

COMMENTARY

The Conference on the Future of Europe: 3 stumbling blocks to the Joint Declaration



FUTURE OF EUROPE ([HTTPS://WWW.EPC.EU/EN/SEARCH?TAG=535](https://www.epc.eu/en/search?tag=535)) / COMMENTARY

Johannes Greubel

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Before they can even adopt a Joint Declaration on the Conference on the Future of Europe, the EU institutions need to agree on at least 3 central issues: Who will lead the process? Will there be treaty change? And what would be the follow-up?

On 30 June 2020, the Presidents of the European Commission, the European Parliament and the Council officially kicked off the negotiations on a Joint Declaration (JD) for the Conference on the Future of Europe (CoFoE). By outlining the objectives, content, scope, composition and governance structure of the Conference, the JD will provide the cornerstones of an interinstitutional mandate for a complex two-year process. Thus, it will determine whether it will, at the end of the day, lead to

much-needed reform of the EU.

Striking a compromise on some aspects will be harder than on others. The three institutions' positions set forth over the past few months already overlap in some parts. Nonetheless, there are at least three key issues where they diverge profoundly, and consent will probably be hard-fought: (i) determining leadership; (ii) the question of treaty change; and (iii) the post-Conference follow-up. The positions of the Parliament and the Council are, in particular, diametrically opposed to each other on these issues, while the Commission is much more cautious. (See the annex below for a comparative table of all the commonalities and differences in the positions of the three EU institutions.)

Stumbling block 1: The 'right' leadership

The Parliament and the Council differ on their preferred leadership options. **The former** (https://www.europarl.europa.eu/doceo/document/TA-9-2020-0010_EN.pdf) calls for the CoFoE to be steered by "the three main EU institutions under Parliament's leadership". **The latter** (<https://www.consilium.europa.eu/media/44679/st09102-en20.pdf>) wants an "eminent European personality as its independent and single chair" who can "represent the joint interests of all three EU institutions" to lead the Conference, and thus rejects the Parliament's potential leadership role.

The CoFoE leadership will be critical in steering the process towards a successful outcome. Having someone who enjoys the support and trust of the three main EU institutions in control is, therefore, of utmost importance. It also makes the leadership question a particularly sensitive one.

Although the JD will set the framework for the CoFoE, the former will and should not aim to provide all the details related to the different phases and layers of the latter. The Declaration cannot include or anticipate all the aspects of such a complex and long-term process. Many issues will have to be solved and managed by the Conference leadership as the process unfolds.

The leadership must elaborate a detailed work plan that will ensure that the various elements of the Conference – citizens' agoras, thematic conferences, meetings of the Conference Plenary, national and regional activities – all feed into the process constructively. It must specify how citizens will, in practical terms, be involved in the process, given that the JD will most likely only set broad criteria in this regard. It must clarify issues related to the random selection of citizens, the content the citizens' agoras will deal with concretely, and the interlinking of the citizens' and representative dimensions of the CoFoE. Finally, the leadership might have to be ready to adapt the process to possible future waves of the COVID-19 pandemic.

To perform all these tasks, those at the helm of the Conference should be politically and institutionally independent, have vast political experience at the highest level and be able to bring the different strands of the CoFoE together constructively. The leadership should be supported by a steering committee which includes not only institutional actors, but also a wide range of experts in the field of participatory democracy. In addition, the leadership should draw on past citizens' participation projects, which offer **valuable lessons** (<https://www.epc.eu/en/publications/Preparing-for-the-Conference-o~2fb4e4>) for the many decisions that will have to be taken. Finally, the Conference leadership should be equipped with adequate resources, competences and funds to cover the activities undertaken in the context of

the CoFoE.

Stumbling block 2: The question of treaty change

Another highly controversial issue relates to the question of treaty change. While **the Parliament** (https://www.europarl.europa.eu/doceo/document/TA-9-2020-0010_EN.pdf) is open to all possible outcomes, including amending the EU's primary law, the Council rejects the idea of treaty reform. **The Council** (<https://www.consilium.europa.eu/media/44679/st09102-en20.pdf>) states that the "Union framework offers potential to allow challenges to be addressed in an effective manner." Member states thus seem firm in their position that the CoFoE does not fall within the scope of Article 48 TEU, which outlines the options available for treaty reform.

