen ! In France, a renowned law professor, Mrs Delmas-Marty, has shown in a report that it would not be so difficult, in combating cross-border crime, to define a common body of law and to unify the procedures by appointing a European prosecutor general who would have correspondents in the national systems. It is an interesting proposal.

We should not leave such a reform to intergovernmental and interadministrative processes whose limits we can clearly see. Two years ago I proposed to convene a convention similar to that which, against all expectation, elaborated the Charter of Fundamental Rights. Why not convene such a convention to appoint the European prosecutor general and combat money laundering? If we really want to combat criminality we should try that. Let's try!

Mrs Nicole Catala (France) – We have mentioned the existence of provisions making it possible to interconnect the European Convention on Human Rights and the new Charter of Fundamental Rights. What are they and how do they share competences between the Strasbourg Court and the Luxembourg Court? I have already expressed my fear of an interpenetration of texts and jurisdictional powers.

If Mrs Guigou were still here, I would ask her if, in the drawers of the Community institutions, there are draft texts which could be adopted—before the end of the five year period laid down in the Amsterdam Treaty—on the entry and residence of foreigners from non-member countries. Are we heading towards the definition of uniform rules?

Lastly, since she herself expressed regrets relative to the scope of the communitarisation of justice and home affairs, I would like to have asked her if, to her mind, it would be possible one day to take a new look at this point. The adoption of the Amsterdam Treaty has indeed placed us in an absurd situation: we must use the legal instruments of the first pillar to define the matter that is the subject of a penal sanction, and those of the third pillar to apply the sanction. The Amsterdam Treaty has complicated a situation which had no need of complication.

Mr Hubert Haenel, Chairman – There are ten or so of us here who participated in elaborating the Charter of Fundamental Rights. Getting it to fit in with the European Convention on Human Rights was a constant concern. Mr Badinter, like you, raised this problem to oppose the Charter. But that's like not being able to see the wood for the trees. The European Convention is fifty years old: new rights had to be recognised. We worked in the presence of observers from the Council of Europe and representatives from the two courts, who approved the drafting of Article 52-3 of the Charter, according to which: *'Insofar as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention'*.

I also wish to refer you to the comments on this Article which appear in the text drawn up by the Convention Presidium.

Role of national parliaments

Mr Hubert Haenel, Chairman, (France) – I am going to synthesise the results of two questionnaires on the role of national parliaments sent by the COSAC presidency to the competent parliamentary committees. One concerned the Member States and the other the candidate countries.

Referring to the Member States, 14 parliaments out of 15 answered. Some results arrived too late and could not be taken into account. The foremost aim of the questionnaire was to update our knowledge on the way the European affairs committees of national parliaments operate, since the last debate COSAC had on this topic took place five years ago.

In the majority of cases there have been no fundamental changes since 1995: the answers tend to underscore an effort to get the existing system to operate better.

Two trends can be seen: the field of national parliamentary scrutiny is tending to extend to subjects coming under the second and third pillars of the Union; there is a concern to strengthen the relations between European affairs committees and the other standing committees.

Several questions were related to the application of the protocol on national parliaments appended to the Amsterdam Treaty. On the whole the answers show that this protocol has not had any notable consequence, and that some difficulties remain: the information of national parliaments could in some cases be swifter, particularly regarding changes to texts during Council work; transparency is not always sufficient when the three institutions work on unofficial draft compromises; the timescale is often too short between the end of the examination of a text by COREPER and the Council decision; lastly, the Council's rules of procedure have adopted a narrow definition of the expression 'proposal for legislation'; some important texts therefore do not qualify for the six week period guaranteed by the protocol, particularly budgetary acts, interinstitutional agreements and external agreements.

It thus appears that the Council should make additional efforts so that scrutiny by national parliaments can be facilitated.

Referring to the circulation of information between the European affairs committees of national parliaments, the majority wish to be better informed on

work by counterpart committees. Practical obstacles, especially linguistic, should not be underestimated, but progress can be made using the new technologies. Each European affairs committee could make an effort to include on the Internet site of its parliament a maximum amount of information on its standpoints; e-mail could also be used more widely. We did so to the general satisfaction in the Convention which prepared the Charter.

Finally, the last question concerned European Parliament committee meetings open to national parliaments. Participation in these meetings is unanimously deemed positive. Many delegations however ask for more precision and stability regarding the schedule and agenda and a stricter organisation of debates allowing national parliamentarians to intervene usefully. Lastly some would like a report of the debates

Turning now to the candidate countries, I regret they did not all answer the questionnaire. Some answers arrived too late to be mentioned here.

The nine answers we received include some points of convergence: the European committees of the parliaments of the candidate countries feel they are generally well informed by their governments; generally there is no special procedure for the transposition of Community legislation; however two parliaments have a shortened procedure speeding up the examination of transposition texts; the accession negotiations are followed closely and regularly, but no government is bound by a negotiating mandate; lastly, Community technical assistance in the form of the TAIEX programme or the PHARE programme or of these two programmes, as well as the various forms of bilateral technical assistance, are unanimously appreciated. It is hoped that these mechanisms will be kept and even developed.

On other points it is more difficult to draw conclusions: the role of the European committees appears to be very different from one country to another. They do not have a legislative role in Estonia and Lithuania. They are, on the contrary, most often competent for texts transposing the Community *acquis* in Cyprus and Hungary. In Poland, the Czech Republic, Romania and Slovakia they give an opinion on the compatibility of legislative texts with Community law. Similarly, ensuring compatibility with European legislation comes under very different procedures. It is considered as a governmental responsibility in Estonia, Hungary and Lithuania. In contrast, a specific committee has been set up for this purpose in the parliament in Cyprus, Romania, Slovakia and the Czech Republic.

Lastly, a question concerned co-operation between European committees and the candidate countries. Except for Hungary and Poland, for historic reasons, the answers show that the experiences of the other candidate countries—and in some cases the experiences of the member countries—were taken into account when a committee specialised in European affairs was set up. The answers also suggest that cooperation is being pursued between the counterpart committees of the candidate countries.

I will now open the discussion. Conflicts of competence between the European Parliament and national parliaments are no longer the order of the day. We hope to give more place to national parliaments to make up for the democratic deficit in Europe. You have just heard the results of the questionnaires sent to the member states and the candidate countries. In France, the National Assembly and the Senate are organising more and more bilateral meetings with the European affairs committees of other countries and with European Parliament committees. I think this is also the case in the various countries, and these exchanges on the role of national parliaments are useful. I will now give the floor to the speakers.

Mr Edvins Inkens (Latvia) – I would firstly like to express my high esteem for the French presidency which is assuming the responsibility for essential issues.

Latvia has a Weimar Republic type constitution. It is therefore a country with a parliamentary regime. In our country half the legislation stems from parliamentary initiative. We have coalition governments which must closely heed parliamentarians. The six parties represented in the parliament support accession to the European Union; this can therefore be considered as corresponding to a common political will.

During discussions with the government on the accession procedures, our specialised committee operates in the same way as the similar committees of the Finnish and Danish parliaments. At each step of the accession negotiations our government must obtain the agreement of our specialised committee. In other terms, parliament has a veto right during all the negotiation process. We do not have any difference of appreciation, but it is important for us to maintain this close solidarity between the parliament and the government because the supporters of accession represent a short majority in the country. The quality of the process is essential if we wish to lessen difficulties later.

