

CONCEIVING EUROPE'S REFORM

Discussionpaper for the
Charlemagne Forum on Europe in Aachen
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Presented by

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Europe often runs hot and cold. Success and crisis are constant companions of the integration process, but viewed from the perspective of decades, European unification is a success story. Many advances were, however, only later recognized as such. The introduction of the euro as the Europeans' common currency is just the latest example of this phenomenon. And successes have often barely become visible before a new crisis looms, as it was just after Joschka Fischer's speech on the future of European integration. The speech initiated a fundamental debate among leading European politicians with its proposals: pioneering groups of states should prepare the way for a European federation, an expanded Europe should construct a common constitution, and a European government with a European president should secure Europe's acceptance and capacity for action.

Between success
and crisis

But theory and practice often diverge. While the travelling salesmen of European visions had their briefcases in hand, a storm was brewing on the Côte d'Azur. The heads of state and government only agreed to the Treaty of Nice with great difficulty, and in the summit's tension-filled atmosphere, states pursuing their individual interests emerged from behind the façade of high-minded speeches. Weighting of votes and presence in the Commission dominated the diplomatic maneuvers. Germany wanted to emphasize its importance compared to France, the large member states wanted to strengthen their power to block initiatives of the smaller states, and the net recipients wanted to guarantee that funds would continue to flow. Efficiency and the ability of an expanding Union to act were placed behind the interests of individual states. The compromise at the summit's end gave little hope for decisive continuation of the integration project.

Often enough in the past, the European Union had left similar crises stronger than before. It seemed to take a crisis to open up possibilities for new paths toward unification, and so it was following the summit in Nice. On a German-Italian initiative, a declaration on the future of the Union was included in the Treaty.

According to the declaration, an understandable division of tasks, democratic division of powers and a simplified treaty framework should, by 2004, make the EU fit for its coming challenges. Since then, not only has this reform agenda been noticeably expanded, but a decision was also taken to prepare the reforms not just with government representatives but within the framework of a parliamentary-style convention.

The convention on the reform of the European Union started by receiving many laurels in advance: a new way to the completion of Europe had been found, a milestone of democracy had been reached. But before the convention can go down in history as an important success, it must clear a high hurdle. It must do exactly what several intergovernmental conferences had not managed to do: configure the EU as a political Union in accordance with basic principles of democracy and separation of powers. Unlike previous intergovernmental conferences, where intransparent reform packages were strung together behind closed doors, the convention's hundred-plus representatives of governments, national parliaments, the European Parliament, the Commission and the candidate countries want to work out a treaty reform by June 2003 that makes a growing Europe governable and brings it closer to its citizens.

The weather forecast for integration is again showing clear skies. But the longer the convention meets, the more clearly well-known conflicts will raise their heads.

- Differing **power and security interests** and capacities, as seen in Nice or in the reactions to September 11, must be institutionally absorbed.
- **Budget and distribution** conflicts will cast a shadow over the debate on the division of tasks and the decision-making structure, above all in agricultural policy and structural support funds.
- Contradictory **conceptions of economic order** will see the light of day, whether in questions of state subsidies, the social underpinnings of the common market, or the consequences of the euro's introduction.
- Most of all, however, **diverging integration policies** about the model of a future union will be a burden when it comes time to devise a constitutional framework for the European Union and its future tasks.

Well-known
conflicts

The projects of deepening as well as enlarging will compel visions of the integration process' *finalité*, which had previously remained

vague, to be rendered more precisely. Both projects contain burdens for the system of integration and members' cohesion that will demand intensified mutual ties. Carrying these burdens places the integration process at a conceptual crossroads that no longer allows the customary undecidedness about *finalité*, but requires a decision between various development strategies.

