

EUROPEAN SOCIALISTS FOR THE NEW CONSTITUTION



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By Richard Corbett, MEP

The new EU constitution is a vast improvement on the existing treaties. It has won support from Socialist parties across Europe, and from the ETUC, and many NGOs concerned with social, environmental, development, consumer and other matters as well as those working for the enhancement of the rights of women, of minorities and of children. The values and objectives set out in it are ones that are shared by socialists across our continent. Not surprisingly, the new Constitution is strongly opposed by the far right.

The new Constitution will take further the achievements of half a century of European integration:

- **Peace:** after centuries of devastating warfare, the area of peaceful cooperation and stability that the Union has helped to create, must be taken forward to the future
- **Prosperity:** the economic development of Europe would not have been possible without the integrated European economy we have now, but it faces new challenges in the era of globalisation
- **Solidarity:** the development of common policies and legislation on subjects where we all benefit from a Europe-wide approach is particularly important for preserving the European model, where markets are balanced by social and environmental responsibilities
- **Citizens' rights:** the recognition and protection of the rights of individual citizens has always been a distinctive feature of the EU treaties, and is reinforced by the new Constitution

A social Constitution

As a Socialist Group, we are particularly pleased with those aspects of the Constitution for which we fought. The commitment to defend and strengthen the European social model is stronger than in the previous treaties. The Constitution talks about creating a “social market economy” with “full employment and social progress”. The need to “combat social exclusion and discrimination” and to “promote social justice and protection” are highlighted as priorities. The Union will be legally required to promote equality of women and men, solidarity between generations and the protection of the rights of the child.

The canon of values common to all the Member States, on which the Union is founded, has been widened to include the principles of human dignity, equality and protection of individual minority rights, as well as pluralism, non-discrimination, tolerance, justice, solidarity and equality of women and men.

Underpinning this is a commitment to social dialogue involving trade unions and management at a European level and the establishment of a Tripartite Social Summit for Growth and Employment.

The contrast it provides with the American model of capitalism could not be clearer.

A new article in the treaty will require the Union to respect services of general economic interest, including the way they are organised and financed by Member States in order to ensure that public services are able to fulfil their duties.

A key innovation is the incorporation of the EU's Charter of Fundamental Rights into the body of the Constitutional Treaty. This Charter was approved by every Member State government and by the European Parliament in 2000.

It sets out the civil, economic and social rights that define European citizenship. These include the right to fair and just working conditions, the right to workplace information and consultation, the right to collective bargaining and collective action, including strike action, the right to social security and social assistance, the right to equality for men and women and the right to freedom from discrimination.

The inclusion of the Charter gives it legal force for the first time and allows the European Court of Justice and the courts of the Member States to enforce its provisions. It will apply only within the field of EU law (that is, it will bind the European institutions and the Member States when implementing European law). The existing body of European social legislation on working time, consultation, equal pay and parental leave, among other things, will be entrenched with the status of fundamental rights. The Charter can also be invoked as a guide for future social legislation, developing new proposals to give its principles direct effect.

Of course, the Constitution does much else. Its achievements can be grouped under four main headings.

1. Accountability

First, there will be more democratic accountability, ultimately giving citizens greater control over the EU's action. The adoption of all EU legislation will be subject to the prior scrutiny of national parliaments and, with a few exceptions, the dual approval of both national governments (in the Council) and the directly elected European Parliament – a level of parliamentary scrutiny that exists in no other supranational or international structure.

The President of the Commission will be elected by the European Parliament, establishing a clearer link to the results of European elections.

A new budgetary procedure will require the approval of all EU expenditure by both the Council and the European Parliament without any exceptions, thus bringing all expenditure under full democratic control. The exercise of delegated legislative powers by the Commission will be brought under a new system of supervision by the European Parliament and the Council, enabling each of them to call back Commission decisions to which they object. Agencies, notably Europol, will be subject to greater parliamentary scrutiny. The Council will meet in public when debating and adopting Union legislation.

2. Efficiency

Second, it will give the Union greater capacity to act effectively on those matters where we need it. This is done notably through a significant increase in the areas in which the governments meeting in Council will decide by qualified majority voting rather than by unanimity (a vital factor if the enlarged Union is to be able to function without being blocked by vetoes), and through streamlining the EU's institutions and procedures.

There will also be more room for flexible arrangements when not all Member States are willing or able to go ahead with certain policies at the same time.

There will in particular be a significant enhancement of the Union's visibility and capacity as a global actor, enabling Europe to play a stronger role on the world stage that can only be good for the values for which we stand. In this last aspect, the foreign policy High Representative and the Commissioner for External Relations – two posts causing duplication and confusion – will be merged into a single European “Foreign Minister”, who will be able to speak forcefully for the Union on those subjects where the latter has a common position.

3. Rights

Third, there will be enhanced rights for citizens. Besides the incorporation of the Charter of Fundamental Rights mentioned above, the EU will also accede to the European Convention on Human Rights, thereby making the Union subject to the same external review as its Member States.

The Constitution will widen considerably the possibility for individuals to access the European Court of Justice to defend their rights.

In view of enhancing the participation of citizens, the Constitution provides for a new opportunity: one million citizens of the European Union of different Member States will have the right to submit proposals on matters where they consider that a legal act of the Union is required in order to implement the Constitution; Social partners will be formally associated to the law making process and representative associations and civil society will be called to express their view on the deliberations of the Union.

4. Transparency

Finally, it provides citizens with greater clarity about the Union's nature and objectives. It replaces the complex set of European treaties by a single document spelling out the objectives of the Union, its powers and their limits, its policy instruments and its institutions.

It simplifies and clarifies legal acts: ‘European laws’ and ‘European framework laws’ replace the existing multiple types of act (regulations, directives, framework decisions, etc), using more understandable vocabulary.

It requires the Union to respect the national identities of Member States and entrenches the principles of conferred powers (whereby the Union’s only competencies are those conferred on it by the Member States), subsidiarity and proportionality.

It spells out that the Union is based on a set of values shared by all EU countries, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, along with pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men.

This is the background against which Europe’s socialists decided to approve the Constitution. For the reasons outlined above, it should be clear that it constitutes a progressive step towards a more democratic, efficient and social Europe. It embodies an important set of improvements to the way our Union is organised. It deserves our wholehearted support.

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