



BACKGROUND INFORMATION
EU CONVENTION

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DEAR FRIENDS OF EUROPEAN DEMOCRACY,

Now, after over 60 years of increased integration – primarily furthered by national governments and EU institutions – we believe that a next step in the European project must be taken. The EU must move from being a Europe of the governments to becoming a Europe of the citizens. To this end, a public debate about Europe’s democratic values in light of current and foreseeable future developments has to be initiated. Democracy International, together with a broad alliance of civil society actors and engaged Europeans, has launched a transnational campaign for a more democratic Europe.



The EU must move from being a Europe of the governments to becoming a Europe of the citizens.

The alliance is building support for a new EU Convention tasked with advising on the best proposals for a better and more democratic Europe. It is essential that this debate on the future of Europe be open and inclusive, involving civil society and citizens in the process, and that all European citizens are given the right to vote on the Convention's proposals.

In this brochure you will find information explaining the importance of a Convention, outlining the possible ways for a new EU Convention to be called, and providing details on the Convention's process and the referenda on its proposals.

We believe it is time to open up the debate and build a Europe of and for the citizens.

Yours sincerely,

Armin Steuernagel

Campaign Director

EXECUTIVE SUMMARY

In the wake of the euro crisis and on the eve of a declining image of the European institutions, it is vital that the European Union deals with the serious legitimacy challenges it faces. To strengthen democracy and regain credibility, significant EU reforms are needed – reforms which can only be implemented if approved by a Convention.

In order for the EU Convention to be meaningful and to lead to the best outcomes, the process itself must be democratic, participatory and transparent; it must engage citizens in general and civil society in particular, giving them the right to submit proposals and to vote on the Convention's final draft.

WHY IS A CONVENTION NECESSARY?

Legal reasoning

According to Art. 48 of the Lisbon Treaty, any substantial change affecting the European Union requires a Convention

to amend the EU Treaties. In recent years, however, significant changes have occurred outside the established Treaty amendment procedures. New institutions and mechanisms such as the Troika, the European Stability Mechanism and the Fiscal Compact have been established without the convening of a Convention.



While these developments occurred under the exceptional circumstances of the crisis, it is required – for the legitimacy and sustainability of the EU – that their position in regards to the EU Treaties be discussed in a Convention. In fact, the EU Member States have committed to incorporating the ESM and the Fiscal Compact into the EU treaties by 1 January 2018 at the latest.

Political reasoning

In the past decades the governing power of the EU institutions has grown enormously. Still, the legitimacy and democratic deficit of the Union is growing. Decisions regarding major reforms are taken by the Heads of State or Government in closed-door negotiations in the European Council. The European Parliament is inadequately equipped to balance the power of the EU executive.

Lobbying is in-transparent, giving undue influence to powerful economic and political interest groups. Studies show that the citizens are increasingly losing confidence and trust in the

EU institutions,¹ while nationalist groups gain ever-greater momentum across the continent.²

Institutional reforms for more democracy in EU decision-making are indispensable – this requires a Convention. Furthermore, to revive trust in the European project, a Europe-wide debate appears paramount to provide truly public forums for the citizenship to address the principle issues of their concerns and to incorporate them into a Convention.

Social reasoning

A Convention process that properly engages the citizens will not only raise political awareness amongst the European population, but will also empower citizens to be more actively involved in major decisions that affect their lives. A Convention offers the opportunity to open up a dialogue on the future of Europe, and to bring the big issues out of the

¹ A recent survey by Eurobarometer shows that the number of people who do not trust the EU institutions has soared from 32% in 2007 to 60% in 2012 (<http://www.theguardian.com/world/2013/apr/24/trust-eu-falls-record-low>).

² <http://www.euractiv.com/eu-elections-2014/rampant-right-wing-populism-thre-news-532119>



back rooms so that they can be debated and developed in the public discourse, in the media and around the kitchen table.

An open and democratic Convention process will attract the engagement of broad sectors of the public and to express the aspirations of the European people. It can be a forum in which an active European citizenship can be nourished and a true European democracy established.



Institutional reforms for more democracy in EU decision-making are indispensable – this requires a Convention.

HOW CAN A CONVENTION BE INITIATED?

Treaty amendment procedures

Under the Lisbon Treaty, substantive changes to the EU Treaties must be made through a Convention process ('Ordinary Revision Procedure', Art. 48 (2-3)).