Mr Richard Corbett (European Parliament) – Eurosceptics in my country seek to set national parliaments against the European Parliament. To

my mind, the European Parliament and the national parliaments are complementary and not contradictory. It is, for instance, up to the European Parliament to keep an eye on the Commission. National parliaments are now guaranteed a six week period between the communication of a proposal for legislation or a proposal for a measure and its placing on the Council's agenda. The European Parliament, for its part, has enjoyed co-decision power since Maastricht and Amsterdam. Improvements are of course possible. For instance the period of reflection granted to national parliaments could be lengthened and extended to non-legislative proposals.

The President of the French Senate, Mr Poncelet, has spoken of creating a second chamber. We should firstly ask ourselves how it would work and what its purpose would be. The Council is already a kind of second chamber; admittedly it is composed of ministers but so is the Bundesrat. Do we want to increase the power of the Council, as Mr Fischer desires? I do not think many parliamentarians are ready to follow him! Creating a second chamber in the European Parliament would be tantamount, to my mind, to creating a third chamber, if we count the Council. The mind boggles at such complexity! Furthermore I am not sure a second chamber composed of national delegates would operate well. We saw what that led to for the European Parliament before 1979. Such or such a delegation was always missing because it had an essential election in its country!

If there is a disagreement between a national parliament and the ministers who represent that country in the Council, it is a national affair which must be settled at that level. I agree with your point 6 consisting in developing co-operation between national parliaments. This could appear on the agenda of a future IGC.

Mr Tibor Szanyi (Hungary) – The parliamentary agreement of 11 September established the bases of an agreement between the national political forces on key issues related to the accession of our country to the European Union. We want as swift an accession as possible in conditions as favourable as possible. We do not want eternal negotiations: the accession negotiations should be completed before the end of 2001. Our parliament has created a European integration committee comprising representatives of the foreign affairs committee and of the sub-committees of the European Union. All in all, it is made up of 40 members, in other words 10% of the parliamentarians. All the parties represented in the Hungarian parliament have understood the timeframe laid down by the European Union to receive new Member States; we are now doing what has to be done so that enlargement will be effective in 2002.

Mr Antonio Nazaré-Pereira (Portugal) – Scrutiny of European politics is a recurrent topic in public opinion. The protocol appended in Amsterdam lays down provisions relative to the information of national parliaments and to their participation in the legislative activities of the Union, which must still be improved. The European Union forms an unprecedented union of States and peoples. Although far from perfect, it is an historic blessing. The States have a formal representation at the Council; the peoples are represented in the European Parliament and in the national parliaments.

Some, here, have proposed to create a second or a third chamber to achieve a better interconnection between the national positions. But the challenge is above all to reach a better interconnection between the European Parliament and the national parliaments in order to make European construction more democratic. We must achieve a complementarity of competences, a conjunction of these two parliamentary cultures with a view to strengthening scrutiny of European politics.

After the Amsterdam acquis, the French presidency has allowed this topic to be introduced into the debate, but upon analysing the answers to the questionnaire drawn up within the COSAC framework, it can be seen that procedures are still being sought in national parliaments to analyse, in due time, information coming from the Council. Our committees often experience difficulties in addressing many issues of a highly varied nature. This is the case in particular in Portugal: even if we have made enormous progress, it is clear that we must become more efficient by changing our scrutiny and follow-up instruments and by using new means such as the Internet.

Representing their electors, national parliaments are the guardians of sovereignty and are also responsible for a balanced transfer of powers to the European Union. They must express the aspirations and concerns of peoples. For that purpose, and to help European citizens better to understand what is at stake, it is essential that they have easier access to the decisions that are taken.

Mr Giovanni Saonara (Italy) – I feel the analysis of the answers to the questionnaire should be reconsidered, especially concerning the impact of the Amsterdam protocol on the time national parliaments are granted and on their work methods. Italy has fallen behind in adapting its work methods but the situation has improved slightly even if the procedures must be further strengthened. Without an adapted methodology and organisation of work, there is no point in going on about the role of national parliaments in the European decision process. Rhetoric on this subject is admissible, at a pinch, with 15 members, but with 27 it must become a thing of the past. That is why,

in the proposal for an amendment which we will present for the draft contribution, we insist on the need to develop co-decision and co-operation between national parliaments. It would perhaps also be necessary to organize more specific co-operation between specialised committees. COSAC's rules of procedure allow us to create working groups: let's use this provision to address the crucial question of closer co-operation!

Lastly, I cannot forget that last month, the President of the European Parliament mentioned the possibility of convening an interparliamentary conference. The Italian delegation wants the Nice European Council to be a success but wouldn't it be opportune to convene, at the beginning of the Swedish presidency, a specific COSAC?

Lord Tordoff (United Kingdom) – Mr Corbett raised the question of the second chamber, but it isn't because Mr Blair is in favour of the project that it will materialise! In any case the last time the House of Lords addressed the issue it was hostile to it. However, it has not yet adopted a final position: the report that has been decided on in principle will not be completed before the end of the year or the beginning of next year.

As you no doubt know, our Assembly has elaborated a very complex system to examine Community legislation; some 70 members of different committees devote their time to this, without mentioning 15 or so specialists and advisers. Yet we welcome the fact that COSAC has included this question on its agenda: you can always learn from other parliaments!

There are also cases when this examination may go wrong: for instance a draft framework Directive on employment and education has been submitted to us, and the specialised committee has been asked for a report whereas the only document available is a working document ... in French. It is therefore very unlikely that the other committees will have time to express their opinion once the social affairs committee has finished its examination. Matters should not take place like that, and I am therefore pleased we will be discussing tomorrow a draft contribution, one provision of which aims at introducing a more flexible period of time for the discussion of amendments.

Mr Victor Bostinaru (Romania) – The national parliaments of the candidate countries must maintain public opinion support for the idea of European integration at as high a level as possible and they must combat euroscepticism among the population. They must also amend in the best conditions the national constitutions so as to allow delegations of sovereignty to

the Union. All of this requires seeking a consensus of the political forces, which only national parliaments are able to promote.

Recently, personalities expressed the idea that the Union should carry out substantive reforms to become more efficient and more powerful on the international scene; some even advocated a form of federalism. If we want such a project to have democratic legitimacy, national parliaments must be able to debate it. If they are not associated in the discussion, the European project could be compromised.

The Union must acquire an effective common foreign and security policy. The candidate countries, which have always supported the Union's external action—we saw that in Kosovo for example—can contribute through their national parliaments to defining and implementing this common policy. In any case I reaffirm the Romanian parliament's commitment to participate in this debate.

Mrs Roma Dovydeniene (Lithuania) – The parliaments of the candidate countries can, like those of the Union member states, contribute to strengthening democracy in Europe. Since a parliamentary committee for European affairs was set up in 1997, the Lithuanian parliament has been following very closely the issues related to Lithuania's accession to the Union. Each aspect of the negotiations is the subject of dialogue with the government. On 17 occasions, the European affairs committee has made precise proposals to the government, particularly drawing its attention to the difficulties which will not fail to appear during the transition periods. The committee, the composition of which is going to be changed in the wake of the recent legislative elections, has only an advisory opinion. But it has played and will continue to play an important role in defining the policies conducted by the Lithuanian government during the accession process. This role will moreover be analysed within the framework of the PHARE programme, a welcome fact. Yet a more constant flow of information from the European Parliament and the Commission, via Internet, would be desirable.

Mr Matti Vanhanen (Finland) – The Amsterdam Treaty has had little influence on how the Finnish parliament operates, that being defined by our constitution. Our role is to scrutinise the policies of the government, which needs parliamentary support to conduct its European policy. The government therefore quite naturally informs parliament of all the aspects of discussions in the Union. Finland does not want the European Commission to be obliged to inform national parliaments. It indeed feels that this obligation lies with governments.

