



**From the European Convention to Public Discourse:
Debating on Common European Future**

**Istituto Affari Internazionali
in cooperation with
The Trans European Policy States Association**

convention watch

ITALY

1. Evaluation of the work and results of the European Convention

1.1 Overall assessment of the results of the Convention

What is your government's overall assessment of the results of the Convention? How have they been received by the other main political and social actors?

In a speech at the Chamber of Deputies (July 1, 2003), the Minister of Foreign Affairs Franco Frattini stated that the Convention had produced so valuable a result that the Intergovernmental Conference should abstain from changing it in a substantial way. He argued that the final result of the Convention represents a balanced compromise between the positions of those countries that, like Italy, want a stronger Union within its internal borders as well as on the international scene, and the positions of some old and new partners that are more cautious about the idea of a deeper integration and about the extension of QMV to strategic decisions. This opinion, shared by other members of the ruling coalition, has been reaffirmed by the Deputy Prime Minister Gianfranco Fini - who represented the Italian Government at the Convention - in his speech at the European Parliament on September 3, 2003. He expressed his satisfaction for the final result of the European Convention, declaring that "certainly it is a compromise among different proposals, sensibilities and interests, but still a realistic and high profile one." According to the Italian Government, the most positive aspect of the final draft approved by the Convention is that it enhances the powers of the European Parliament, the European Commission and the Council while preserving the balance among them.

The political parties of the centre-left opposition coalition gave a positive evaluation of the Convention outcomes. During the parliamentary debate their leaders asked the Italian Presidency of the Union to embrace the position of the countries which want to go even beyond the Convention's draft in the direction of a more federal Union and, in any case, to resist the attempts to restore the prerogatives of the national governments.

Confindustria, Italy's main business association, also gave a positive assessment of the draft Constitutional Treaty. Gian Marco Moratti, who is responsible for Confindustria's

European policies, affirmed that the Convention has done an excellent job and achieved important goals even if the international development were not favourable. So far the Trade Unions have expressed no general evaluation of the Constitution results.

1.2 Convention method

Is there the perception in your country that the Convention has contributed substantially to making the process of constitutional reform of the EU more transparent and democratic? What are considered to be the main positive elements of the Convention method? And those that, on the contrary, have drawn the most widespread criticism?

According to Deputy Prime Minister Fini, the European Convention has been more productive than the two last intergovernmental conferences (Amsterdam and Nice), thanks not only to its positive working atmosphere, but also to its innovative working method which allowed the formation of *consensus* without resort to voting, which could prove divisive. The Italian government has also appreciated the active role played by the Praesidium, which in its view has taken positions of national governments into due consideration.

In Italy the Convention's activity stimulated a debate about the constitutional reform of the EU which was wider than in the past, and involved a great number of political, social and institutional actors. This has partly reduced the popular perception that the EU's constitution changes are the result of a close door negotiation process.

Nevertheless, a part of the press (in particular the radical leftist daily *Il Manifesto* and some other leftist newspapers) and some members of the European Parliament criticised the Praesidium and Giscard D'Estaing's management of the Convention's debate, arguing that especially the latter did not take into due consideration the proposals that were not agreed by the representatives of the governments. Some Italian associations criticised that, on the occasion of the debate with civil society, the Praesidium involved mainly associations from Brussels rather than those working on Europe in the various national contexts.

1.3 Performance of national representatives

How do you judge the performance of the representative of your government in the Convention? Do you think that he/she played a proactive and dynamic role? What are the Convention issues on which he/she concentrated his/her interventions and proposals? Did your government work actively to adopt common positions or establish a unity of action with other governments? Did the representatives from your country at the Convention take similar stances on the most important issues, or did their different political affiliations and ideological convictions reflect in substantially different positions?

The Italian Government was represented at the Convention by Deputy Prime Minister Gianfranco Fini, who participated actively in the works of the assembly and in all plenary sessions. Fini's performance at the Convention reflected the Italian intention to play a "mediating role", and contribute to a compromise among the solutions proposed.

Indeed, in the first stage of the debate at the Convention, the government representative maintained a cautious and balanced line, avoiding explicit positions that could jeopardise the aspiration of playing such mediating role effectively.

This approach was also functional to the objective of obtaining the consensus of European partners for the holding the Intergovernmental Conference (IGC), during the semester of the Italian presidency (July-December 2003).