- It is conceivable that productive engagement with the current challenges will become a mainspring for further integration. The European Union will become a **federation of European states**, based on a constitutional treaty with delineated responsibilities for the different levels, as well as expanded democratic legitimation and oversight processes. This approach would set Europe on the path of becoming a state based on a supranational idea. It would also require the future member states to accept a substantial transfer of sovereignty, as well as increasing Europe's capacity for governance.
- European integration can also take another path, one where supranational negotiations and governmental cooperation only supplement the policies of the states. This Europe could take the form of a **deepened free trade zone** – relaxed enough to tolerate member states' diverging interests, demands and ambitions, yet strong enough to retain the economies of scale of the common economic area, as step-by-step enlargement eventually encompasses 28 or more members. In this scenario, further political integration for all appears to be broadly ruled out – although it remains a plausible path of strengthened cooperation among the eurozone countries.
- A third way between these two development scenarios would be **differentiated integration**. If it is not possible to expand the EU while simultaneously realizing its political goals, then in anticipation of political *finalité* for an enlarged EU, probably the only chance to strengthen cohesion and move the integration project forward is its pursuit by a circle of states that are both willing and able. Groups of states would each form the economic union, the union for internal security and the defense union. Membership in each of these avant garde projects would not necessarily be identical, but might be broadly congruent and could thus keep the concept of a European federation alive as both the sum of the results, experiences and structures of deeper integration and as an offer to all EU member states.

FUTURE PROJECTS FOR EUROPEAN INTEGRATION

Despite competing interests and concepts, agreement on the Europe of the future must be reached by 2004. The internal tensions of Europe's structures, the unchanged interest additional states have in membership, the dynamics of global business and financial markets, as well as the demands placed on the EU as a regional and global factor of stability will not permit further decades of step-by-step evolution, still less a path back away from integration. Europe will have to constitutionally determine its role as a community of security and common interests. The outlook for reforms and substantial change is auspicious. External pressure for integration is considerable, and despite many diverging opinions, the member states have a very broad base of common interests. Four major projects of the European Union illustrate the scope and dynamics of these common interests:

- The EU is developing into a **security community** through the construction of an effective common foreign, security and defense policy, as well as through the establishment of an area of freedom, security and the rule of law.
- The path embarked on with the customs union, the common market and the introduction of the euro should be continued, supplemented by a European social model, to establish the EU as the world's most dynamic economic area, and thus as a sustainable **growth community**.
- Inequalities in economic development, which will be tested even further by the coming enlargements, should be headed off by a **solidarity community**.
- The conflicts that will arise from security, economic and financial challenges must be worked out in a sound political system, so that necessary decisions can be reached, decisions that are effectively and democratically legitimized within the bounds of a universally accepted **constitutional community**.

Four future
projects of
integration

Security Community

In light of the experiences in the Balkans, the new risks of terrorism and the demands for a global peace policy, the concepts and structures of European security and defense policy must be rethought. Experience has shown that a Europe without a capable military leadership, which can draw on appropriate resources and decisionmaking structures, cannot play an effective role in crisis management and cannot play a responsible role in determining a peaceful international order. Against this background, the decisions to extend the European security and defense policy (ESDP) were taken. One consequence of the events of September 11, 2001 is to define the goal of a 60,000 man rapid reaction force more precisely and to pursue it more ambitiously. As a result of the terror attacks on New York and Washington, Europe is expected to improve its capabilities in "hard security." The states of Europe require not just the ability, under their own leadership, to create peace by controlling civil wars and ethnic violence in their direct neighborhood. They also need the instruments to protect their interests, their values and their partners everywhere that these are fundamentally endangered. In this sense, the decisions taken to build and equip common European forces are insufficient. The necessary capacities for development can best be set free by common procurement and the consequent concentration of defense budgets.

Realizing this comprehensive understanding of security in concrete policies requires linking internal and external security. The tendency to segment security policy into separate fields – as is currently the practice in the member states – should be overcome. Supplementing military components with non-military instruments, such as mustering and arming a common police force to carry out the Petersburg tasks, has acquired greater urgency. In the future, European security policy should be understood as a comprehensive concept. Its separation into community and intergovernmental areas of responsibility cannot be maintained in practice. The spectrum of external relations, including external trade relations, should be bundled into a coherent community policy, so that the resources of the Council and the Commission, as well as the member states' advising and decision-making bodies, can work better together.

Linking internal
and external
security

This new arrangement of the relationship between internal and external security is unthinkable without the combination of CFSP and ESDP with the common policies in justice and home affairs that have been pursued since 1999. In this area, Europe must take action so that its strengths – diversity in space, relationships and systems – will not become its weaknesses. The Commission is already the link between the community's pillars and its policies. It will play a key role in binding the great goals of security policy to the realization of a common approach in internal politics.

