

General Affairs Council - 28 January 2020 - flash report

Conference on the Future of Europe. *The Commission (Vice President Šefčovič and Vice-President Šuica) presented its Communication of 22 January and the ensuing exchange showed a large convergence of views among Member States. The elements contained in the Presidency's paper were largely welcomed as a good basis for the formulation of a Council position, as was the focus on citizens and on issues that truly matter to them. In this respect, in line with the European Council Conclusions of December 2019, all intervening delegations (LV, PT, SE, DE, RO, BG, FI, CZ, IT, HU, SI, EL, BE, LT, AT, CY, EE, IE, ES, PL) support a policy-based approach rooted in the implementation of the Strategic Agenda and the need to deliver tangible results in terms of content and scope. Member States have different views as to which topics should be prioritised in discussions. Divergences also remain on whether to include institutional issues within the scope of the Conference, and if yes, whether these should be tackled in parallel to policy issues or afterwards. More generally, several delegations (SE, PT, RO, SI, BE, NL, LU, LT, PL, FI) highlighted the importance of managing expectations.*

On organisation, the discussion showed broad agreement among Member States on the need for an inclusive process that involves all Member States, respects interinstitutional balance and is based on shared ownership by EU institutions and Member States. Similarly, Member States agree on the need for broad involvement of citizens and civil society that represents different groups across society. Consequently, there is also agreement on the need for a decentralised approach to organisation and for the involvement of local and regional government, the Committee of the Regions and the European Economic and Social Committee as well as for the involvement of national parliaments. On governance more specifically, the preference is for a lean and simplified structure. Member States also agree on launching the Conference on 9 May, with a number also supporting the event taking place in Croatia (SK, EL, DE, IT). The mandate taking the form of a Joint Declaration is also supported by most, with only HU arguing in favour of a different format (an Interninstitutional agreement).

On outcomes, the referral of a report to the European Council is supported, but the need to avoid prejudging outcomes and automaticity was highlighted.

Coreper will now take forward work towards a Council position on the basis of the ministerial discussion.

Detailed report:

Conference on the Future of Europe

The General Affairs Council held an exchange of views on the Conference on the Future of Europe. The **Presidency** introduced the discussion by noting that, in line with the tasking of the European Council in its December 2019 Conclusions, it aimed to take forward work on preparing and finalising the Council's position, with a view to negotiations with other institutions. Referring to the document prepared for discussion, the Presidency invited ministers to intervene on the elements for a possible approach, notably with respect to outstanding issues such as content, organisation and governance in order to define the way forward.

The **Commission** (Vice President Šefčovič and Vice-President Šuica) presented the overall idea for the Conference, as outlined in the Commission Communication of 22 January. Welcoming the discussion paper for the Council, the Commission (Vice-President Šuica) recalled that the impetus behind the Conference is that the EU needs to respond to the call of citizens that are asking to have a greater say in policy-making beyond elections. Highlighting that the process towards a Conference on the Future of Europe should complement our representative democracy, not replace it, the Commission stressed the need to have a common, unique and ambitious response, guided by non-negotiable principles such as inclusiveness,

openness and interactivity. Cautioning against having a predetermined outcome, the Commission called for intense collaboration in order to reach out to all citizens from all areas and all ages, especially outside our capitals, and also engage with those that are critical of the European project. The Commission then gave an outline of the two strands foreseen in the Communication, notably:

- one on policy, clustered around the Commission headline ambitions and the European Council's Strategic Agenda;
- Another one on institutional topics, which Vice-President Věra Jourová, who stands ready to facilitate talks, will lead for the Commission. In this respect, the Commission clarified that it is the European Parliament and the Council who should take the lead on the institutional strand, as they are responsible for electoral law.

The Commission noted that while the Conference should build on the experience of the Citizens' Dialogues, the feedback mechanism foreseen in the Conference process is important and a key element that was not part of the Citizens' Dialogues. This will be essential in order for citizens to see the impact they have had on policy-making, serving as a benchmark for success.

Turning to the need for interinstitutional cooperation, the Commission (Vice President Šefčovič) highlighted the importance of shared ownership, with each institution on equal footing. In this regard and in the spirit of unity of purpose, the Commission called for work to move forward on ambitious Joint Declaration that outlines how to move the process forward in terms of scope and structure and noted that the Commission is ready to facilitate in order to reconcile the different priorities of different institutions. The Commission expressed support for the involvement of national parliaments in the Conference, hand-in-hand with the Committee of the Regions, the European Economic and Social Committee, regional as well as local authorities, civil society, social partners. Referring to the suggestion to launch the Conference on 9 May, the Commission noted that this date would be symbolic, as would the launch taking place in Croatia. In order to reach this deadline, the Commission called for joint progress on the concept, structure, scope and timing of the Conference as quickly as possible.

The exchange of views among Ministers showed a large convergence of views between Member States. The elements contained in the Presidency's paper were largely welcomed as a good basis for the formulation of a Council position, as was the focus on citizens and on issues that truly matter to them. In this respect, in line with the European Council Conclusions of December 2019, all intervening delegations (LV, PT, SE, DE, RO, BG, FI, CZ, IT, HU, SI, EL, BE, LT, AT, CY, EE, IE, ES, PL) support a policy-based approach rooted in the implementation of the Strategic Agenda and the need to deliver tangible results. HU and BG did however make the point that different national starting points and national specificities should be taken into account. A number of Member States (LV, PT, SE, RO, BG) made the point that it should be made clear that the concept of consulting citizens on policy is not new, will build on the results achieved during the successful experience of Citizens' Dialogues.