Those two diametrically opposed positions seem difficult to reconcile. However, if the Conference is to enable European citizens and their political leaders to formulate a joint vision for the future, as all three institutions claim in their position papers, it must leave the door for a potential treaty reform open. Excluding certain options from the start could dent the credibility of the Conference as an exercise which takes citizens' opinions into account. Moreover, specific policy reforms needed for the Union's successful future post-COVID-19 might require treaty change.

The debate about institutional reform is a case in point. A year ago, the nomination of Ursula von der Leyen as Commission President sparked **criticism** (<https://www.ft.com/content/7ccc011a-9cf0-11e9-9c06-a4640c9feebb>) among political groups and the public and led to pledges from **the Parliament** (https://www.europarl.europa.eu/doceo/document/TA-9-2020-0010_EN.pdf) and several **EU leaders** (<https://www.politico.eu/wp-content/uploads/2019/11/Conference-on-the-Future-of-Europe.pdf>), including **the Commission President** (<https://op.europa.eu/en/publication-detail/-/publication/43a17056-ebf1-11e9-9c4e-01aa75ed71a1>) herself, to reform the (s)election process before the next European elections in 2024. Since then, the debate around this issue went silent.

The COVID-19 crisis might have shifted the focus of the Conference towards more policy-oriented issues. However, to avoid a repeat of 2019, institutional reforms should not fall off the agenda. A comprehensive and open debate about how to reform the *Spitzenkandidaten* system and whether to introduce transnational lists might discover that the Union's current institutional framework does not suffice. This effectively means that the possibility of treaty change cannot be simply dismissed at this time.

Stumbling block 3: The post-Conference follow-up

The positions of the Parliament, Commission and Council suggest that the CoFoE should end with a report summarising the outcome of the process and potentially including recommendations on how to translate them into reform. A thorough post-Conference follow-up is, therefore, essential if the process is actually to lead to tangible reforms.

While **the Parliament** (https://www.europarl.europa.eu/doceo/document/TA-9-2020-0010_EN.pdf) calls for final CoFoE conclusions that include concrete recommendations and the EU institutions following them up individually through concrete legislative proposals, **the Council** (<https://www.consilium.europa.eu/media/44679/st09102-en20.pdf>) advocates that the outcome of the Conference should be reflected in a report to the European Council in 2022. It

would then be up to the heads of state or government to define the next steps. The EU institutions would then formulate their response to the CoFoE based on these steps.

Nevertheless, if the experience with the European Citizens' Consultations (ECCs) is any indication, leaving the outcome of the Conference in the hands of only one institution – that is, the European Council – risks failing to produce a proper follow-up to the Conference. **The ECC process (https://www.epc.eu/en/Publications/Citizens-expect-Lessons-from-the-European-Citizens-Consultations~26c3d4)** was granted only one paragraph in **the European Council's conclusions at the end of the initiative (https://www.consilium.europa.eu/en/press/press-releases/2018/12/14/european-council-conclusions-13-14-december-2018/)**.

Over the past year, EU institutions have **raised citizens' and civil society's expectations (https://www.eesc.europa.eu/sites/default/files/files/eci-day-2020-recommendations.pdf)** about the CoFoE, while the COVID-19 pandemic has highlighted the urgency to build a more resilient Union. To avoid that the Conference becomes a paper exercise that does not translate into much-needed policy and institutional reforms, the JD should foresee a joint, coordinated follow-up by all institutions. This should be based on a comprehensive Action Plan that includes tangible recommendations on institutional and/or policy reforms.

The negotiations on the JD will, to a large extent, define whether the Conference will be successful or not. Compromise on the three controversial issues will require substantial concessions from all sides. To cross that bridge, the three institutions should be ready to get the ball rolling and already launch the Conference this autumn. There is no time to lose, and the multiple consequences of the COVID-19 crisis show us that the business-as-usual approach cannot be an option when it comes to the future of Europe.