On the practical level, the Grand Committee meets on Fridays after COREPER and gives its viewpoints on ongoing affairs to ministers who will take part in the next Council. In this manner, the Finnish parliament follows Union affairs from their beginning to their end.

Mr Claus Larsen Jensen (Denmark) – Since Denmark joined the European Union in 1972, a specialised committee of the Danish parliament gives a mandate to the government to present the country's positions at Council meetings. The democratic legitimacy of positions adopted by the executive is therefore strong and a constant political debate takes place on European affairs, both in the parliament and among the population.

But we are hindered in our analyses by the time taken for Community documents to be communicated—they always reach us too late. That also applies for COSAC documents... Generally speaking, we should seek to strengthen dialogue within COSAC by defining new procedures once we have closely studied the way each parliament deals with the topics addressed.

Mr Alain Barrau, Chairman – The speeches have shown me the interconnection between the work of national parliaments and that of the European Parliament. I also note that each parliament strives to intervene upstream from governmental decisions, whether it is a matter of giving a mandate or providing data—therefore well ahead of the stage of ratification of treaties and agreements. It would not be inopportune, lastly, if a working group set up within COSAC were tasked with circulating information between two conferences. A proposal to this effect could be drafted tomorrow.

Enlargement of the European Union

Mr Alain Barrau, Chairman – Hubert Haenel and myself wished to make enlargement one of the debate topics of COSAC because it is a priority for our country and a matter of political importance for tomorrow's Europe. Just as we affirm the need to reform the European institutions so that the Union is in a position to receive new Member States, so also we feel that enlargement should not denature European construction but allow the candidate countries to join a genuine political, economic and monetary union.

I give you the floor, Mr Minister.

Mr Hubert Védrine, Minister for Foreign Affairs – You were right, Messrs Chairmen, to devote a large part of the work of the 23rd COSAC meeting to the enlargement issue. Thank you for having invited me to it.

It is indeed important for national parliaments to be very well informed and to debate more often major European issues, especially enlargement. That cannot but strengthen their role in European construction.

Enlargement is not of course the European Union's only priority, but it represents a major political goal for it, which alone would justify the reform of the institutions on which we are working.

Pronouncing oneself for or against enlargement is no longer the order of the day. Everyone is now in favour, since the accession negotiations have started. We must now make a success of enlargement—for the candidate countries and for the European Union.

Recently many European leaders have rightly emphasised that efforts should be made so that the stakes and the results of the ongoing negotiations are better understood. This is not always the case. We sometimes witness a certain confusion. Explanation must come in particular from national parliaments, which in most countries will have to ratify the accession treaties.

How, in the coming months, does the French presidency intend to exercise its influence to get matters to advance?

The Union is today holding no less than twelve negotiations in parallel, six started in 1998 and six this year. There is therefore no possible comparison between the ongoing process and those started previously. Never had the Union opened so many simultaneous negotiations. By virtue of the differentiation principle recognised by the Helsinki European Council, the negotiations are held on the basis of the specific merits of each candidate country. Progress in the negotiations does not depend on such or such a fellow feeling or political affinity, but on the capacity of each candidate country to transpose and apply the Community *acquis* which is divided into 31 chapters. All of the chapters—except for that on institutions— have been opened with six of the twelve candidates: Poland, the Czech Republic, Slovenia, Estonia, Hungary and Cyprus.

The Union feels that negotiations on several chapters—between four and sixteen—are ‘provisionally closed’, which is a euphemism, the basic principle being that nothing is approved as long as everything has not been approved.

We have therefore provisionally completed the discussions on the free movement of goods with the Czech Republic and those on the free movement of capital with Estonia. These are two of the four freedoms of the single market. France has brought the negotiations to a successful conclusion with Cyprus and Estonia in the field of European social policy, which it holds particularly close to its heart, and the energy negotiations have been wound up with Hungary.

These are just a few examples. Delegates of countries which are not mentioned should not worry!

The negotiations should be pursued in the very sensitive fields of the CAP, the Schengen area and the environment.

The only solution consists, in a first stage, in making an objective analysis of the difficulties. That is the prerequisite for strict and serious negotiations. Problems cannot be left aside out of friendship or because that's the easy way out. Issues have to be dealt with in depth, otherwise all the matters left pending will be so many time bombs which would backfire tragically against the countries concerned and against the Union. Seriousness and strictness are, in this phase of the negotiations, the best response to the sometimes legitimate impatience of the candidate countries and to the equally legitimate concerns of the Union member states. The only response is to negotiate seriously and as fast as possible.

With this in mind, the French presidency will work with the Commission to assess the progress made by the candidate countries in transposing the Community acquis and their capacity to apply it effectively.

The French presidency therefore intends to give a new impetus to the negotiations by getting to the heart of the matter. At the end of the French presidency, negotiations will be opened in forty-two new chapters with each of the six countries that entered into negotiations this year. More than half of the acquis field will therefore have been examined. We are also going to address the substantive issue of applications for transition periods. When they are realistic, such applications are preferable to an imperfect transposition of the acquis. But some of these applications, by their scale, could jeopardize the basic principle of accession: transposition of the Community acquis. They will require political arbitrations in the final phase of negotiations. We will try to deal with the greatest number of them so as to pave the way for the global agreement which will conclude each accession negotiation.

We also wish to lay out the prospects and develop a method for the continuation of the process. This is the meaning of the 'global view' we are preparing for the Nice European Council. The aim is to take stock, in a precise and synthetic manner, of the twelve ongoing negotiations. Where is each country up to in transposing the acquis? Is each country keeping its commitments? How can we bring the negotiations to a successful conclusion? Does the European Union itself have points to clarify? In this way we will be able to propose an accession scenario to each candidate country. For the General Affairs Council of 20 November, we will have synthetic tables presenting the situation.

Even so, the European Union will not fix an accession date, even if that is the desire of some countries which feel this would be a factor of internal mobilisation. It would be arbitrary to fix the date on which the negotiations should end. Moreover that has never been done. When we passed from six to nine, from nine to ten, from ten to twelve and then to fifteen, we negotiated until solutions were found. That is more honest and more satisfying.

Further, how could we fix the same date for all? Nobody wants that. We would in fact have to fix a date for each country and you can imagine the endless controversies and the disagreeable comparisons that this would create.

A target date in fact already exists, which can mobilise Member States and candidate countries alike: that of 1 January 2003, fixed at the Helsinki European Council. By that time, the Union will have to be ready to receive the

candidates meeting the conditions. This is a binding date for the European Union. Respecting this obligation supposes completion in Nice of the negotiations on the four subjects of the intergovernmental conference.

Referring to Turkey, the European Union accepted its accession candidature, after lengthy discussion, at the Helsinki European Council but without starting negotiations. The ground remaining to be covered cannot be underestimated. The French presidency will strive to get progress made in the pre-accession partnership concluded with that country.

The European Union must do its utmost to make a success of enlargement, which implies a common vision of European construction on the part of the Member States and the future members. France therefore launched in 1997 the idea of a European conference—which idea moreover took up a previous initiative which had not unfortunately materialised—so that the Member States and the candidate countries can discuss all Europe-related issues. Two meetings of the European conference are going to be held: the first in Sochaux on 23 November, at ministerial level, and the second in Nice on 7 December, at the level of heads of State and government. On this occasion we will draft a progress report on work on the reform of the institutions and will be able to start a joint political analysis on the operation of the enlarged Europe.

We are determined to succeed and solve all the problems so that the enlarged Europe is stronger and can develop its tremendous potential.

Mr Alain Barreau, Chairman – Thank you, Mr Minister, for having introduced our debates in a particularly clear and frank manner.