In the area of justice and home affairs, the Union set a goal of realizing a common space of freedom, security and the rule of law by 2004. The consequences of this goal are as far-reaching as the consequences of establishing the single market. Common regulations in the fields of asylum, visas and migration, as well as the creation of Europol and Eurojust have already brought about a new level of integration. But these developments will not stand still. Further projects, such as the creation of a European border guard, further development of Eurojust into a European state prosecutor's office with limited investigative powers in the member states, as well as the extension of Europol's operational rights are already on the drawing board – they are part of the logic of common internal security.

Space of freedom,
security and the
rule of law

As in external and security policy, dissolution of the separate pillars for the remaining technical questions in police and judicial cooperation should follow. The common European arrest warrant and passage of European guidelines on money laundering can be understood as precursors of this development. Under the rubric of bringing all of the political areas relating to security together under one roof, it will also be necessary to merge the EU and the EC, and with that to invest the European Union with a new legal standing. Last but not least, the personal division between the High Representative for the CFSP and the Commissioner for external affairs should be ended. On this basis, a comprehensive concept of security can be translated into policies that meet citizens' expectations.

Growth Community

Guaranteeing peace and security is one pillar on which the Union of the future must be built. The second pillar is prosperity and social security. Here, the EU has already attained much. Together with the single market, the common currency is Europe's strategic answer to the internationalization of the economy. Because of its customs union, free trade and single market, Europe is today at the top of world trade. In the meantime, the material consequences of the common currency are starting to unfold: price comparability along with diminishing exchange rate risk and transaction costs are intensifying competition and improving Europe's attractiveness as a place to invest. An economic area is coming into being that is conducive to securing price stability, to mobilizing the engines of growth and to the urgent modernizing of European economies.

The further development of this European political-economic order will have results that the European convention and the coming intergovernmental conference must keep in mind as they reform the EU's division of tasks and political responsibility. This applies to improving the mechanisms for coordinating economic policies among the member states as well as to the question of a unified representation for the euro in international organizations and in other states. In this area, it is necessary to clarify the division of roles between the Council of member states' economic and finance ministers and the euro-group, which is limited to the members of the economic and monetary union. Coordination and external representation of economic and financial policy should rest in a single set of hands.

This coordination will have greater success, the more clearly and understandably the member states base the regulations that support their common endeavor on common constitutional principles and basic political convictions. But the current framework will hardly guarantee an appropriate level of governability with an increasing number of member states. It remains to be seen which functions and decisions should be passed on to a common economic and financial system. An inspection of community decision shows that the essentials of a European economic constitution are already contained in the treaties. These should nevertheless be reorganized, extended and systematically unified.

The single market and monetary union are the core elements of economic integration. While for decades economic goals formed the keystone of European construction, the European Union of today is increasingly responsible for fulfilling other basic functions of a state, such as securing personal freedom, general welfare or social justice. Sustainable economic development, employment, education and social stability have thereby become key questions of European

Common
economic and
financial system

policy. Europe's future lies in the unfolding of the knowledge society and the ability of people to be productive within the great single market of the enlarged EU. Accordingly, the European Union promotes the public comparison of accomplishments, within the framework of a "socio-political learning community" that was introduced in Lisbon two years ago, in order to discover particularly promising models and solutions.

Political responsibility still lies with the member states, which predominantly employ the new method of open coordination. This is a political instrument designed to make it possible to define goals and indicators in order to review national initiatives in a benchmarking process. In this process, the Commission's main roles are first to set down the goals and indicators, and second to transmit the comparative data. It should also be able to take a stronger role in formulating the resulting recommendations, and above all in examining and evaluating their successful implementation in the member states. The method of open coordination will be applied at the European level and should thus find its place among the EU's tools and be supplied with the appropriate processes. If the identification of "best practices" has no consequences in reforming member states' policies, one of the most interesting approaches to political guidance below the level of communitarization would lose momentum and thus forfeit its ability to shape the European growth community.

Method of open
coordination

Solidarity Community

The realization of political and economic integration was a long and difficult process that took decades. Nevertheless, the magnetic attraction for other states that wish to participate in this success story remains undiminished. There are currently thirteen aspirants, with more from eastern or southeastern Europe, as well as the remaining EFTA states to follow. For ten candidates the enlargement process has already entered its final stage. Despite the difficulties that must still be overcome, for this group the end of negotiations is clearly in sight. Their admission before the next European elections in 2004 is realistic.