The only document presented by the Italian government to the Convention is a joint declaration with the Spanish government (drafted during the Italo-Spanish summit of November 28, 2002), in which the two governments support “the election of a president of the European Council ensuring continuity and visibility for the action of the Union in specific areas such as the CFSP and ESDP”.

The Italian members of the Convention have all, above and beyond the political parties to which they belong, been in favour of the strengthening of the Community method and institutions, even if those representing the ruling centre-right coalition have placed a greater emphasis on protecting the prerogatives of the states and reinforcing the role of national parliaments. There have been however different positions concerning the deepening of the cooperation in the criminal justice field: the centre-right members expressed reservations about this objective which were not shared by those representing the opposition.

There was an even deeper division over the proposal to insert a reference to Europe’s religious roots in the Constitution’s preamble – a proposal strongly supported by the centre-right members and opposed by those belonging to the opposition.

Different views were also expressed by the Italian members on some aspects of the institutional reform. In particular, while the government representative Gianfranco Fini was in favour of the French-German proposal for the dual presidency – president of the Commission plus a full-time president of the European Council – other Italian members advocated the creation of a single president for both the Commission and the European Council, as proposed by German Foreign Minister Joschka Fischer.

All the Italian members supported the introduction in the new treaty of an article to promote the participation of local governments to the Union’s political life. Finally all of them supported the extension of qualified majority voting to CFSP issues.

2. National debate and public opinion trends

2.1 Public opinion trends

How have the attitudes of public opinion towards the EU evolved in your country in the last months of the Convention’s work? Can it be argued that the completion of the Convention’s activities, and the presentation of the draft constitutional treaty have had a substantial impact on public opinion trends?

The most recent Eurobarometer survey shows that support for the introduction of a European Constitution is stronger in Italy than in any other EU country (77% of the sample). This attitude is lightly increased compared with the result of the previous survey, which may be taken as an indication that the presentation of the draft treaty has had a relatively little impact.

Moreover, the level of knowledge of the EU’s issues and institutions remains low: only 36% are aware that the Convention has worked on proposals to reform the European

Union. When asked on the functioning and the composition of the Convention, an absolute majority of the Italians, answered “I don’t know”.

2.2 The role of parliament

Was the draft constitutional treaty approved by the Convention discussed in your national parliament? Did the committees of your parliament working on EU issues address and examine, on a more or less regular basis, the work of the Convention? How did the government inform parliament about its initiatives and positions concerning the constitutional reform of the EU?

On July 3, 2003, after a long debate, a vast majority in the Senate approved a resolution expressing a positive evaluation of the work of the Italian members of the Convention and defining the draft treaty “a good constitutional basis”. The resolution was supported not only by the political parties of the ruling coalition, but also by the main political parties of the opposition. The resolution asks the government, which will chair the next IGC, to “defend and develop the results achieved by the Convention; to consider the IGC as the continuation of the Convention’s work, whose constituent spirit should not be lost”; and to reaffirm “the historical role played by Italy in the support of a federal Europe”.

During the Convention works, the government kept Parliament regularly informed through speeches at the plenary sessions of the Senate and of the House of deputies and hearings at the Committees dealing with foreign affairs and European issues.

2.3 Other relevant initiatives

Do you think that the many initiatives undertaken by the EU to promote a public debate on European constitutional issues, notably by involving civil society, have had an impact in your country? Has your government played an effective role in raising the knowledge and awareness of public opinion concerning the Convention’s goals and activities?

From the beginning of the Convention’s work, more than fifty public initiatives on issues related to the constitutional reform of the Union have taken place in Italy¹, promoted by European or national academic institutions think tanks. Various initiatives have also been organised to prepare and discuss the program of the Italian Presidency of the UE. All those initiatives helped involve a part of civil society interested in European constitutional issues and in the debate on the future of Europe, but apparently had a limited impact on the wider public.

In February 2002 the Ministry for European Affairs set up an “Observatory on the Convention” which was particularly active in involving the regions, provinces and municipalities in the debate over the EU’s constitutional reform. The Observatory also managed to promote a broad debate in the universities through an articulated programme of meetings and conferences.

¹ Check on the Italian Parliament website : <http://www.camera.it/aveur/it/Sezione/default.ASP>

2.4 Media coverage

How was the media coverage of the final, crucial phase of the Convention's work? How extensive has information on the content of the draft constitutional treaty been? Has it been presented in a positive or negative light? Which issues have been covered the most?