I will give the floor first to the representatives of the candidate countries.

Mr Tunne Kelam (Estonia) - Mr Minister, I appreciate the French presidency's involvement regarding the enlargement issue. It is known from experience that institutional reforms go hand in hand with enlargement. It is therefore a matter of knowing to what extent the Nice council will be able to be considered a success.

A pretext should not be drawn from a delay in the institutional reforms to slow down enlargement. It would be too easy to postpone it on the grounds that problems have not yet been solved. Our common interest is that the two processes should promote one another mutually.

As for the populist and extremist movements in Europe, they seek a third approach and wish to prevent the construction of a united, prosperous, stable and peaceful Europe. Ambiguities must be cleared up.

COSAC allows the candidate countries to get involved in building an area of peace respectful of human rights. It is a good forum.

Mr Dimitar Abadjiev (Bulgaria) – There is no doubt that we all agree in approving the statement made by Romano Prodi on 6 September this year before the European Parliament: enlargement, he said ‘forms the historic challenge of our generation’.

In Bulgaria we are preparing to rise to the challenge, as stated by our minister for foreign affairs in Luxembourg. We hope that the French presidency will adopt a positive attitude on the opening of negotiations with Bulgaria as with the other candidates which have made progress with a view to accession. It is fair to judge each candidate on its own merits.

Freedom of movement is a major Community acquis. I therefore hope that the European Council will rapidly agree on a list of third countries whose citizens do not need a visa to enter the European Union. Exempting Bulgaria and Romania from this obligation would strengthen the stability of these States. Given the progress accomplished concerning justice and home affairs, our country expects a political decision on this point.

Mrs Rosa Dovydeniene (Lithuania) – We welcome the intensification of discussions on enlargement at parliamentary level.

Our progress has allowed us to join the Luxembourg group. Since the accession negotiations started, public opinion's support for accession has increased in our country to reach 70%. It is now essential that the Nice European Council should reach an agreement on a series of substantive reforms that will accelerate the process.

We are however worried about the scepticism arising in the European Union regarding enlargement. Let us hope that the information campaign launched by the Commission will remedy this situation. We also appreciate that the European Parliament has asked the Commission to conduct a study on the cost of ‘non-enlargement’.

Enlargement is a mutually advantageous process. Yet prejudices remain relative to agriculture, the free movement of persons and transition periods. The

citizens of our countries want to be fully fledged European citizens in the accession process, and not second class citizens.

Many issues remain to be solved. Lithuania is making rapid progress in preparing its accession to the European Union.

Mrs Dolores Cristina (Malta) – Some information that appeared in the press could leave the impression that there were some dissensions between the Member States in Biarritz regarding the enlargement issue. The optimistic remarks yesterday by Mr Jospin and Mr Moscovici have contributed to dispelling that impression.

Malta shares the expectation—and even the hope—of the other candidates. We hope the IGC will come to a successful conclusion this year so that the Swedish presidency can place the accent on enlargement.

The Amsterdam work must be completed and the dynamism of the process should not be slowed down. In September this year, in the joint Vilnius declaration, the twelve candidate countries insisted on the importance of enlargement and on the fact that each country should be judged on its merits.

The enlargement procedure is following a foreseeable pattern. Some are applying pressure for the timeframes to be shortened to avoid an upsurge of instability. Enlargement is undoubtedly the most ambitious project for Europe's future. It is essential that decisions be taken in Nice.

Mr Frantisek Sebej (Slovakia) - Enlargement presents some risks for the member states and also for the candidate countries. Some political groups are campaigning against enlargement. Observers are wavering between scepticism and hope. The delay incurred in the process is merely strengthening its adversaries, particularly in countries like Slovakia, the Czech Republic, Poland or Hungary, where support for accession is very strong. If accession does not take place within a three or four year period, this support could well weaken. People cannot remain enthusiastic eternally. Even in the European Union, opinion would start to believe that such delays underscore real problems.

Our countries, which are not members of the European Union, share however some of the problems of Western Europe. Their currency is pegged to the euro, which is at its lowest, and they pay their oil in dollars, at the same price as the other countries of Western Europe.

Our parliament, like our government, is feeling somewhat uneasy over the delay incurred in the negotiations. We know that the Community administration is overloaded with work but, to keep hope, we would like a new impetus to be given.

Mr Hubert Védrine, Minister for Foreign Affairs – On the precise question of visas, the French presidency is in favour of Bulgaria no longer being one of the countries subject to visas, given the efforts it has made in the police, justice and administration fields. By adopting these reforms, Bulgaria has, in a way, recognised that there were real problems before.

However, abolishing the visa obligation requires a qualified majority decision. France is trying to obtain it, but some other States feel that the progress accomplished is insufficient.

On a more general level, one of the difficulties raised by enlargement is that it gives rise to demagoguery. No more today than for the previous accessions has there been any question of a precise and fixed schedule. Therefore how can a delay be spoken of, other than with respect to demagogic promises made here or there? It is necessary to be more respectful of peoples and therefore to tell them the truth, in other words that the accession negotiations are complicated. The candidate countries should ask the Spanish and the Portuguese!

We must be frank. Making statements about a schedule serves no purpose except to complicate matters. Moreover the candidates themselves would not agree on a single accession date. There are no longer any groups. The only way forward is to deal with each and every country on the basis of its merits.

I feel we are addressing this issue in too an emotional manner, some suspecting the European Union of not wanting enlargement. If that were the case, it would not have opened the accession negotiations. The Union is aware of the historic meaning of enlargement and of the need to open up to countries which are European and have become democratic again. Negotiating proves that we are really in favour of enlargement.

During this phase, the candidate countries do not need barristers but reformers and negotiators. The candidate countries will enter the Union when all the problems have been settled. It's simple. Moreover, they know that, since they put forward the reforms they have accomplished, reforms which they pay for at a price we are not unaware of and which we support all the more

vigorously. The candidates must also transpose all the Community acquis, which is growing in size as time passes. But they want to enter the Union of the year 2000, not that of 1957! Therefore the candidates have a big effort to make. We know that and we do not want to content ourselves with demagogic words; we must negotiate and negotiate again.

You should realise that the member states also have reasons to worry about the Union's future. If we had accepted all the candidate countries straightaway without carrying out an institutional reform beforehand, they would have entered a paralysed Union. The Union attracts them because it is rich and lively; a paralysed Union would have no attraction for them. Our interests are therefore convergent—you should not feel we are engaging in nothing but delaying tactics. The idea of enlargement already appeared in the Rome Treaty, which planned to receive all democratic European countries. If we had not wanted enlargement we would not have launched the IGC so early, we would not be piling on the pressure to reach a good treaty at the Nice European Council.

I can understand the impatience of the candidates, but it lies with their political leaders to undertake in-depth explanation work to make it understood in their countries what the Union is and how it is in the interest of us all for it to be strong. Instead of protesting against a supposed delay, you should support our efforts to make a success of the institutional reforms. They are essential for enlargement and in no way a pretext to delay it.

Negotiating for real is not a matter of drawing up the list of points of agreement, but getting to grips seriously with the problems. It is clear, for instance, that if we were to receive all the candidates without adaptation, the CAP would explode. Some candidates, but not all, will require a long transition period. Being a fully fledged member means equal rights and duties, which cannot be achieved overnight. The only good solution is therefore relentless negotiation during which you should prepare your public opinions for the envisageable results: show how hopes have been met and concerns allayed.

Mrs Ewa Freyberg (Poland) – The enlargement issue is indeed the major issue.

