



Procedure file

Basic information		
INI - Own-initiative procedure	2012/2078(INI)	Procedure completed
Constitutional problems of a multitier governance in the European Union		
Subject		
8.30 Treaties in general		
8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology		
8.40.11 Relations with Member State governments and national parliaments		
8.40.14 European Council		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	AFCO Constitutional Affairs		28/02/2012
		PPE TRZASKOWSKI Rafal	28/02/2012
		S&D GUALTIERI Roberto	
		Shadow rapporteur	
		ALDE DUFF Andrew	
		Verts/ALE HÄFNER Gerald	
		ECR FOX Ashley	
		EFD MESSERSCHMIDT Morten	
		Committee for opinion	Rapporteur for opinion
	ECON Economic and Monetary Affairs		07/05/2012
		ALDE GOULARD Sylvie	
	EMPL Employment and Social Affairs		02/07/2012
		S&D HUGHES Stephen	
	REGI Regional Development	The committee decided not to give an opinion.	
European Commission	Commission DG	Commissioner	
	Secretariat-General	BARROSO José Manuel	

Key events			
24/05/2012	Committee referral announced in Parliament		
24/10/2013	Vote in committee		
15/11/2013	Committee report tabled for plenary	A7-0372/2013	

11/12/2013	Debate in Parliament		
12/12/2013	Results of vote in Parliament		
12/12/2013	Decision by Parliament	T7-0598/2013	Summary
12/12/2013	End of procedure in Parliament		

Technical information

Procedure reference	2012/2078(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	AFCO/7/08793

Documentation gateway

Committee draft report		PE502.266	10/07/2013	EP	
Amendments tabled in committee		PE516.937	13/09/2013	EP	
Committee opinion	EMPL	PE500.437	10/10/2013	EP	
Committee opinion	ECON	PE504.128	30/10/2013	EP	
Committee report tabled for plenary, single reading		A7-0372/2013	15/11/2013	EP	
Text adopted by Parliament, single reading		T7-0598/2013	12/12/2013	EP	Summary
Commission response to text adopted in plenary		SP(2014)260	06/05/2014	EC	

Constitutional problems of a multitier governance in the European Union

The Committee on Constitutional Affairs adopted the own-initiative report by Rafał TRZASKOWSKI (EPP, PL) et de Roberto GUALTIERI (S&D, IT) on constitutional problems of a multitier governance in the European Union.

Members began by clarifying that the debate on multi-tier governance does not overlap with the issue of multi-level governance, which relates to the balance of powers and the involvement of national, regional and local authorities. The report discusses the question of differentiation, which is both a constitutive feature of the process of European integration, and a means to allow its progress and guarantee substantial respect for the principle of equality between Member States.

Differentiated integration: the committee was of the opinion that differentiated integration could be a useful tool to promote deeper integration to the extent that it safeguards the integrity of the EU. It could also prove essential to achieving a genuine European Monetary Union (EMU), enhancing the Unions competences, in particular in the field of economic policy, and strengthening its budgetary capacity and the role and democratic accountability of the Commission and the prerogatives of Parliament.

Use the existing instruments: the report underlined that the instruments for differentiated integration in the Treaties - limitation of the territorial scope of application, safeguard clauses, derogations, opt-outs, opt-ins, enhanced cooperation, and provisions specific to Member States whose currency is the euro - allow taking a first step in the establishment of a genuine EMU.

Reiterating that the option of a new intergovernmental agreement should be excluded, Members called on all institutions to proceed swiftly by maximising the possibilities afforded by the existing Treaties and their elements of flexibility and at the same time to prepare for the necessary Treaty changes in order to guarantee legal certainty and democratic legitimacy.

In this context, Parliament must make full use of its prerogative to submit to the Council proposals for the amendment of the Treaties, which subsequently need to be examined by a Convention, in order to complete the framing of a genuine EMU.

Procedures: in general terms, the committee considered that differentiation should preferably be done, wherever possible, within a legal act addressed to all Member States by means of derogations and safeguard clauses, instead of a priori excluding some Member States from the territorial scope of application of a legal act. It underlined nevertheless that a high number of derogations and safeguard clauses undermine

the unity of the EU as well as the consistency and effectiveness of its legal framework.

Member States are asked to extend the principle of enhanced cooperation to employment and social policies.

Democracy and institutions: Members recalled that, to be effectively legitimate and democratic, the governance of a genuine EMU must be placed within the institutional framework of the Union. They stressed that the participation of the European Parliament - the only EU institution in which citizens are directly represented at Union level - is essential for ensuring the democratic legitimacy and functioning of the EMU and is a precondition for any further step towards a banking union, a fiscal union and an economic union.