Enlargement offers countless opportunities for the European Union. Its opening to the east enables full usage of security and economic synergies. Its importance in global trade and in international organizations will be increased. Viewed historically, the division of Europe into competing alliances and systems can be sustainably overcome for the first time on the common ground of integration. Citizens associate enlargement not only with an expansion of the European zone of stability but also with skepticism about its financing. A new arrangement of European solidarity as the third pillar of a future Union cannot be avoided. Under the current regulations, the agricultural and structural policies of an EU with 25 or more member states could be neither arranged nor financed. Furthermore, holding on to the status quo would hinder the Union's ability to free up resources to pay for new tasks at the European level. In the interests of the current and future member states, the cornerstone of future reforms in the EU's financial constitution must be laid before the next enlargement.

Elements of a
reform in the
financial
constitution

- In **agricultural policy**, this means withdrawal from production-oriented subsidies and development in the direction of a single agricultural market. Direct income support for farmers should be decoupled from production, reduced in the medium term and eliminated in the long term. In place of the current income guarantees, payments tied to specific services should give European farmers incentives to fulfill ecological, regional or socio-cultural tasks. The system of income guarantees should not be extended to the new members in its current form. Rather, transfer payments should serve ecological, social and economic modernization in rural areas of the candidate countries. Possible temporary regulations can be agreed upon, if there is to be no differentiation in the long run between new and older members. It is still questionable whether an enlarged European Union can afford to subsidize the export of

agricultural products with tax money. Rapid dismantling of the subsidies would above all considerably ease Europe's position within the WTO.

- In **regional and structural policy**, the transfer system must be more carefully organized around overcoming specific development deficits. Concentrating resources on the neediest member states of an enlarged Union, thus on the states of central and eastern Europe, is unavoidable. The Commission's next cohesion report should therefore present appropriate suggestions for practical implementation in the financial planning after 2006. Transition measures should not be too generous, if the funds in an enlarged EU are to be divided so as to precisely meet the development goals. Adjustment of asymmetrical financial returns from the common market could take place more effectively and transparently in the framework of a system of financial transfers.

Concentrating
resources

European spending policies will, in general, be forced to hew more closely than before to the criteria for reaching their goals and to concentrating the resources at their disposal. This is in contrast to an undivided solidarity among EU members on the paying side. National rebates, which have resulted from blockades and package solutions in the past, are as little fit for the future as the current practice of wanting to set the size of transfers nationally, rather than according to needs. Breaking away from old positions means improving stability, financial security and chances for growth. Reforms in the areas of EU policy are in this sense a central element of the understanding necessary for a future economic and financial constitution of the European Union.

Once the details of the next round of enlargement are settled by the end of this year, it will be necessary to reach an understanding about an internally consistent, post-enlargement strategy for enlargement. Already the enlargement of up to ten new member states holds the danger of overtaxing a larger, and hence more heterogeneous, EU with new political problems. Succeeding steps toward enlargement could thus be postponed into an indefinite future. If entry becomes too uncertain because it might only take place in a far distant future, the EU could lose its strength as an orienting power and anchor for democratic stability and economic reform in the countries that have not yet joined. For this reason, the EU should involve these states more closely than before in key common policies, such as the expansion of transnational networks, and give a time horizon for prospective membership – without calling into question the previously defined criteria for entry. The financial and institutional results of the next rounds of enlargement should already be strategically worked out today and borne in mind in the reforms of 2004.

Political Community

With both deepening and enlarging, the European Union is under constant pressure to reform. Integration becomes a process of step-by-step adaptation to new goals, tasks and members. Since the founding of the European Coal and Steel Community (ECSC), every step of reform has been characterized by negotiations of often difficult compromises among the member states. The result of this negotiation logic is a multi-level system in which the various operating levels complement each other, often in a complex way. This has allowed obscure entanglements of competencies and mixed responsibilities to arise. As a consequence of its development, today the EU is based on several treaties with hundreds of articles, in addition to related protocols and declarations. Even within individual policy areas, the relevant regulations have often been differentiated and negotiated at various points, so that it is not at all easy to comprehend which responsibilities currently belong to the EU and which to the member states.