While I indeed heard Mr Védérine's answer, I must repeat what has just been said: we are impatient. Our political representatives are unanimous in desiring integration and yet matters are sometimes unclear even for them! This confusion is increased by the contradictory nature of the signals sent. Impatience is quite natural, whatever candidate is involved. You shouldn't be

surprised by that! Integration requires a real revolution in our society and our institutions; the French should be able to understand what a revolution is!

I would like to be able to take back more optimistic messages to my country.

Mrs Hildegard Puwak (Romania) – I thank France for its efforts to support our candidatures. We are doing our utmost to comply with the Member States' recommendations. All the Romanian political forces want to act in this direction; that guarantees, even beyond the future elections, the continuity of our accession approach.

The accession prospects we are given are an encouragement for us to intensify our efforts and consolidate our progress. And we feel that these efforts and progress must in no case suffer from the institutional reform. Reform, we are convinced, does not at all counteract enlargement: on the contrary, the two processes will mutually strengthen one another to lead to a strong, efficient Europe close to citizens.

Mr Edwin Inkens (Latvia) – I will never ask for a precise accession date for my country: that date can depend only on our own capacity to do what has to be done! However, we must be informed of the enlargement scenario and accession criteria—particularly the importance of the political criteria: this is as much in the interest of the Union Member States as of the candidate countries!

We are grateful to the French presidency for having asked the Commission to raise the number of official representatives working on the enlargement issue. We indeed know that negotiations conducted not long ago with the 'second group' were delayed through a lack of personnel and we shouldn't be the hostages of this kind of technical problem. Having said that, it should clearly be stated which countries among us are in a position to make up for their delay. Our country is prepared to negotiate on all the chapters—but is the Commission ready? Doesn't it lack the necessary political will or the administrative means?

Mr Jaroslav Zverina (Czech Republic) – My country has made considerable progress over the past two years, especially in legislative matters and I feel we will be ready for accession on 1 January 2003. Everything will then depend on a political decision of the Union. However, is it certain that, after we have met all the criteria, we will be able to join in a reasonable timeframe? If matters are delayed too much, disillusion would be likely to

spread among our fellow citizens and the side of the opponents of accession would be strengthened.

We welcome the resolution adopted on 1 October by the European Parliament calling on the Union to receive new members before 2004 so that they can participate in the European elections planned for that year. Do you feel, Mr Minister, that is feasible?

Mr Tassos Papadopoulos (Cyprus) – The negotiations with Cyprus have started on all the chapters: sixteen of them have already been closed and that should soon be the case for three or four more. Yet my country does not qualify for any support programme of the PHARE type: it was considered that the per capita income is too high in Cyprus. Consequently we have had to fund our reforms by our own means, by devoting to them approximately the equivalent of the national budget! I understand the position of the French presidency and I admit that the IGC must devote itself to structural reforms if we want the enlarged Union to operate correctly. But if that Conference does not come to a successful conclusion as planned at the end of this year and if the Union is not ready to receive new members on 1 January 2003, will Cyprus—whose fault it will not be—have to bear the cost of this new delay? Don't you think it would then be necessary to study a support plan for all countries in the same case?

Mr Krzysztof Majka (Poland) – Although I don't belong to the same party as Mrs Freyberg, for once I agree with her. It is indeed true that the candidate countries are addressing in a highly emotive manner the enlargement issue. What else could you expect moreover, bearing in mind the very hard efforts imposed on our fellow citizens by the reforms? And the undeniable faith of our people—often portrayed imperfectly by opinion polls—is in fact counterbalanced by the multiplicity of contradictory and disconcerting answers we are sent.

Maximum enlargement is mentioned here, minimum enlargement there, possible dates are speculated on... To leave this confusion behind, it is important that this COSAC, then the Nice European Council, should send a clear message concerning the priorities, the schedule or the aims. The enlargement issue is becoming far too technical, which discourages our fellow citizens. How do you intend to restore their enthusiasm, to give us the support we need so badly.

Mr Alain Barrau, Chairman – The minister for foreign affairs is going to have to leave us in order to deal with the Middle East issue. I know that our

friends representing the Member States are going to be disappointed, but I propose we don't take any more questions. After all, wasn't the main point that candidate country representatives should be able to express their opinions?

Mr Hubert Védrine, Minister for Foreign Affairs – I am sorry I cannot prolong this exchange for I must attend a meeting with the President of the Republic.

Your speeches greatly interested me as they forcefully convey your determination to enter the European Union. I welcome your very impatience because it shows that the Union, faced for so many years with so many complicated problems, has managed to solve them and become attractive for many other States.

I stated earlier, with a frankness which was meant to be friendly and constructive, how we see the enlargement issue, but I clearly hear the message you are sending us. I believe the Nice European Council will reach an agreement, the Biarritz meeting having clarified the situation. We have made great progress on two subjects; on the contrary, on the other two—the future of the Commission and the weighting of votes—the positions appeared irreconcilable. But it cannot be said these are technical subjects: they are eminently political also, since the very operation of the enlarged Union is at stake. Settling these issues is therefore in the interest of us all, Member States and candidate States alike. We are negotiating for the common future! And, whatever the difficulties, I am convinced we will reach an agreement. Each country of the Union defends its interest legitimately—like you yourselves are doing in the negotiations prior to enlargement.

But over and beyond this, it is the general interest of Europe which will have to prevail, which supposes concessions and compromises. In this respect I feel a reasoned optimism, based on the determined will to respect the commitments given, which determination is shared I believe. Saying that is already to give an answer to the candidate countries which are observing and waiting, concerned and anxious. Saying that is to affirm that we want a successful conclusion; it is also to say that, after the Nice European Council, the atmosphere will be more relaxed.

Why? Because after Nice nobody any more will be able to affirm, like some do, without the fear of ridicule, that the Fifteen launched into an institutional reform to delay the enlargement date. After Nice the Union will be able to propose to each candidate country an accession schedule taking

account of the reforms completed and of what remains to be done. The fog having dispersed, public opinions will be reassured.

It is necessary, I insist on the fact, to keep one's head with respect to the many contradictory statements that can be made. I know that the accession issue is giving rise to impatience in the candidate countries but I invite the candidate authorities to focus on the main points, despising rumours and hearsay: the candidatures have been accepted, negotiations are open with twelve countries, the essential institutional reform of the Union is under way, and a schedule has been determined which we are respecting. It's as simple as that: a procedure has been defined and is being followed. Public opinion in the countries under question should be informed of it.

We are working together to ensure a rapprochement which will take place at a date unknown for now but sufficiently close to justify a double effort: a reform effort in the Member States and a convergence effort in the candidate countries. We know this represents a considerable effort, especially for certain candidate countries, requiring great courage and I feel deep respect for the governments conducting these demanding policies because they are aware that this is the price for entry into the Union and because they also know that at the end of the negotiations an enlarged and efficient Union will come into being.

THE CONTRIBUTION AND DECLARATIONS ADOPTED BY COSAC

Examination of the draft contribution

Mr Hubert Haenel, Chairman – I wish to point out that, according to our regulations, we cannot adopt a contribution if a delegation opposes the presidency's text. We submit to you a draft established on the basis of the various contributions we have received and which takes account of the remarks made yesterday evening by the heads of delegation at the preparatory meeting.

It is therefore a compromise text. It now lies with each delegation to examine it and state whether it is opposed to it in any respect. Some colleagues told us yesterday they would accept such or such part if Sweden gives the commitment it will go back over another given point on the agenda of the next COSAC in May.

