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From: General Secretariat of the Council

To: Delegations

Subject: Conference on the Future of Europe
- Proposals and related specific measures contained in the report on the final outcome of the Conference on the Future of Europe: Preliminary technical assessment

Delegations will find herewith a note, and an Addendum thereto, which provides a preliminary technical assessment of the proposals and related specific measures contained in the report on the final outcome of the Conference on the Future of Europe¹. This preliminary assessment was carried out by the General Secretariat of the Council.

It should be noted that given the limited time available to proceed to this assessment, and the volume of proposals and related measures to be assessed, this technical assessment is only preliminary. Further assessment will be provided as needed in the course of the follow-up work that will take place within the Council.

¹ Doc. 8933/22

**Proposals and related specific measures contained in the report on
the final outcome of the Conference on the Future of Europe:
Preliminary technical assessment**

Introduction

1. On 9 May 2022, the report on the final outcome of the Conference on the Future of Europe was presented to the Presidents of the European Parliament, of the Council of the European Union and of the European Commission, as provided for in the Joint Declaration signed in March 2021². As part of the Joint Declaration, the three Presidents agreed to examine swiftly how to follow up effectively to this report, each within their own sphere of competences and in accordance with the Treaties.

2. The report on the final outcome of the Conference contains 49 proposals and over 320 related specific measures, put forward by the Conference Plenary to the Executive Board of the Conference. These cover nine topics: ‘Climate change and the environment’; ‘Health’; ‘A stronger economy, social justice and jobs’; ‘EU in the world’; ‘Values and rights, rule of law, security’; ‘Digital transformation’; ‘European democracy’; ‘Migration’; and ‘Education, culture, youth and sports’.

3. The proposals and their related specific measures are mainly based on the recommendations formulated by citizens as part of the European and the National Citizens’ Panels, organised in the framework of the Conference. They also build on the ideas shared on the Conference’s Multilingual Digital Platform, and on the debates held in the Conference Plenary, including its Working Groups. The proposals’ related specific measures include a reference to their basis/origin, either by way of indications in brackets or by way of a footnote.

² Doc. 6796/21

4. In the last Conference Plenary, the representatives of the Council component of the Conference Plenary did not comment on the substance of the proposals but instead supported and encouraged the activities of the citizens and took note of their recommendations. The Council expressed its will to determine, after 9 May 2022, how to follow up on the results of the Conference, within its own sphere of competences and in accordance with the Treaties.

5. The table in Addendum 1 provides a **preliminary technical assessment of the proposals and related specific measures that are contained in the report on the final outcome of the Conference**. The table contains three columns, which respectively: (i) list all the proposals and specific measures related to these, (ii) outline the extent to which EU Institutions are already working on the said measures (i.e. what is being done?), and (iii) explain how the said measures could be implemented, if at all, and on which legal basis (i.e. assessment of feasibility). When a measure would require changes to the Treaties in order to be implemented, this is indicated in grey in the third column (iii). When only part of a measure would require changes to the Treaties, the relevant part is indicated in grey also in the first column (i). Finally, it should be noted that some of the measures are formulated in general terms, rendering the assessment, in particular as regards the possible legal basis in the current Treaties, difficult.

General overview of the preliminary technical assessment

A. Proposals and related specific measures addressed by existing and ongoing EU initiatives

6. One of the main findings of this preliminary assessment is that **a significant number of proposals and related measures are in the process of being addressed or are already addressed by the EU institutions**. The details of these findings are shown in the second column of the table in Addendum 1 (“what is being done?”).

This is especially the case for those Conference topics related to policy areas where EU legislation has been adopted or is being discussed by the co-legislators, and appears to correspond to the proposals and the related measures (or part of them). ‘Digital transformation’, ‘Climate change and the environment’ as well as ‘Health’ are good examples of this.

7. On the topic of ‘Digital transformation’, which has constituted a major EU priority in recent years, the DSA, DMA, AI Act, CEF2 Regulation, eID Regulation, NIS2 Directive³ as well as the initiatives contained in the European Strategy for Data anticipate on many proposals and related specific measures.

Similarly, on the topic of ‘Climate change and the environment’, the CAP 2023-27 as well as initiatives delivering on the European Green Deal, such as e.g. the revision of climate, energy and transport-related legislation under the 'Fit for 55 package', cover many issues included in the specific measures.

Concerning ‘Health’, a number of existing and ongoing EU initiatives aiming at better protecting citizens' health and at better responding to health crises also address requests expressed in a good number of the proposed measures.

8. In addition, it appears that some recent crosscutting EU initiatives would cover a number of proposals and related measures concerning several topics. This is for instance the case of the Recovery and Resilience Facility regarding proposals on the topics of ‘A stronger economy’, ‘Values and rights, rule of law, security’ as well as ‘Education, culture, youth and sports’ which touch upon public investment and quality of life.

B. Proposals and related specific measures that could be further addressed by EU Institutions

9. The preliminary technical assessment also highlights that **where the proposals and related specific measures could be further addressed by the EU Institutions, this could be done, for a large majority of cases, within the current Treaty framework.** The details of the findings are shown in the last column of the table in Addendum 1 (“how could the proposal/measure be implemented?”).

³ Digital Services Act (DSA); Digital Markets Act (DMA); Artificial Intelligence Regulation (AI); Connecting Europe Facility 2 Regulation (CEF2); Electronic Identification, Authentication and Trust Services Regulation (eID); Network and Information Security 2 Directive (NIS2).