The only other ways to change the EU Treaties are by making amendments specifically to Part Three of the Treaty on the Functioning of the EU, so long as the changes do not increase the powers of the EU ('Simplified Revision Procedure', Art. 48 (6)); and by merely reducing procedural requirements ('Passerelle Clause', Art. 48 (7)).



The latter two amendment procedures are restricted to very specific areas. Hence when policy-makers talk about whether a particular reform needs Treaty change, they are generally referring to the Convention process.

The Convention process

A Convention, being an assembly of representatives of the national Parliaments, of the Heads of State or Government of all EU Member States, of the European Parliament and of the European Commission, can be initiated after being proposed by the government of any Member State, the European Parliament or the Commission. Once a Convention is proposed, the European Council must decide by simple majority (15 votes among the 28 Member States) whether to initiate a Convention.

The Convention should examine proposals for reform of the EU Treaties and come to a consensus on recommendations, which are handed over to a conference of representatives of the national governments. The accepted reforms must then



be put to the Member States for ratification according to the law of each state; some states ratify these via a parliamentary procedure and some include a referendum as part of the ratification process.



The experience of the last Convention shows that democratic legitimacy, transparency and an open public debate are crucial if the Convention is to be more than a political performance

Art. 48 has little detail about how the Convention ought to be conducted. Some are advocating a very brief Convention, in favour of an event that would simply rubber-stamp proposals that are negotiated elsewhere. However the experience of the last Convention shows that democratic legitimacy, transparency and an open public debate are crucial if the Convention is to be more than a political performance, and if the results are not to be rejected at the ratification stage.

WHAT TYPE OF A CONVENTION DO WE NEED?

Lessons from the last Convention

The last two Conventions – the Convention drafting the Charter of Fundamental Rights (1999-2000) and the Convention on the Future of Europe (2002-2003) – in particular the latter, offer important lessons for future Conventions.

The beginning of the Convention process was very promising, with constructive debate among the Convention members, 11 working groups dealing with different topics and

a secretariat carefully guiding the work. Nonetheless, the process was soon aborted by the Presidium – a powerful group made up of 12 former and current members of the executive and chaired by Giscard d’Estaing. With vague decision-making rules, the Presidium met behind closed doors and its meetings were not made public. After terminating the Convention process prematurely, it introduced the majority of proposals for the final draft unilaterally, leaving no time for debate or revision by the Convention members.

Another criticism that can be levelled at the last Convention is that it only set aside a single day for civil society representatives to present their suggestions. This had the farcical result that organisations had just a few minutes each to lay out their vision and agenda.

The Convention on the Future of Europe failed to engage the public interest, and relatively few European citizens knew about its purpose or its significance.



A Eurobarometer poll taken three months after the last session of the Convention revealed that only 38% of Europeans even knew of its existence.

The result of the process was a draft Constitution that was 400 pages in length, poorly drafted, containing significant inconsistencies and difficult to understand. Therefore, it is little wonder that the citizens of France, the Netherlands and Ireland – countries required to submit the results to a national referendum – rejected the Constitution.

Democratic, participatory, and transparent Convention

These past experiences have taught us that for a Convention to be successful, it has to secure transparency, democratic legitimacy and citizen participation. In order for a new Convention to develop the best proposals for securing sustainability and solidarity and for improving democracy and participation in Europe, it is important to ensure that the entire process has:

MAXIMUM DEMOCRATIC LEGITIMACY

This would require the Convention members to be not only representatives of the EU institutions and the Member States, but to include representatives from the civil society sector and social partners, and/or representatives directly elected by the European citizenry;

TRANSPARENT MEETINGS THAT ARE OPEN TO THE PUBLIC

A new Convention process must have fully transparent rules, assuring that all sittings of the Convention members as well as those of the Presidium are recorded and made open to the public;

DECISIONS THAT ARE MET IN PLENUM ACCORDING TO FULLY DEMOCRATIC RULES

Rather than elaborating proposals that are then to be decided by the Presidium, the Convention members should directly determine what the final draft should entail;

SUFFICIENT TIME FOR SERIOUS AND THOROUGH DELIBERATION

As opposed to the last Convention which was abruptly aborted, the new Convention must give the working groups sufficient time – more than one year – to comprehensively complete their analyses and proposals;

PARTICIPATORY MECHANISMS THAT ALLOW CITIZENS AND CIVIL SOCIETY TO GIVE INPUTS AND TO CONTRIBUTE TO THE PROCEEDINGS

It is paramount for the legitimacy of the Convention to facilitate digital and traditional platforms for citizens and civil society to provide their inputs. An agenda-setting initiative could permit civil society to bring certain issues to the Convention's agenda.