I will read out the first paragraph:

'1. COSAC calls on the member states to reach an agreement, at the Nice European Council, on institutional reform, in the light of enlargement, that would ensure, from now on, efficient, transparent and legitimate institutions and allow the accession of new member states from January, 1st 2003. It expresses its strong support for the enlargement process and recommends the intergovernmental conference, in its global agreement on the revision of the Treaties to safeguard the principles of solidarity, cohesion, subsidiarity and proportionality, which are necessary for a true Union of people and states.'

This point relative to the Intergovernmental Conference is inspired by the Portuguese parliament's contribution, adding to it a few complements—the efficacy, legitimacy and transparency requirements—and avoiding, on the contrary, listing the topics to be addressed by the IGC; it draws inspiration

from the Swedish contribution in pointing out that the institutional amendments must enter into force on 1 January 2003 to allow enlargement.

The first paragraph is adopted.

Mr Hubert Haenel, Chairman - I will read out the next paragraph:

'2. COSAC takes note of the political agreement reached by the heads of state and government on the draft Charter of Fundamental rights of the European Union as drafted by the Convention. It calls on the Council, the Commission and the European Parliament to proclaim this Charter. It considers that the chosen procedure, involving representatives chosen by the heads of states and government, the Commission, the European Parliament and the national Parliaments, could be useful in the future.'

This point stems from an initiative of the presidency, since no other draft contribution mentioned the question of the Charter. Admittedly, drafts had to be sent to us before 15 September. And it was only on 2 October that the Convention very fortunately concluded its work on the text which was approved in Biarritz. The Prime Minister, Lionel Jospin, expressed his opinion on this text yesterday.

Given the disagreement of certain delegations, there is no question of reaching a decision on the legal status of the future Charter. The text elaborated by the Convention is a good text that can be read by ordinary people, even European Union primary school pupils, and it expresses our common values. One day this text should be able to be integrated in the Treaty, or even in the preamble of a 'Constitution'—I deliberately use inverted commas to cover the spectrum from Mr Fischer to Mr Blair. I haven't forgotten that our British colleagues told us yesterday with humour that in Great Britain the prime minister can make statements without parliament agreeing...

The second paragraph is adopted.

Mr Hubert Haenel, Chairman – I now reach the third paragraph.

'3. COSAC stresses the Union's need to foster, in the spirit of the Lisbon European Council, the development of an economy of innovation and knowledge, ensuring policies actively promoting employment and combating unemployment and social exclusion. It calls on the European institutions to approve, during the French presidency, the "Social

European Agenda" which will be a multiannual framework for social measures with due respect for the principle of subsidiarity. This new strategic objective should enable the reconciliation of the changes due to the new economy with the European social values and with the perspective of enlargement.'

This paragraph on the social dimension of European construction is inspired by the draft contribution of our Portuguese colleagues, in the spirit of the Lisbon European Council. At the request of the Dutch delegation it also stresses the need to respect the principle of subsidiarity.

The third paragraph is adopted.

Mr Hubert Haenel, Chairman – The fourth paragraph of the draft is drafted as follows:

'4. COSAC, in the light of the Tampere conclusions, calls upon the Union and the member states to create, in co-operation with the candidate countries, an area of freedom, security and justice reinforcing fighting against terrorism and serious forms or transnational organised crime which, respecting the right to individual privacy, is based on practical measures in the fight against illegal immigration and common standards regarding external border checks as well as reinforced co-operation between the relevant enforcing authorities.'

This point on the area of freedom, security and justice is inspired by the contribution by our friends from the Italian Senate. However, as the British delegation expressed reservations in this respect, we have kept only part of it. Following yesterday's meeting, complements were added by the Italian delegation and remarks were made by our Romanian, Belgian and Dutch colleagues, which we have also taken into account.

Are there any other remarks?

Mr Pierre Fauchon (France) – This text is excellent!

Mrs Mimi Kestelijn-Sierens (Belgium) – It would be necessary to mention the fight against organised crime...

Mr Hubert Haenel, Chairman – We discussed that yesterday. That is what 'in the light of the Tampere conclusions' refers to. But some of our colleagues expressed reservations.

Mr Sören Lekberg (Sweden) – Thank you, Mr Chairman, for having improved this text. However an explicit reference to the fight against international organised crime, the exploitation of young women and drug trafficking is lacking. No doubt it is rather late, but if these three problems are not mentioned we will reject the whole paragraph.

Mr José Barros Moura (Portugal) – This paragraph is important in itself. It must not be limited to illegal immigration, which would be misunderstood by our public opinions. I support the Swedish and Belgian proposal.

Mr Hubert Haenel, Chairman – Do our British friends oppose our mentioning the fight against international crime?

Mr Jimmy Hood (United Kingdom) – The British delegation sees nothing wrong in adding a reference to organised crime.

Mr Alain Barrau, Chairman – The presidency, which had believed to perceive reservations, does not oppose the idea of our Swedish, Belgian and Portuguese friends. As for us, there is no political reservation against taking the matter further.

After the ‘fight against illegal immigration’, the Swedish delegation proposes to add ‘transnational crime, trafficking in human beings and drug trafficking’.

Mr Pierre Fauchon (France) – I support the proposal by our Belgian and Swedish friends. Editorially, however, it seems preferable to me to adopt just ‘transnational crime’ which encompasses trafficking in human beings, drug trafficking and other kinds of trafficking.

Also Mr Jospin suggested we set up working groups: we could set up one on this topic.

Mr Hubert Haenel, Chairman – We will refer back to this matter.

Mr Juergen Meyer (Germany) – I suggest that we should adopt rather the notion of ‘organised crime’ defined in Tampere and used again yesterday by Mrs Guigou. This notion indeed covers all the forms of delinquency we want to combat. We could also mention trafficking in human beings and drug trafficking after an ‘especially’. But it is not a good idea to list all the categories of crimes.

Mr Karl Schweitzer (Austria) – The Italian delegation had drafted an excellent proposal and I am surprised it is not supporting it today.

We have a common external border. All the Member States must show solidarity among themselves. We must take common initiatives in favour of refugees and against organised gangs engaging in the trafficking of human beings. We should also determine for each country a mandatory quota of refugees to be received.

I am defending here the very interest of the Italian delegation.

Mr José Borrell (Spain) – All the references proposed suit my delegation. I would like another addition to be made—after ‘respecting the right to individual privacy’, add the words: ‘the fight against terrorism’.

In Spain we sadly deplore once again terrorist action. The text should mention the fight against terrorism and the condemnation of terrorist action.

Mr Alain Barrau, Chairman – The parliamentary delegations unanimously condemn what has just happened in Spain. I personally agree to introduce the fight against terrorism in paragraph 4.

We are also going to draft declarations on several subjects, like the situation in Serbia. I therefore propose that, outside the contribution, we condemn terrorism in a short but firm manner.

Mrs Outi Ojala (Finland) – I deplore what happened in Spain. Nobody here can accept such acts. But I fear that after condemning terrorism we will also be asked to comment on the situation in the Middle East... Let's not overburden the contribution.

Mr Hubert Haenel, Chairman – I suggest to you that after ‘an area of freedom, security and justice’ we should add ‘reinforcing fighting against terrorism and serious forms of transnational organised crime’. The question of terrorism would be addressed at the end. Or else: ‘reinforcing fighting against terrorism, serious forms of organised and transnational crime...’ (*Approval*).

I see that this second drafting meets with agreement.

Paragraph 4, thus amended, is adopted.

Mr Hubert Haenel, Chairman – I will read out paragraph 5.

