

The Everyone Foundation calls for an expansion of the Charter of Fundamental Rights of the EU by six new articles. It advocates for the Charter of Fundamental Rights to provide for current challenges such as the climate crisis, digitalization and artificial intelligence. In an ever-globalizing world, Europe's challenges cannot be solved domestically, but require at least a common European solution.

Amending the Charter of Fundamental Rights requires the convening of a European Convention.

What exactly is a European Convention and how is it convened?

The procedure for convening a Convention is laid down in Article 48 of the Treaty on European Union (TEU), the so-called Maastricht Treaty.

The European Parliament, the Commission or a government of a Member State submit to the European Council a proposal for amendment of the Treaties. This type of proposal concerns per se an amendment of so-called primary law, which includes the two fundamental European Treaties, the Treaty of Maastricht (TEU) and the Treaty of Lisbon (TFEU), as well as the Charter of Fundamental Rights.

The European Council can now decide by a simple majority to examine the proposed amendments. To reach simple majority, 14 (out of 27) members of the European Council must approve the decision. The European Parliament may provide advice in this regard. By approving the examination of the proposed amendments, the European Council convenes a Convention. The Convention, composed of representatives of the national parliaments, the heads of state and government, the European Parliament and the EU Commission, will then deal with the proposed amendment. So far, the involvement of civil society actors and citizens is, despite calls for participation, not envisaged.

What happens after the Convention agrees on a draft of amendment?

If the Convention unanimously adopts the draft Treaty amendment, it is submitted to a conference of representatives of the Member States. For the draft to be enforced, each state representative must agree. The amendments are then - according to national requirements - ratified in the Member States.

Has such a Convention ever been convened?

Since the creation of the EU, there have been numerous Treaty changes. Until 2001, however, these were drafted exclusively in intergovernmental conferences, so conferences of heads of state and government. The negotiations usually took place behind closed doors.

As a result of pressure from the EU Parliament, the European Council, comprising the governments of the member states, set up a Convention for the first time in 2001. Representatives of the national parliaments, the heads of state and government, the EU Parliament and the EU Commission agreed on the Charter of Fundamental Rights. A similar Convention was formed

a year later when fundamental changes to the structure of the EU were needed. What emerged from the Convention on the Future of Europe, convened in 2002, was the 'Constitution of Europe'. Although the document failed in national referenda, many of the changes drafted by the Convention were incorporated into the Lisbon Treaty a few years later.

Since the Lisbon Treaty in 2009, the 'Convention method' is mandatory for fundamental changes to the Treaties and the Charter of Fundamental Rights. While the final draft still requires the consent of all Member States, the drafting process has become much more pluralistic.

Sources:

- De Witte, Bruno. "Treaty Revision Procedures after Lisbon." In *EU Law after Lisbon*. Oxford: Oxford University Press, 2012.
- Dimitrakopoulos, Dionyssi. "Norms, Strategies and Political Change: Explaining the Establishment of the Convention on the Future of Europe." *European journal of international relations* 14, no. 2 (2008): 319–341.
- Article 48, Consolidated Version of the Treaty on European Union. European Union (2012).
- Treaty establishing a Constitution for Europe. European Community (2005).

Further information:

- The above mentioned article by Bruno de Witte offers a great insight into the history of EU Treaty changes: <https://academic.oup.com/book/4878/chapter/147258625?login=true>