They also underlined the pivotal role of the Commission in EMU governance, as also confirmed by the Fiscal Compact and the European Stability Mechanism treaties, in guaranteeing the legal order of the EU treaties and in serving the common interest of the Union as a whole.

Amendment to the Treaties: the report states that any future treaty change should affirm differentiated integration as a tool for achieving further integration while safeguarding the unity of the Union. Differentiated integration should remain open and to all Member States and aims at complete integration into the Treaties.

Amongst the proposals for amendment of the Treaties, the report suggested the introduction of a new tier of associate membership, including a partial integration into specific Union policy areas, as a means to strengthen the European Neighbourhood Policy. Members also suggested making the Eurogroup an informal configuration of the Economic and Financial Affairs Council, and called for the Commissioner for Economic and Financial Affairs to be a Treasury Minister and a permanent Vice-President of the Commission

Constitutional problems of a multitier governance in the European Union

The European Parliament adopted by 359 votes to 115, with 31 abstentions, a resolution on constitutional problems of a multitier governance in the European Union.

Members underlined that differentiated integration should continue to act as a forerunner for deepening European integration, as it is started by a subgroup of Member States, remains open to all Member States and aims at complete integration into the Treaties.

Differentiated integration and European Monetary Union (EMU): Parliament considered that differentiated integration could be a useful tool to promote deeper integration to the extent that it safeguards the integrity of the EU. It could also prove essential to achieving a genuine EMU, enhancing the Unions competences, in particular in the field of economic policy, and strengthening its budgetary capacity and the role and democratic accountability of the Commission and the prerogatives of Parliament.

Using existing instruments: Parliament underlined that the instruments for differentiated integration in the Treaties - limitation of the territorial scope of application, safeguard clauses, derogations, opt-outs, opt-ins, enhanced cooperation, and provisions specific to Member States whose currency is the euro permit a first step to be taken in the establishment of a genuine EMU, falling within the Unions institutional framework, and excluding the option of a new intergovernmental agreement.

Members therefore called on all institutions to proceed swiftly by maximising the possibilities afforded by the existing Treaties and their elements of flexibility and at the same time to prepare for the necessary Treaty changes in order to guarantee legal certainty and democratic legitimacy.

Procedures: in general terms, differentiation should preferably be done, wherever possible, within a legal act addressed to all Member States by means of derogations and safeguard clauses, instead of a priori excluding some Member States from the territorial scope of application of a legal act. Parliament underlined, nevertheless, that a high number of derogations and safeguard clauses undermine the unity of the EU as well as the consistency and effectiveness of its legal framework. Parliament stressed that, where some Member States want not to take part in the adoption of a legal act in the field of the Unions non-exclusive competences, an enhanced cooperation in accordance with the relevant Treaty provision should be established instead of concluding international agreements outside the framework of the EU legal order. Member States are asked to extend the principle of enhanced cooperation to employment and social policies.

Democracy and institutions: Members stressed that the participation of the European Parliament - the only EU institution in which citizens are directly represented at Union level - was essential for ensuring the democratic legitimacy and functioning of the EMU and is a precondition for any further step towards a banking union, a fiscal union and an economic union.

In regretting the lack of parliamentary scrutiny of the Troika, the European Fund for Financial Stability (EFSF) and the European Stability Mechanism (ESM), Parliament also underlined the pivotal role of the Commission in EMU governance, as also confirmed by the Fiscal Compact and the European Stability Mechanism treaties, in guaranteeing the legal order of the EU treaties and in serving the common interest of the Union as a whole. Members stressed that the Community method should be used for all measures aimed at strengthening the EMU.

Amendment to the Treaties: the resolution states that any future treaty change should affirm differentiated integration as a tool for achieving further integration while safeguarding the unity of the Union. Differentiated integration should remain open and to all Member States and aims at complete integration into the Treaties.

Amongst the proposals for amendment of the Treaties, Parliament suggested the introduction of a new tier of associate membership, including a partial integration into specific Union policy areas, as a means to strengthen the European Neighbourhood Policy.

Among other things, Parliament also suggested making the Eurogroup an informal configuration of the Economic and Financial Affairs Council, and called for the Commissioner for Economic and Financial Affairs to be a Treasury Minister and a permanent Vice-President of the Commission

Lastly, Parliament called on the future convention to examine the possibility of introducing a special legislative procedure requiring four fifths of the votes in Council and a majority of Parliaments component members for the adoption of the Own Resources Decision.