Referenda on the Convention's proposals

It is of central importance that the results of the Convention process are put to popular vote in all EU Member States on the same day, as a pan-European referendum.

A popular vote could profoundly influence the entire Convention process, in that it would focus the Convention members on the needs and aspirations of the European citizens rather than on the national interests of the Heads of State or Government. By granting the European citizenry real influence on the final Convention results, this would trigger a vigorous public debate.³ A pan-European referendum could be the birthplace of a true European democracy.

The referenda could be counted twice: as several national referenda and as one pan-European referendum. As not every EU Member State currently provides for referenda on EU

³ After the last Convention, the French referendum led to a wide debate and a book on the European Constitution was bestseller for weeks; In Germany, by contrast, where no referendum took place, the Convention was barely discussed in public.



Treaty changes,⁴ the Convention could would have to put forward the need for uniform referenda in all Member States in order to ratify its proposals. Consequently, this would require every Member State to ratify the referendum clause before subjecting the Convention's proposals to a pan-European referendum. Alternatively, a non-binding consultative referendum across Europe would be possible, which would still give significant political weight and legitimacy to the process.

⁴ 21 EU Member States have legal provisions that would allow a pan-European referendum following the Convention, 4 could introduce legal revisions to make this possible, and 3 States do not allow this possibility.

WHAT IS THE LIKELIHOOD OF A CONVENTION?

Few will deny today that the EU is in need of significant reforms, such as a revision of the EU's legal framework and the strengthening of European democracy. Politicians from different EU Member States have publicly called for Treaty reforms, and so have members of the European Parliament from across the spectrum and technocrats from the EU institutions, including Commission President José Manuel Barroso.⁵

The troubled ratification process of the Lisbon Treaty, combined with the current presence of eurosceptic and nationalist tendencies across the continent, has meant that there is little enthusiasm among certain political elites for a Convention right now. Some European leaders show great resistance to the Convention as it would mean a loss of control over decision-making.

⁵ <http://www.euractiv.com/future-eu/barroso-aligns-merkel-push-treat-news-514619>

But the solution to these problems that is offered by a few powerful leaders – to continue conducting negotiations among themselves and then forcing other politicians to fall in line, shutting down debate by excluding citizens, civil society and even the European Parliament from the discussions – is neither acceptable by the general public nor by the Parliament. By avoiding a truly democratic debate, they will only encourage nationalist sentiments and further fuel anti-EU movements. Already today citizens feel that they are not taken seriously, nor being given their rightful voice on European issues. The European Union, being increasingly removed from the reality of peoples' lives, magnifies their mistrust.

That is why the idea of the Convention is so potent right now. It is the only available legal mechanism by which substantial democratic reforms can be put on the agenda in Brussels to move towards a more legitimate and democratic European Union, and it is the only means to achieve the open debate demanded by citizens and civil society across Europe.

CAMPAIGN FOR A DEMOCRATIC EU CONVENTION



The transnational campaign 'Democratic Europe Now!' aims to give citizens the opportunity to engage in the decision-making process over important European issues. We want to generate an open and inclusive debate on the future of Europe, involving the spheres of politics, media and civil society, and demand more democracy in the European Union.

The campaign is building a broad alliance of politicians, entrepreneurs, academics, civil society organisations and citizens from all corners of Europe and across the political spectrum, who share an interest in democratic change in the EU and are calling for a new European Convention to work on democratic reforms for the EU. The campaign is initiated by Democracy International, which provides ongoing support and coordination for campaign activities.

DEMOCRACY INTERNATIONAL



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Democracy International

is an independent non-governmental organisation that agitates for more democracy in Europe and beyond. It actively supports democracy initiatives in a number of countries and coordinates campaigns for electoral and institutional reform, freedom of information, increased citizen participation and direct democracy. Our greatest success at the European level to date is the introduction of the European Citizens' Initiative, which allows citizens to propose issues for the EU legislative agenda via a petition to the European Commission.

▶▶ www.democracy-international.org

For more information on the Democratic Europe Now campaign and to sign the petition, please go to:

▶▶ www.democratieuropenow.eu

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We are ready for a Europe of and for the people. We have had enough of closed-door negotiations and top-down reforms, where the interests of the politically and economically powerful dominate the agenda. We want a better and more democratic Europe. We demand an EU Convention process – one that is democratic, participatory and transparent, and that gives citizens the chance to vote on the proposals at the end.

**It is time to open up the debate.
It's time for a democratic Europe.**

Sign this petition on
www.democratieuropenow.eu