In the final phase of the Convention there was a considerable increase in the media coverage of the EU constitutional issues. When the Convention approved the final draft treaty, magazines and newspapers published specials and surveys explaining the main new provisions and proposals of the text. Particular attention was devoted to the critical assessment of the draft treaty made by the President of the Commission, Romano Prodi. The press also reported the proposal to extend qualified majority voting to other areas, particularly CFSP. In several interventions in the press Tommaso Padoa Schioppa, a member of the Executive Board of the ECB, declared himself strongly in favour of this idea.

Widely debated in the Italian newspapers was also the question of the inclusion of a reference to the Judeo-Christian roots in the preamble of the Constitution. The repeated statements of the Pope urging the EU to mention the Christian heritage in its constitution made the headlines.

3. Prospects for the Intergovernmental Conference

3.1 Link between the Convention and the IGC

The Thessaloniki Council did not go beyond defining the text of the draft constitutional treaty "a good basis for starting the Intergovernmental Conference". In your government's view, should the IGC limit itself to endorsing the results of the Convention, concentrating only on the few issues that still remain controversial, or engage in a more comprehensive review of the draft constitutional treaty?

In the Italian government's view, the IGC should limit itself, as much as possible, to endorse the reform proposals agreed upon at the Convention, addressing only the issues that the latter leaves unresolved. The Italian presidency is likely to try to discourage the tendency to reopen the issues on which the Convention has reached an agreement. However, some reform proposals elaborated by the Convention which have already given rise to a hot debate – such as the creation of a stable president of the European Council, the revised composition of the Commission, the extension of qualified majority voting to many new policy areas, and the introduction of double majority system for the voting in the Council – may again become subject of intense discussion within the IGC. In this case, the Italian presidency would have to play an active mediating role during the IGC. In effect the Italian government has repeatedly declared its readiness to take on such a role and, in view of that, has chosen to adopt a conciliatory attitude throughout the Convention debate, putting forward several proposals aimed at accommodating, in particular, the concerns of the smaller countries with regard to the institutional changes. In a recent interview, Minister Frattini said he foresees an intense pace of work at the highest political level for the upcoming intergovernmental conference, with no formal subgroup meetings but with the possibility of a concluding conclave at the end of

November. Frattini also proposed the adoption of a method of “constructive dissent,” whereby “a debate will be held on an issue only if there is a counterproposal whose proponent can explain its ameliorative effect”.²

The Italian Presidency has also declared its intention to push for the introduction of a reference to the Judeo-Christian roots in the preamble of the Constitution.

3.2 Organisation of the IGC

To prevent the upcoming Intergovernmental Conference (IGC) from bogging down in obscure and prolonged negotiations, as in the previous IGCs, the Italian government, which will hold the EU's presidency until December 2003, proposes that the IGC be held mostly at top-level, i.e. at the level of the Heads of State and Government and the Ministers of Foreign Affairs. Does your government agree with this approach?

(No response)

3.3 Controversial issues

3.3.1 Elected President of the Council

While there is general agreement concerning the establishment of a permanent and elected President of the Council, there are still different ideas on his/her functions, especially on whether or not he/she should play a co-ordinating role with regard to the presidencies of the other Council formations.

For the Italian government, the institutional relations between the permanent Presidency of the Council and the presidencies of the other Council formations need to be clarified, since the draft treaty does not address their problem adequately. In particular, the government believes that there is the need for effective instruments and procedure for the co-ordination and general direction of the various activities of the Council.

3.3.2 Composition of the Commission

The debate in the Convention concerning the European Commission eventually concentrated on its composition. The Convention approved the following proposal: “The Commission shall consist of a College comprising its President, the Union Minister of Foreign Affairs/Vice-President, and thirteen European Commissioners selected on the basis of a system of equal rotation between the Member States.” In addition, “the Commission President shall appoint non-voting Commissioners, chosen according to the same criteria”. Does your government back this proposal or is it in favour of a different solution?

According to the Italian government, the proposal adopted by the Convention concerning the composition of the European Commission is a positive aspect of the draft treaty since it would prevent the Commission from becoming a sort of intergovernmental body. Moreover, the Convention approved a rotation mechanism that

² Interview with Foreign Minister Franco Frattini - Ansa, 28/8/03

guarantees equality among Member States with respect to representation in the Commission. Italy does not agree with the proposal to modify the Convention's compromise.