‘5. Considering that national Parliaments, together with the European Parliament, are a constituent element of the democratic legitimacy of the European institutions, COSAC urges the Intergovernmental Conference to modify part I of the Protocol on the role of national Parliaments as follows:

- All consultation documents and proposals for legislation from the European Commission, as well as proposals for measures under titles V and VI, should be transmitted by electronic means to each national Parliament as soon as they are adopted by the college of Commissioners;

- The six week time period provided by para. 3 should also apply, except in urgent cases, to proposals for measures to be adopted under titles V of the Treaty on European Union as well as to proposals regarding interinstitutional agreements to which the Council is a party;

- A minimum 15-day time period, or one week in urgent cases, should be observed between the final reading of a text by COREPER and the Council decision.

COSAC recalls that no provision of this protocol can jeopardize the competences and prerogatives of each national Parliament as provided by its national constitutional arrangements.’

This paragraph 5 is inspired by the proposals of the Italian Chamber of Deputies and by the desire expressed by other committees in their answers to the question regarding the scrutiny of European politics by national parliaments. The subparagraph on the 15-day time period between the reading of a text by COREPER and the Council decision is due to an initiative of the Swedish delegation.

The text should be corrected and the reference to title VI of the Treaty should be placed correctly to take into account an amendment by the Italian delegation: ‘consultation documents and proposals for legislation from the European Commission, as well as proposals for measures to be adopted under titles V and VI of the Treaty on European Union...’.

The reference to title VI disappears in the next subparagraph.

Mr Guido Podesta (European Parliament) – It should be specified that the Commission must communicate simultaneously the documents and

proposals to the European Parliament, to the Council and to national parliaments.

Mr Hubert Haenel Chairman – Yes, but in this text it is a matter only of their electronic transmission to national parliaments.

Paragraph 5, thus amended, is adopted.

Mr Hubert Haenel, Chairman – Mrs Nicole Catala, a member of the French delegation, points out that, in its Article 5, the protocol on the role of national parliaments in the European Union, lays down that COSAC may examine any legislative proposal or initiative in relation to the establishment of an area of freedom, security and justice which might have a direct bearing on the rights and freedoms of individuals.

She would therefore like the next COSAC to debate on texts on the European judicial area. The Swedish presidency may perhaps give us its opinion straight away. In any case the troika will discuss the matter.

Mr Sören Lekberg (Sweden) – I firstly wish to thank the French presidency for its hospitality and the excellent organisation of this meeting. The discussions with the French politicians have been fruitful for the candidate countries and for us.

I invite you all to the next COSAC, which Sweden will organise at the National Assembly in Stockholm, from 20 to 22 May 2001. We have chosen spring so that our trees and flowers will show you Sweden at its best. The programme, which will take account of the Swedish priorities, is under discussion. You will also be able to meet Swedish politicians. At the end of January or the beginning of February, the troika will draw up the final programme. It will be able to decide on proposals like that of Mrs Catala.

Mr Gerrit Van Oven (Netherlands) – Paragraph 5 contains recommendations on time periods. It is important to check if the Council respects them. The next COSAC could examine what has been done in this respect and, where applicable, what measures could be introduced to get governments to respect these time periods.

Regarding another suggestion that has already been made, I also urge on the Swedish presidency the necessity of including on the COSAC agenda the creation of a working group on all matters under the third pillar.

Mr Hubert Haenel, Chairman – Your first suggestion is excellent and I would like the troika to take it into consideration. The creation of a working group has also been suggested by Mr Raymond Forni, President of the French National Assembly, and Mr Barrau wishes to speak on this subject.

Mr Alain Barrau, Chairman – The idea was mentioned yesterday with reference to the scrutiny exercised by national parliaments. COSAC is now mature enough to use this provision of its regulations allowing it to create a working group to deepen an important subject between two conferences. There are several possible topics: the third pillar, the place of national parliaments in democratic scrutiny, social aspects. Mr Haenel agrees with this proposal as well as the Presidents of the Assembly and the Senate who are ready to facilitate the organisation of this standing group.

If we were to adopt in principle such a group with the agreement of the Swedish delegation, the latter could engage in subsequent consultations to determine a precise subject before the troika meeting.

Mr Hubert Haenel, Chairman – We are loading the Swedish boat even more. Our Swedish colleagues will decide.

Mr Giovanni Saonara (Italy) – Sweden is very capable of piloting its boat, even loaded. The Italian delegation would like a working group to assess the development of important topics included on the agenda of the Nice Council. It hopes the presidency will complete its excellent work in co-operation with the Swedish presidency and it is entirely in favour of the setting up of a standing working group in 2001.

Mr Guillermo Martínez Casaò (Spain) – The troika should study the idea of a committee which would work between each COSAC meeting. This study could lead to proposals to be made by the next COSAC plenary meeting. But it does not lie with the troika to take the decision.

Mr Hubert Haenel, Chairman – Right. It is clear that only an absolute majority of the delegations can decide on the creation of a working group.

Mr Manuel Dos Santos (Portugal) – The idea of a working group must be approved: it results from the effort made to strengthen COSAC since the Luxembourg and Lisbon conferences. I encourage the Swedish presidency.

Mr Jimmy Hood (United Kingdom) – I don't want to douse this interesting subject but I wonder if the time is right to decide on the creation of a

working group, just before the closure of our work. I feel somewhat ill at ease in seeing you load down the Swedish presidency in this way so long before it takes up its duties!

When, in 1992, COSAC met for the first time, I chaired the troika. We had set ourselves the rule to content ourselves with receiving suggestions for the agenda. At the present moment we have already reached a pre-agreement on the future agenda! A working group, you say, but who? When? On what?

Mr Hubert Haenel, Chairman – Don't worry. The question was not on the agenda. There is no question of deciding on the creation of a working group today in Versailles. We are talking, that's all. The COSAC regulations require an absolute majority of delegations for a decision of this kind.

Mr Alain Barrau, Chairman – We don't at all intend to overdo it—we wish to meet a new political situation. The new COSAC regulations which were adopted in Helsinki must be respected with the agreement of the various delegations. We are all determined to go further in our common work. But there is no question of getting the creation of this working group adopted brusquely! In its few remaining weeks the presidency could start consulting the delegations and the results would be brought to the knowledge of the troika. That's all. We have spoken of the *Spirit of Biarritz*, here is the *Spirit of Versailles*!

Mrs Outi Ojala (Finland) – In Helsinki, we provided for the possibility of creating a working group. The troika could send a questionnaire to all the member countries for them to express their views on the opportunity of creating this working group. It would be a pity to let interest in this important discussion fall off.

Mr Michiel Patijn (Netherlands) – As my Belgian and Luxembourg colleagues and myself had proposed at the Lisbon meeting, COSAC should be the framework for a discussion on a certain number of topics including that of the area of freedom, security and justice. Consultations should be started with the troika to implement this suggestion.

Mr Guido Podestà (European Parliament) – In the same way as the Convention for the elaboration of the Charter, COSAC is trying to introduce new work methods. The presence among us of candidate countries is a great contribution to our work and opens up fine future prospects for it. I did not feel Mr Barrau's proposal was like a 'forward flight'; on the contrary, I see it as an

important analysis which should be included on the Stockholm COSAC agenda.

However, while our regulations adopted in Helsinki give relatively precise instructions on the creation of specific working groups, I feel they leave a certain amount of latitude for interpretation. We should discuss this matter in our parliaments, then we will see what kind of working group is to be created.

If I may return for a moment to the draft contribution, may I suggest an addition? It would be a matter of recalling, at the end, that ‘no provision of the protocol can jeopardize the competences and prerogatives of each national parliament as provided by its national constitutional arrangements, nor can it jeopardize the competences and prerogatives of the European institutions as provided by the treaties.’

Mr Dinos Vrettos (Greece) – For our part we would prefer standing committees or ad hoc committees, but we have nothing against working groups. These can indeed contribute to raising even more the level of our cooperation.