Annex (click on the table) - last updated 2 March 2021:



**CONFERENCE ON THE FUTURE OF EUROPE (CoFoE)
POSITIONS OF EU INSTITUTIONS – COMPREHENSIVE SUMMARY OF KEY ELEMENTS**

KEY ELEMENTS	EUROPEAN PARLIAMENT Resolution, 15 January 2020 Resolution, 18 June 2020	EUROPEAN COMMISSION Communication, 22 January 2020	COUNCIL OF THE EU Council position, 24 June 2020 Revised Council position, 3 February 2021	DRAFT JOINT DECLARATION ON THE CONFERENCE ON THE FUTURE OF EUROPE (Zero Draft, March 2021)
GENERAL ISSUES				
Start, duration & basic document	<ul style="list-style-type: none"> launch: 9 May 2020 (initial resolution from January) as soon as possible in autumn 2020 duration: two years find common agreement on the establishment of the CoFoE before the summer break process, concept, structure, timing & scope should be agreed jointly by EP/COM/Council → memorandum of understanding 	<ul style="list-style-type: none"> launch: 9 May 2020 (kick-off event in Dubrovnik) completion: 4th semester 2022 → outcomes & recommendations of different debates should be presented & next steps considered concept, structure, scope & timing must be truly joint effort by EP/COM/Council → Joint Declaration Joint Declaration later to be opened to other signatories (incl. institutions, organisations & stakeholders) 	<ul style="list-style-type: none"> launch: as soon as the conditions allow in the light of the COVID-19 pandemic formal kick-off on 9 May 2021 in Strasbourg, if COVID-19 conditions allow duration: two years until 2022 mandate could take form of Joint Declaration by EP/COM/Council 	<ul style="list-style-type: none"> No mention of start/kick-off date conclusions by spring 2022
Objective(s)	<ul style="list-style-type: none"> renewed opportunity for EU citizens to have robust debate on Future of Europe (FoE) → bottom-up exercise make EU more democratic permanent mechanism for engaging with citizens on FoE identify what EU does well & what new measures it needs to do better increase EU capacity to act 	<ul style="list-style-type: none"> give Europeans greater say on what EU does & how it works for them encourage European citizens & make it easier for them to get involved in decision-making beyond EU elections strengthening link between Europeans & institutions New Push for European Democracy create more vibrant, interactive & relevant democratic system forge a vision for our future opportunity for EU to showcase how it can further evolve through constructive engagement with its citizens 	<ul style="list-style-type: none"> inclusive platform bringing together different voices engaging in wide reflection & debate on challenges Europe is facing & on its long-term future opportunity to underpin the democratic legitimacy of European project & functioning of the European project as well as to uphold the EU citizens support for our common goals & values a further opportunity for citizens to express themselves opportunity to engage with citizens & other stakeholders as the EU seeks to emerge stronger from the COVID-19 crisis, & assess the EU's response to the crisis and address the citizens' concerns in this regard with the aim of strengthening European solidarity contribute to the development of our policies & instruments in medium & long terms so that we can better tackle current and future challenges contributing to joint vision of the direction EU should take in next decade & beyond 	<ul style="list-style-type: none"> open a new space for debate with citizens to address Europe's challenges and priorities and a further opportunity for citizens to express themselves citizens-focused, bottom-up exercise for Europeans to give citizens a say on what matters to them and a greater role in shaping the Union's future policies and ambitions, improving its resilience opportunity to underpin the democratic legitimacy and functioning of the European project as well as to uphold the EU citizens support for our common goals and values learn the lessons from past crises, closely involving citizens and communities shaping the Union's future policies and ambitions, improving its resilience

(https://wms.flexious.be/editor/plugins/imagemanager/content/2140/PDF/2021/CoFoE_new_table_.pdf)

Johannes Greubel is Policy Analyst of the European Politics and Institutions programme.

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