3.3.3 Definition of qualified majority voting

The Convention has proposed abolishing the current weighting system for qualified majority voting (QMV), by defining QMV as the majority of the member states representing at least 60% of the European population. Is your government satisfied with this provision, or would it rather change it?

In an interview (August 28, 2003), Minister of Foreign Affairs Franco Frattini declared that Italy was working to find an agreement with Spain and Poland, which are the strongest opponents of the system for QMV proposed by the Convention, and support, on the contrary, the maintenance of the system approved to Nice. He declared: "Italy is trying to identify compromise options that could be acceptable for Spain and other countries, and at the same time for those that supported the Convention agreement, which represent the overwhelming majority. The good relations between Italy and Spain will be helpful." The Italian Minister did not exclude finding an intermediate solution acceptable for everybody between the provisions adopted by the Convention and what was decided in Nice.

3.3.4 Extension of qualified majority voting

Does your government support an extension of QMV to policy fields other than those indicated in the draft constitutional treaty, such as taxation and CFSP?

Being aware that some countries ask for a further extension of QMV while others want to keep the unanimity rule in areas they consider vital for their national interest Italy will try to defend the compromise which was adopted by the Convention during the Intergovernmental Conference. Moreover, Italy does not share the doubts that some countries have expressed about the "passerelle clause" which allows the European Council to decide by consensus the extension of QMV to new policy areas.

3.3.5 Minister of Foreign Affairs and EU diplomatic service

While there is a consensus on the creation of a EU Minister of Foreign Affairs, different views exist concerning the executive structure he/she should rely upon. What is your national government's position on this issue? Should the structure be placed within the Commission or the Council?

Italy shares the view that the Minister of Foreign Affairs should be a member of the Commission but report to the Council on CFSP issues (double-hating). It is also in favour of entrusting him/her with the chairmanship of the Foreign Affairs Council.

4. The ratification process

4.1 Eventual obstacles

Supported by the European Commission

Do you think that the process of ratification of the new constitutional treaty may encounter difficulties or major political opposition in your country? If so, which?

As mentioned above, all the main Italian political parties expressed a positive assessment of the final result of the Convention, and unless the IGC introduces radical changes, it is foreseeable that the Italian parliament will have no problems to ratify the new treaty.

4.2 European Parliament elections

According to the conclusions of the Thessaloniki Council, the Intergovernmental Conference should “complete its work and agree the Constitutional Treaty as soon as possible and in time for it to become known to European citizens before the June 2004 elections for the European Parliament”. Do you expect the constitutional issues to become a central matter of debate during the electoral campaign in your country? Or do you think that the European Parliament elections are more likely to be dominated by national issues?

During the next electoral campaign for the European Parliament, the main issues of the European constitutional reform process will be certainly addressed by both the parties of the ruling coalition, as well as the opposition parties. However, the constitutional issues are unlikely to be the main focus of the electoral campaign: the debate will probably concentrate only on the general principles and choices of the European integration process. Moreover, given the growing antagonism between the ruling coalition and the opposition, one can expect that the debate will be mostly about domestic political issues.

4.3 Referendums

For constitutional reasons, some countries need to submit the EU Constitutional Treaty to a national referendum before it can enter into force. Others may decide to hold a referendum in order to give the national ratification more legitimacy. Is a referendum foreseen in your country? If so, do you expect this to be a factor that will complicate or facilitate the ratification process?

Although both the ruling coalition and the opposition parties declared themselves formally in favour of a consultative referendum on the EU Constitutional Treaty, this issue seems to have lost momentum in Italy’s debate. Moreover, it is doubtful that the arrangements for holding a referendum can be approved in time. In fact, despite its consultative nature, the referendum would probably require a change in the Italian Constitution which forbids referendums on international treaties.

4.4 What to do in case of failed ratification

Has your government expressed any preference on the eventual initiatives to be undertaken in case one or more countries should fail to ratify the new treaty?

First, it is worth noting that Italy has accepted to include the ratification procedure among the questions to be discussed at the IGC, as expressly asked by the President of the Commission Romano Prodi and some Member States at the recent meeting of foreign ministers in Riva del Garza. However, changes are realistically unlikely to be introduced on this subject. In any case, if one or more Member States should fail to ratify the new treaty, the government thinks that the only possibility would be to give those countries additional formal guarantees on the issues of national concern as was done in the case of Denmark and Ireland.