Mr Hubert Haenel, Chairman – The discussion leads me to say that as the creation of working groups is not included on our agenda, we cannot decide on the matter. However a majority appears to be in favour of this measure. As suggested by our Finnish colleague, we will therefore send a questionnaire to each delegation. Nor should we forget the precious contribution by Benelux which insisted on the need for permanent scrutiny: it will be an additional reason to take initiatives ourselves if the Union bodies were to delay in meeting our wish. From COSAC to COSAC, as Mr Podestà said, we have thus invented new ways of being more efficient and closer to the concerns of European citizens.

Mr Alain Barrau, Chairman – To answer Mr Podestà, I have no objection to adding at the end of the contribution the words ‘nor can it jeopardize the competences and prerogatives of the European institutions as provided by the treaties.’

Mr Hubert Haenel, Chairman – The discussion of this topic had been closed; let us stick to the initial text, even if it means returning to this topic at a future conference.

Examination of the draft declarations

Mr Hubert Haenel, Chairman - Each of you will no doubt have read the draft declaration on Serbia presented by the presidency.

Mr Alain Barrau, Chairman - Our colleagues from the French Senate, heedful of a correct interpretation of our regulations, have rightly pointed out that, regarding Serbia, we could not present a contribution—since a contribution can be sent only to the European institutions—but that we were quite free on the contrary to adopt a declaration. In another respect, even if we are heedful of what takes place in the Mediterranean region, we considered we lacked information to express our views on this delicate topic. The same did not apply for Serbia and we therefore submit to you a very simple text in just two sentences: ‘COSAC salutes the courage shown by the Serbian people who have won an exemplary victory for democracy. It expresses the wish that the European Union should establish a new cooperation with the Federal Republic of Yugoslavia to enable it to find its rightful place in Europe.’

Mr José Saraiva (Portugal) - Our delegation welcomes the fact that the Conference is heading in the direction opened in Biarritz with the reception of Mr Kostunica. The Union should indeed do its utmost to help the Republic of Yugoslavia to make a success of its transition to democracy and to meet the needs of the population of that country.

We also support the proposal for a declaration by our colleague Mr Borrell: terrorism should indeed be firmly condemned as it is trying to choke Spanish democracy with its tentacles. We will never be vehement enough in condemning the danger threatening that country today and which may affect any other country tomorrow!

Mr Michiel Patijn (Netherlands) - The idea of this declaration is excellent but I feel the last ten words are somewhat weak. Also there is no proof that accession to the Union is at present the foremost concern of the Serbs. I therefore suggest replacing ‘to enable it to find its rightful place in Europe’ by ‘to strengthen democracy there and improve the living conditions of the Serbian people.’

Mr Alain Barrau, Chairman - We cannot skip alluding to the Stability Pact and to the Republic of Yugoslavia's relations with the Union. I suggest therefore that the sentence member suggested by you be added at the end of the declaration instead of replacing that part.

Mr Antonios Skyllakos (Greece) - I am convinced that I am faithfully expressing the feeling of the majority of the Greek people by opposing this draft declaration. The current developments in Yugoslavia are merely the result of the embargo, the bombardments and all the support given to the opposition by the forces which have striven hard to interfere in the affairs of a third country. Let's leave it to the Serbian people to decide its own fate.

Mr Hubert Haenel, Chairman - If your delegation opposes the draft, it cannot be adopted...

Mr Alain Barrau, Chairman - It is merely a matter here of saluting the courage of the Serbian people!

Mr Antonios Skyllakos (Greece) - I maintain my opposition.

Mr Dinos Vrettos (Greece) - Mr Skyllakos represents the Greek communist party and it alone. In my capacity as head of the Greek delegation I pronounce myself in favour of the adoption of the declaration as amended.

Mr Alain Barrau, Chairman - I am pleased that the Greek delegation has come over to the proposal by the presidency completed at the end by the words: 'and that the European Union should help it to strengthen democracy and raise its standards of living.'

Nobody should be mistaken: the spirit of this declaration is the desire to hold out a hand to the Serbian people and help Serbia to resume its place among European nations, in the interest of us all.

Mr Hubert Haenel, Chairman - I observe that no delegations are against the adoption of the declaration thus amended.

The draft declaration, thus amended, is adopted.

Mr José Borrell (Spain) - I thank the Portuguese delegation for the support it has expressed for my country, sorely tried by terrorism, and I invite COSAC to pronounce itself on the following draft declaration:

'COSAC expresses its strongest repulsion in the face of the terrorist act committed yesterday in Seville and encourages Spanish society and all its institutions to continue working together in defending democratic values against those attempting to impose their will by totalitarian violence.'

Lord Tordoff (United Kingdom) - I cannot but be in favour of the spirit underlying this proposal. I feel however that the Conference cannot pronounce itself hastily, without having a written text, on an over simplifying proposal since, unfortunately, terrorism strikes in many other places than Seville.

Mr Hubert Haenel, Chairman - I recall that the Conference has just adopted a contribution mentioning terrorism. Further, the proposal for a declaration ought to have been communicated to the presidency yesterday.

Mr José Borrell (Spain) - Formally, you are undoubtedly right but assassins do not submit to the schedule of our work. I learnt of this new murder only yesterday evening and I feel that the subject is serious enough for COSAC to state its rejection of terrorism in Spain, like the European Parliament, the Parliamentary Assembly of the WEU and that of the Council of Europe have done so before.

Mr Alain Barrau, Chairman - I suggest the adoption of alternative, shorter wording of a more general scope, as follows: 'COSAC most firmly condemns any terrorist action, in particular the one that plunged Spain into mourning.'

Lord Tordoff (United Kingdom) - I persist in my disagreement. Over the past weeks three terrorist assassinations at least have taken place in Northern Ireland, without even speaking of what has happened in Corsica, Sicily or elsewhere in the territory of the Union. We cannot pronounce ourselves immediately, focusing on a single aspect of the question. I am certain I am not the only person of this opinion. I assure the Spanish delegation of my compassion and we are entirely ready to help Spain combat ETA, but it would be a mistake to adopt this text.

Mr Alain Barrau, Chairman - I appeal to you all to make an effort to understand. Admittedly, the conventions have not been respected, but it is also true that all the political forces in Spain are rallying to condemn and combat odious terrorist acts, the last of which has taken place at the very time COSAC is meeting. The least would be to mention our indignation and support for our Spanish friends.

Mr Hubert Haenel, Chairman - I turn again to our British and Irish friends. Has Chairman Barrau been persuasive enough?

Lord Tordoff (United Kingdom) - I will not speak on behalf of our Irish friends; I withdraw my objection.

Mrs Outi Ojala (Finland) - I would have liked this proposal to be communicated to us in writing this morning. I have sat for two and a half years at the European Parliament whose procedure allows you validly to take up a stance on current issues. We should follow that example.

The draft declaration is adopted.

Mr Hubert Haenel, Chairman - The next presidencies will take account of your relevant remark.

I observe that our agenda is finished.

We can congratulate ourselves on the work accomplished. COSAC has proved it exists and that it can improve its operation. We are going to continue and, from presidency to presidency, COSAC will become more influential.

On your behalf I thank our collaborators and the interpreters. I send my best wishes to the future Swedish presidency.

Mr Manuel Dos Santos (Portugal) - I wish to thank you, Messrs Chairmen, for your welcome and the political work of very great quality you have allowed us to accomplish. You have made COSAC a respectable institution.

Mr Juergen Meyer (Germany) - In turn I thank the French presidency for its hospitality and its competence. (*Applause*).