



10 June 2003

Dear (Head of Government)

I have great pleasure in presenting on behalf of the European Constitutional Group (ECG) a basic constitutional treaty for the European Union. The ECG is an independent group of scholars from across Europe whose first proposal for a European constitution was published in 1993.

You and your colleagues on the European Council will shortly be considering the proposals from the Convention. Europe cannot risk being split apart by the centralising recommendations of the Convention. We therefore warmly commend to your attention an alternative that we think is in tune with the aspirations of Europe's peoples and that provides a principled platform for further evolution in the years to come.

This alternative proposal of the European Constitutional Group is based on the principles of the rule of law and democratic control and has been drawn up independently of the inter-institutional forces operating within the Convention.

In drawing up our proposals our first concern has been to offer constitutional protections that limit the domain of the centre and preserve political pluralism in Europe. If people across Europe do not feel that the Union's system of government is 'theirs' there will be an adverse reaction that will destroy all that the Union stands for.

Our second concern is to ensure that, in an enlarged Union, Europe's constitution properly reflects the Union's areas of strength. These are centred on securing the four freedoms (the free movement of goods, capital, services and people) and they also include securing peace, an improved environment and maintaining an open trade policy to the outside world. But if the Union tries to do too much in too many areas where it does not have an advantage it will end up doing nothing well. People will rightly distrust the confusion and rhetoric of a constitution that promises everything. Our proposals protect the foundations of a free, open and competitive market and thus offer by far the best basis for renewed economic growth and prosperity in Europe.

The proposals of the European Constitutional Group set out a simple democratic and efficient framework for the enlarged Union in ten straightforward articles that can be understood by all:

- ❖ They strengthen procedures for ensuring that every significant Union measure passes a more stringent justification and is based on independently reviewed evidence about its expected impact;
- ❖ They protect the role of national and regional jurisdictions by ring-fencing their tax powers and by allowing for choice between different regulatory regimes;
- ❖ They make sure that controversial judgements about how to interpret different claims about 'rights' are made as close as possible to the situation and circumstances where the claims arise.
- ❖ They introduce elements of direct democracy so that disaffected citizens do not feel without voice and tempted to turn to undemocratic means of expression.
- ❖ They see the external policies of the Union developing on the basis of coalitions of the willing and able that can better reflect the preferences and interests of member states and better support the development of international rules of behaviour and their enforcement.
- ❖ They enforce an active cooperation between the Commission and national administrations so that the preparation and implementation of measures is properly based on decentralised sources of information including that available within the private sector.
- ❖ They provide national parliaments, through their own second chamber in the Union Parliament, with their own possibility of blocking ill-considered or unnecessary proposals for Union action.

We therefore urge you to re-open and re-examine the proposals from the Convention in the upcoming Inter Governmental Conference. An alternative is needed in order to provide the basis for a flourishing political and economic life for the peoples of Europe.

Yours sincerely

The European Constitutional Group
(Signatories attached)



A BASIC “CONSTITUTIONAL “ TREATY FOR THE EUROPEAN UNION

Signatories:

Professor Dr. Peter Bernholz
Professor Emeritus of Economics
Centre of Economics & Business
(WWZ)
University of Basel

Prof. Dr. Charles B. Blankart
Professor of Economics
Humboldt-University Berlin

Professor Francisco Cabrillo
Chairman
Dept. of Applied Economics IV
University Complutense, Madrid

Dr. Detmar Doering
Director, Liberales Institut
Friedrich-Naumann-Stiftung, Berlin

Professor Jacques Gareilo
Professor of Applied Economics
University of Aix-en-Provence

Dr.habil. Lüder Gerken
Director
Stiftung Marktwirtschaft, Berlin

**Professor Dr. Dr. Christian Kirchner,
LL.M. (Harvard)**
Professor of Law
Humboldt University Berlin

Dr. Elena Leontjeva
Founder and Chair of Board
Lithuanian Free Market Institute

Professor Dr Angelo M. Petroni
Professor of Philosophy
University of Bologna

Professor Dr. Joachim Rückert
Professor of Law
University of Frankfurt

Professor Pascal Salin
University of Paris 9 Dauphine

Professor Dr. Friedrich Schneider
Vice Rector, Foreign Affairs
& Professor of Economics
Johannes Kepler University Linz

Dr. Jiri Schwarz
President
Liberales Institut Prague

Mr Peter Stein
CEO
Stein Brothers AB, Stockholm

Professor Dr. Roland Vaubel
Professor of Economics
University of Mannheim

Mr Frank Vibert
Director
European Policy Forum, London

Professor Dr Jan Winiecki
Professor
President of Polish Society of
Economists (TEP)