The combination of goals set by treaty and tasks set by one-off authorization was at first an important condition for the dynamic development of the process of European unity. In the intervening time, however, the problems associated with this approach have become more obvious. The division of responsibilities follows no recognizable system, and the result has been uncertainty about the reach, the instruments, the processes and the legal standing of European statutes. Not least for this reason, citizens, member states and their regions have all grown uneasy about the EU's centralism, ineffectiveness and inefficiency. To counter this unfortunate development, the European political system does not have to be reinvented. Rather, its central ordering principles should be made visible and understandable. Behind the many individual steps of integration taken over the decades lies an understanding of European politics that must be expressed as the sum of Europeans' political accord, if it is to generate acceptance.

As a starting point for an understandable and politically achievable division of tasks, it is worth considering a categorization of responsibilities that, for each case, looks at the intention and extent of the European right to intervene. This categorization does not order the particular political areas according to the current principle of individual authorization, but rather according to clearly defined categories of tasks. Categories include: constitutional areas, exclusive responsibilities of the European level, policies carried out in common, supplementary and supportive measures of the EU, and purely coordinating tasks.

Dynamics of the
process of European
Unity

- **Constitutional areas:** These include all of the arrangements that regulate the division of tasks, the sovereign rights of the member states and the acceptance of members. Changes to the treaties in these areas entail a substantial intervention in the fundamentals of the unification process.
- **Exclusive policies:** These are the policy areas that are completely carried out at the European level for the implementation of the customs union, as a consequence of the currency union or for the maintenance of the single market.
- **Common policies:** These are areas of responsibility that are for the implementation of essential treaty objectives – such as the completion of the single market and the four market freedoms, sustainable environmental policy, prohibition of discrimination, or economic and social cohesion – that are exercised in common because of their cross-border elements.
- **Supplementary policies:** The EU plays supporting, promoting and supplementing roles in areas such as social policy, education, culture, health, consumer protection, industry and research and development insofar as EU-wide regulation brings added value for the member states.
- **Coordinated areas:** These are explicitly not community competences. The European Union and its organs can participate supportively, but do not bear political responsibility. At the present, employment policy is a primary example of coordination. Areas such as disaster preparedness or tourism also fall into this category.

A new ordering according to this plan creates considerably more transparency, without requiring many changes in today's division of competencies. This basis also enables further development of the framework – whether by moving specific tasks from one category to another or by assigning particular decisionmaking processes to individual categories.

Systematically reordering the competences would in itself produce a substantial improvement in transparency. The problem remains, however, that individual policies are not necessarily comparable, either within these categories or between each other. That is mainly because various actors with different instruments according to several processes are active in a given area. The new systematization does not reach far enough if it is not tied together with a clarification and optimization of the division of powers and labor among the community's organs. Two consequences of a transparent system for competences will be simplification and improvement of decisionmaking processes and legal instruments.

Division of power and labor among the community's organs

As a rule, co-decision processes should be applied because they best maintain a balance among Commission, Council and Parliament. The democratic legitimation and personalization of European legislation should be improved by having the Commission President elected by a majority of the directly elected members of the European Parliament, thus basing his mandate on European elections. This would be an important step to raise the self-interest of European decisionmakers by presenting themselves to national publics in the media.

Changes in the Council should also result. Above all, the co-existence of the various ministerial Councils has promoted extensive use of treaty-based negotiating powers and passage of contradictory decisions. Limiting the number of ministerial rounds, and setting these rounds clearly under the authority of the General Council as the primary coordinating and legislating authority, would distinctly improve harmonization and coherence in European legislative activities. The composition of the General Council and the Council of Foreign Ministers could thereby be separated. For the success of such reforms, it would also be useful for them to be supplemented by effective coordination of European policy within the member states, regardless of whether a Ministry for European Affairs is created or whether other methods are found. In future cases of competency conflicts between the member states and the EU, the European Court of Justice should be responsible. In this case, creating new institutions offers no recognizable benefit for the arbitration's efficiency or legitimacy.

