

Foreword for Cenjur Magazine

Reform the EU Council of Ministers - Take greater account of the principle of separation of powers

Peter Hintze, European policy spokesman for the CDU/CSU parliamentary group

Like never before, our political, legal, economic and social conditions are being shaped by decisions at the European level, without us always being aware of it. Given the large number of EU standards that apply directly in the member states or are incorporated into national law, it is becoming increasingly important for each of us to deal with European law and the political structures in Europe. However, to the extent that national decision-making scope is increasingly reduced, we need more transparency, democracy and effectiveness in European processes. In addition to the important project of EU enlargement, the development of a European constitutional treaty will therefore be one of the major political and legal challenges of the coming years. Only if we succeed in ensuring that the principles of democracy and separation of powers apply to a much greater extent at the European level will we succeed in bringing about the necessary legitimacy and acceptance of European decisions.

The EU Charter of Fundamental Rights will be an indispensable part of the future constitutional treaty. The Charter not only contains subjective rights of defense against sovereign interventions by the EU institutions in the fundamental rights of individuals, but is above all an expression

of our European system of values, which is based on freedom, democracy and the rule of law. In addition, the Constitutional Treaty must create a clear demarcation of competences between the EU and the member states in accordance with the principle of subsidiarity. The EU's responsibilities must be foreseeable, recognizable and limited in detail. More transparency and democratic control require a strengthening of the European Parliament, which in the future should also elect the President of the Commission and approve the Commission to be formed. European citizens must be able to make a connection between their vote and European decisions! The Council of Ministers must be reformed so that the principle of separation of powers is taken more into



account. Therefore, a distinction must be made between a legislative council and an executive council. The Legislative Council should be the second chamber responsible for European legislation, make decisions using a simplified majority voting procedure and meet publicly with a fixed composition under the leadership of a Secretary General to be elected by a majority. The Executive Council remains responsible for the remaining tasks, for example in the area of intergovernmental

cooperation. We have had very good experiences with the Fundamental Rights Convention, which works effectively and according to parliamentary principles, which we should use for the Constitutional Convention to be set up. For this reason, the majority of parliamentarians represented in the Convention must not be undermined by a numerical preponderance of government representatives in the Presidium of the Convention. Our democratic self-image also requires that the draft treaty drawn up in the convention must be the sole basis for

decision-making for the final intergovernmental conference. The governments' inability to reform has proven that the constitutional process cannot be left too much to them. I hope that the European media "cenjur CE legal-political information magazine" and "cenlaw CD-ROM" published by SEIDL will contribute in their own way to providing a larger and hopefully stronger experience not only to legal practitioners, but to all interested parties. to make Europe more transparent.

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