

Flash email 1st June 2003

RE: [Convention and Health] Plenary Session 30-31 May

Dear Convention watchers!

In our last email we sent you a briefing note (now on our website at <http://www.epha.org/a/356>) explaining the news introduced by the second draft of Part I of the Constitutional Treaty by the Presidium.

With this email we include the following information:

1. EPHA press release on the absence of public health from article 3 of the Constitutional Treaty which sets the objectives of the Union.
2. Briefing of second draft of Part II (Charter of Fundamental Rights) and Part III (Policies of the European Union).
3. Summary of the oral interventions of members of the Convention on 30-31 May in the plenary session. The Agenda of the plenary session can be consulted here: <http://register.consilium.eu.int/pdf/en/03/cv00/cv00751en03.pdf>
4. "A Social Europe is a Must!" campaign of the Social Platform addressed to the members of the Convention. The aim of this campaign is to include the conclusions of the Social Europe Working Group into the second draft of the Constitutional Text by the Presidium.

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1. EPHA press release on the absence of public health from article 3 of the Constitutional Treaty which sets the objectives of the Union.

2. Briefing of second draft of Part II and Part III

CONV 725/03 <http://european-convention.eu.int/docs/Treaty/cv00725.en03.pdf>

- Part II – Charter of Fundamental Rights

Under the title *Solidarity*, Article 35 of the Charter refers to Health Care and it states that *'everyone has the right of access to preventive health care'* and that *'a high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities'*. [See Page 16]

- Part III – Policies of the Union.

Public Health is considered as an *'area where the Union may take co-ordinating complementary or supporting action'*.

Article 174 (ex Article 152 Treaty of the European Community, http://europa.eu.int/eur-lex/en/treaties/dat/EC_consol.pdf page 68-69) introduces some changes:

- *'Union'* instead of *'Community'*

- ' *European law or framework law* instead of ' *the procedure referred to in article 251* ', due to the changes of denomination of European legislation.
- Paragraph 4 adds that the objectives referred to in the article will be achieved ' *by establishing measures enabling common safety concerns to be met* '
- Finally, paragraph 6 eliminates the need of ' *qualified majority* ' when the Council adopts recommendations on public health.

[See Page 103-104]

Article 124 (ex Article 174 TEC), on the Environment, states that the ' *Union policy on the environment shall contribute to (...) protecting human health* '. [Page 78].

Protection of health of consumers is also mentioned in article 127 (ex Article 153 TEC). [Page 81].

3. Summary of the oral interventions of members of the Convention on 30-31 May in the plenary session.

Agenda: <http://register.consilium.eu.int/pdf/en/03/cv00/cv00751en03.pdf>

- Friday 30 May, debate on draft texts on enhanced co-operation, economic governance and own resources and budgetary procedure.

On Friday morning, the 105-delegates discussed the reinforced co-operation, a technical sounding issue which covers big political issues - such as the ability for certain Member States to go further in defence co-operation.

In the afternoon, economic governance was on the agenda - where, according to the draft, the Commission would receive greater powers to reprimand Member States; the hot issue of 'own resources' or creating a direct European tax was also on the agenda.

- Saturday 31 May, debate on draft Part II (Charter of Fundamental Rights) and Part III (policies) of the Constitutional Text.

Documents:

CONV 726/03 <http://register.consilium.eu.int/pdf/en/03/cv00/cv00726en03.pdf>

CONV 725/03 <http://european-convention.eu.int/docs/Treaty/cv00725.en03.pdf>

80 members of the Convention intervened in the session last Saturday. Different topics were addressed in a lively debate chaired by Giscard d'Estaign.

- **THE CHARTER OF FUNDAMENTAL RIGHTS:** numerous interventions referred to the place where the Charter should be included. Initially, there were two opposite positions: to put it in a Protocol as a separate document or to integrate it in Part I of the Constitution. Consensus was reached to place the Charter inside the Treaty as Part II.
- **SERVICES OF GENERAL INTEREST:** several members of the Convention complained because Part III of the Constitution did not create a stable legal basis for the Commission to ensure the quality and the equal access to services of general interest. After an initial debate on whether this would mean a ' *public monopoly of the provision of services of general interest and the exclusion of this area from competition* ' the members of the Convention reached a consensus on this issue, demanding the Presidium to amend the text in order to establish a legal base on which the Commission could act to ensure the quality and the equal access to services of general interest, independently of whether those services were managed by the public or the private sector.

- HEALTH:
 - Anne Van Lancker (PES, Belgium MEP), demanded more powers to the Commission to deal with bioterrorism threats and health emergencies.
 - Hubert Haenel (EPP-ED, French parliament representative) expressed the need to keep international agreements on trade of services (specially health services) under Unanimity, because opening the decision-making procedure to Qualified Majority Voting would expose the trade of this services to the flows of the market which Member States can't control.
 - Renee Wagener (Greens/EFA, representative of the Parliament of Luxembourg) referred to the need of introducing the method of co-decision with the European Parliament on issues that concerned the protection of public health.

4. "A Social Europe is a Must!" campaign of the Social Platform aimed at including the conclusions of the Social Europe Working Group into the second draft of the Constitutional Text by the Presidium. On 27 May, the Social Platform launched an e-card campaign entitled ' A Social Europe is a Must!' to influence the final outcome of the Convention.

The campaign was launched at the ETUC Congress in Prague as part of the act4europe campaign of the Civil Society Contact Group. Giscard d' Estaign was present in Prague, and he signed his support for the objectives - to ensure a strong social dimension to the Convention' s work.

The web-site: <http://www.fnv.nl/europe/social> which hosts the e-card, gives more background on the campaign, and includes links to the Civil Society Contact Group toolkit on the Convention. The e-card is currently available in five languages. There is also a link to the campaign on the front page of the Social Platform website.

More information at www.socialplatform.org and www.act4europe.org

TIMMING

- Part III of the Treaty will be now amended by the Presidium taking into account the interventions of 30-31 May.
- The amended document will be distributed on Monday 2 June.
- The Presidium will meet with the separate components of the Convention on Wednesday 4 June to listen carefully to their final opinions:
 - ⊃ 9:30, meeting with the representatives of the National Parliaments
 - ⊃ 15:00, meeting with the representatives of the National Governments
 - ⊃ 17:00, meeting with the MEPs
 - ⊃ meeting with the representatives of the Commission to be held either at the end of the morning or at the end of the day.
- Next plenary session: 5-6 June.