An understandable competence and decision structure is one of the

characteristics of a transparent political order. It does not stand on its own, but should rather be a part of a completely readable constitution of the EU. Reordering competencies requires a simplification of the treaties, in the sense of making a coherent, systematically arranged body of treaties. Similarly, simplifying the treaties without making the division of competences more precise is hardly conceivable. A twofold division offers an anchor for this process:

- The authoritative goals of the Union, the basic rights and values, the division of competences, the institutional structure, the decision processes and the financial arrangements should be summarized in a **Basic European Treaty**. The charter of fundamental rights, which was passed in Nice, should be a part of this Treaty. A change in the arrangements of this Treaty must meet constitutional requirements and pass a ratification process in all member states.
- The multitude of provisions for executing the fundamentals, as well as the organizational articles, should be brought together in a **Separated Treaty Document**. In this realm, a simplified process for changes could be introduced that entails majority decisions with parliamentary participation and oversight. A condition for this process is that a clear assignment of competences has been created through categorization.

Twofold division of
the body of treaties

A Basic Treaty of this sort makes it easier for Europe's citizens to understand the EU's political organization and to identify with Europe. With its basis in arrangements for executive action, European legislation would be in a position to react more quickly to changing circumstances. If the goals, the division of powers, and the principles of competence are regulated precisely enough in the first part, separating the treaties into two parts need not bring with it the danger of creeping centralization. The governments of the member states and the national parliaments retain their decisive role in the further development of this constitutional community.

EUROPE AS A COMMUNITY OF SUCCESS

For more than five decades, European integration has been conceived and developed as a community of fate. Much has been achieved with this notion: Military conflicts between member states have become unthinkable and the continent's division was overcome. A uniting Europe increasingly clearly shows its preparedness to assume a responsible role in creating peace and ensuring stability, not only in its own neighborhood but also in other parts of the world. Economically, the community has come a long way from the two-industry ECSC via the single market to monetary union. Border controls between members have fallen not only for goods but also for citizens, and the canon of common values has found constitutional basis in the charter of basic rights. European integration is held up as a model of success for other regions of the world.

In many facets, the European project has also shown that visions can become reality. These successes have laid the foundation on which it is possible to think about the common European home as a center of services. But the history of European integration has also demonstrated that the successes listed above are quickly consumed and taken for granted, as part of the normal course of events. That holds equally for the attainment of peace, the single market and the lowering of the borders. This experience may well repeat itself with the euro. It will determine an important element of a common identity, but one that will become self-evident.

In the future, European integration will also be under constant pressure to justify itself. This holds true above all for the young generation, for whom the numerous wars that raged across Europe, and even the end of the East-West conflict are only chapters in the history books. Defining Europe as a community of fate would be too little to newly justify the idea of Europe. Europe must be established much more in the hearts and minds of its citizens as a community of success, one built on the achievements of the community of fate, but one that can make a decisive contribution to securing the future. To reach these goals, institutional and treaty structures must be created, effective processes for decisions must be introduced, and the appropriate sovereign rights must be bundled. Such a living and productive organization should build on the current integration projects and show the following central components:

- A vital success community must **improve the participation of its citizens**, if Europe is not to be considered a distant, removed and arbitrary institution.

From the community of fate to the community of success

- A vital success community must be capable of **articulating and carrying out common interests**, whether these are questions of regional or global security, trade, the environment or protection of our basic values.
- A vital success community must **assume responsibility in the world**, whether in the fight against terror, against hunger, against the persecution of minorities, or in a framework of worldwide missions for the creation and protection of peace.
- A vital success community must **pursue sustainable policies**, to protect the environment for future generations, to respect resources, to ensure economic growth and to create the conditions for a stable security system.

Central components
of the community of
success

As ambitious as this agenda at first seems, closer inspection reveals it as just an extension of the integration logic of the 1950s. What was drawn up for six countries at the time, must now be made ready to support 30 or more states. This exciting and risky starting point is a time for strategists. A new understanding of the sense and intent of European policy must be worked out, one that once again focuses on citizens. Politicians obviously sense the importance of giving the continent a political form for a new epoch. It is about setting up a structure that can last a long time without being overwhelmed by the variety of a large European Union. Here national reservations, there regional privileges, here popular criticism of Brussels bureaucracy, there doubts about the sense of old competences – the supranational housing of Europe is chipped away from many sides. Thus the sudden desire for *finalité* can also be explained psychologically: It is important to secure and stabilize, before the porous facade begins to buckle. That is the central task for the convention and the following intergovernmental conference – to forge Europe's future with foresight and strength.