While there is agreement on the need to place the Strategic Agenda and its implementation at the heart of the approach, Member States have different views as to which topics should be prioritised in discussions. Member States specifically mentioned migration (DK, SK), climate change/green transition (SE, SK, DK, FI, IT, LT, RO), social issues (DK, IT, LT), globalisation and competitiveness (SE, DK, HU, LT) fundamental values and Rule of Law (SE, DK, FI, BE, NL, LU, AT) transparency (SE, BE, NL, LU) subsidiarity (SE, HU, PL) economic issues (IT), the enforcement of EU law (BE, NL, LU) and security (FI).

Divergences also remain on whether to include institutional issues within the scope of the Conference, and if yes, whether these should be tackled in parallel to policy issues or otherwise. Most delegations (LV, PT, SE, DK, DE, RO, BG, FI, CZ, LT, CY, EE, IE) would prefer the exclusion of institutional issues from the scope, largely being of the opinion that issues such as the lead candidate system and transnational lists are unlikely to capture the attention of citizens. Confident that EU priorities can be reached within the

framework of the existing Treaties, several Member States (LV, PT, DK, RO, BG, FI, CZ, EL, LT, ES) also seem reluctant to go down this route as they see it as inviting Treaty change.

On the other hand, SK made the point that excluding institutional issues directly would only serve to antagonise the European Parliament, and therefore suggested that these should be dealt with at a later stage, following progress on the policy strand. SI, stating that the decision to discuss institutional issues should be made after taking into consideration citizens' views, shared this position. Similarly, ES agreed that institutional issues should be addressed in due course, and cautioned that the Council should not be seen as wanting to hinder institutional progress. FR agreed that this is a priority for the European Parliament that needs to be discussed, but suggested discussing this in parallel as progress on issues such as transnational lists and party funding is needed before the next European Parliament elections. IT shared this view, noting it would be counterintuitive to rule out discussions on innovating the Union's institutional structure with the aim of enhancing democratic participation and transparency. HU argued that it would be important to clearly define the goals of the exercise, noting that institutional issues and even the possibility of Treaty change could be included but the circumvention of existing rules during the process should be avoided. Although not for the same reasons, BE and PL noted that crosscutting issues could be tackled in a horizontal way in the context of the discussion on policies. AT was again the only Member State to speak in favour of the Conference dealing directly with Treaty change.

More generally, several delegations (SE, PT, RO, SI, BE, NL, LU, LT, PL, FI) highlighted the importance of managing expectations and not overpromising and under delivering, with SE making the point that it should be made clear that this process does not replace traditional representative democracy.

On organisation, the discussion showed broad agreement among Member States on the need for an inclusive process that involves all Member States, respects interinstitutional balance and is based on shared ownership by EU institutions and Member States. Similarly, Member States agree on the need for broad involvement of citizens and civil society that represents different groups across society. The need to use digital tools to do so was also highlighted (LV, FR, SK, DE).

Consequently, there is also agreement on the need for a decentralised approach to organisation and for the involvement of local and regional government, the Committee of the Regions and the European Economic and Social Committee as well as for the involvement of national parliaments. On the latter, some Member States (IT, SI) also went a step further, arguing explicitly in favour of their equal representation within the governance body of the Conference. SK suggested the inclusion of Western Balkans partners in the Conference, though CY objected to this.

On governance more specifically, the preference is for a lean and simplified structure. On chairing, most Member States seem to be flexible on the options provided by the Presidency (a single chair or a collegiate body) and can agree to this being supported by a steering board and a secretariat, on the condition that the principle of interinstitutional balance is respected. FI was the only Member State to express a preference for a leaner governance structure than that presented by the Presidency. SE highlighted the need for the governance structure, as well as the Conference as a whole, to uphold the principle of gender equality. This was also supported by IE and LT.

Member States also agree on launching the Conference on 9 May, with a number also supporting the event taking place in Croatia (SK, EL, DE, IT). EL and CY however made the point that work on identifying the modalities for the Conference needs to take place before this. The mandate taking the form of a Joint Declaration is also supported by most, with only HU arguing that this should take the form of an interinstitutional agreement as it bears more political legitimacy and leaves less space for reinterpretation.

On outcomes, the intention to refer a report to the European Council can be supported. A number of Member States however made the point that outcomes should not be prejudged and that there should be

no automaticity (PT, FR, BG, BE, NL, LU, EE, IE). FR however noted that a commitment should be made to take any outcomes into consideration.

The Presidency took note of the discussion, noting that Member States are largely aligned in their positions. Coreper will now be tasked with taking forward work towards a Council position shortly.

Following the completion of the meeting, the UK intervened to mark the last Council meeting the UK will be attending before its withdrawal. The UK highlighted the values it shares with the EU, as well as its commitment to work hard towards achieving an ambitious future relationship.