10. First, many proposals and related measures could be implemented through amending the existing EU legislative framework with a view to reinforcing some of its provisions. This is for example the case of specific measures touching upon the issues of data protection and animal welfare.

11. Secondly, for other proposals and related measures, several tools, instruments, programmes and structures that already exist at EU level could, if necessary, be harnessed.

For instance, the European Semester process provides the possibility for further coordination of economic policy by Member States and could therefore address a good number of proposed measures under the topic 'A stronger economy, social justice and jobs'. On the topic of 'Values and rights, rule of law, security', some measures aiming at making EU values more tangible to citizens could be covered through the enhancement of several EU funding programmes. Stepped up communication efforts and further implementation of EU institutions' communication strategies could also tackle some proposed measures under the 'European democracy' and 'Education, culture, youth and sports' topics.

12. Thirdly, many proposals could be implemented through new EU legislation based on the current Treaty framework. For example, under the topic of 'Values and rights', upcoming initiatives such as a Media Freedom Act could cover a significant number of the proposed measures. Similarly, initiatives arising from the Circular Economy Package II could address some measures falling under the topics of 'A stronger economy' and 'Climate change and the environment'.

13. Moreover, while many proposals and related measures address specific issues, others are broader and sometimes of an aspirational nature. Their implementation would therefore allow for different possible types of initiatives, with a wide range of choice.

14. It should also be recalled that concerning the proposals and related specific measures falling into fields covered by shared competences, the EU has already been conferred the relevant competence in the Treaties, through the relevant legal bases in the areas concerned, but until the EU chooses to exercise its competence in the given area, in accordance with such legal bases, Member States retain competence to act in that area. It is therefore entirely up to the EU to choose whether or not, and to which extent, to exercise such competences, the use of such competence being governed by the principles of subsidiarity and proportionality.

As regards proposals and related measures in fields covered by supporting competences of the EU, most of such proposals do not specifically call for EU harmonisation, and could therefore be implemented under the current Treaties, with EU actions to support, coordinate or supplement the actions of the Member States, including EU programmes. This is for instance the case of most proposed measures in the field of education (e.g. to enhance education and training in a number of subjects such as media and digital literacy, to foster the digitalisation of education, etc.).

15. Finally, some proposals and related measures could be addressed through the flexibilities provided by the current Treaty framework, such as Treaty provisions setting out general or specific “passerelle clauses” that enable the European Council or the Council to switch from unanimity to qualified majority voting or to ordinary legislative procedure, or specific simplified revision clauses that enable the European Council or the Council to extend the scope of certain legal bases or Treaty provisions, such as enhanced cooperation, allowing Member States which so wish to advance in a given area.

C. Proposals and related specific measures that could require Treaty change in order to be fully implemented

16. This preliminary assessment also shows that **only a very limited number of specific measures would require Treaty change in order to be fully implemented**. These measures relate to:

- 1) Enabling the EU to make certain issues a mandatory part of education curricula throughout the EU;⁴
- 2) Making health and healthcare, as well as education, a matter of shared competence of the EU;⁵
- 3) Harmonising healthcare standards in a mandatory way at EU level;⁶
- 4) Imposing on Member States an obligation to establish nationally a right to marriage and adoption, for instance for same sex couples;⁷
- 5) Ensuring in a mandatory way throughout the EU the creation of affordable kindergartens and free childcare;⁸
- 6) Making the Europe Day (9 May) an additional compulsory public holiday throughout the EU;⁹
- 7) Introducing the possibility of EU-wide referenda to be triggered by the European Parliament¹⁰;
- 8) Amending Article 7 TEU¹¹;
- 9) Switching from unanimity to QMV in the European Council¹²;
- 10) Switching from unanimity to QMV in the Council for the situations where the passerelles clauses do not apply, for example on decisions with military implications and on defence matters¹³;

⁴ See measure 6.6; measure 27.4; measure 32.1; measure 32.2; measure 37.1; measure 46.1; and measure 48.2.

⁵ See measure 8.3; measure 10.3; and measure 46.1.

⁶ See measure 10.1; measure 14.4; and measure 15.8.

⁷ See measure 15.5.

⁸ See measure 29.5.

⁹ See measure 37.6; and measure 48.3.

¹⁰ See measure 38.2.

¹¹ See measure 25.4.

¹² See measure 39.1.

¹³ See measure 21.1; and measure 39.1.

- 11) Transferring powers to the High Representative in the field of external representation of the Union, which are currently held by the Commission (Article 17(1) TEU) or the President of the European Council (Article 15(6) TEU) or changing the High Representative's role and powers¹⁴;
- 12) Direct election of the President of the Commission by the citizens¹⁵;
- 13) Conferring on the European Parliament a right of legislative initiative¹⁶;
- 14) Conferring on the European Parliament the competence to adopt alone the budget of the EU, and/or to decide on the own resources decision¹⁷;
- 15) Changing the names of the EU institutions¹⁸;
- 16) Conferring on national parliaments a right of legislative initiative at EU level¹⁹;
- 17) Conferring on regional parliaments a right of legislative initiative at EU level and/or a direct formal right as regards subsidiarity assessment under Protocol No 2²⁰.
- 18) Modifying or enlarging the powers of the Economic and Social Committee and/or of the Committee of the Regions²¹.

¹⁴ See measure 21.3.

¹⁵ See measure 38.4.

¹⁶ See measure 38.4.

¹⁷ See measure 38.4. To be noted that a diverging opinion of citizens has been expressed on this measure.

¹⁸ See measure 39.3.

¹⁹ See measure 40.2.

²⁰ See measure 40.2.

²¹ See measure 39.6; and measure 40.3.