



COMMISSION EUROPÉENNE

DIRECTION GÉNÉRALE X

Information, Communication, Culture, Audiovisuel

Stratégie d'information et de communication

Représentations dans la Communauté et relations avec les Etats Membres - **ECCO**

Bruxelles, le 27 septembre 1996
X.A.3/HB/vlc D(96)

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NOTE À L'ATTENTION DES ANTENNES ET DÉLÉGATIONS

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CHA/ADM.	
POL.	LBV
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1996/TR.	✓
DEVT.	✓
ECO/FIN.	✓
P.P.A.	✓
S&T	✓
T.E.E.	✓
SUP AG.	
C.C.	

Objet: IGC fact sheets

Nous vous prions de trouver ci-après copies des fact sheets concernant la CIG.

Nous ne manquerons pas, à l'avenir, de vous les faire parvenir régulièrement.

Sincères salutations,

Henk Beereboom

Handwritten signature

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Information and communication strategy

Representations in the Community and relations with the Member States - ECCO

Brussels, 29 August 1996

X.A.3/HB/vlc D(96)

DRAFT**Information-sheets on the Intergovernmental Conference (IGC)**

1. Head of Representations and others in DGX will receive regularly information on what is happening in the framework of the IGC.

This will be done on the basis of meetings from the Commission, the European Parliament and Councils of Ministers.

For other information (Universities, colloquial, etc...) one is requested to refer to press reviews, Agence Europe, and other sources.

2. The information sheets will be edited according to the scheme as set out below. The actualised information will - wherever possible - be related to the standing Treaty, the Commission's opinion on the IGC (February 1996), the Progress Report from the Reflection Group (August 1995), the IGC report from the European Parliament (February 1996) and the report from the Council (3060/1996). The position from the Member States and the Institutions will be indicated per item.
3. The IGC table of contents will be as follows:

I General approaches

1. Objectives
2. Principles

II Institutional matters

1. European Parliament
 - 1.1. Co-decision
 - 1.2. Budget
 - 1.3. Composition European Parliament
2. National Parliaments
3. Commission
4. Council

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5. Court of Justice
6. Economic and Social Committee
7. Committee for the Regions
8. Others

III Citizens Europe

1. Fundamental rights
2. Citizenship of the Union
3. Transparency
4. Subsidiarity
5. Employment
 - 5.1. Social policy
6. Environment
7. Other policies
 - 7.1 Energy
 - 7.2 Etc
8. Justice and Home Affairs
 - 8.1 Objectives
 - 8.2 Application
 - 8.3 Methods
 - 8.4 Decision processes/instruments
 - 8.5 Integration of 'Schengen'

IV External policy

1. General and basic legal aspects
2. External economic relations
3. Common Foreign Policy
 - 3.1 Financing of PESC
4. Security and Defense
5. Enlargement

In order to enable you to keep the system updated we will review fully the sheets concerned, every time an important meeting has taken place.

Your remarks and questions are welcome.


Henk Beereboom



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Representations in the Community and relations with the Member States - ECCO

Brussels, 10 September 1996
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**NOTE FOR THE ATTENTION OF HEADS OF REPRESENTATIONS
RD**

Subject: IGC fact sheets

Please find herewith the first fact sheet on the IGC negotiations.

If you use the table of contents we sent you before, you can insert this sheet under chapter I, General approaches, I. Objectives.

Best Regards,

Henk Beereboom

cc: Peter Doyle
Ecco

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FACT SHEET INTERGOVERNMENTAL CONFERENCE

10.9.96

Chapter I-General approaches

I.1. Objectives

In the longer term it is foreseen that the new Treaty will be finalised under the Dutch Presidency. This will be in the first half of next year.

The normal European Council under the current Irish Presidency is foreseen for 13 and 14 December 1996. An extra Council was planned for 18 October, especially to make progress in the Intergovernmental Conference. This date now looks to be advanced to 5 October.

At Ministerial level an informal meeting especially on defence already took place on 5 and 6 July. After this meeting in Cork there was another meeting where views were exchanged with President Hänsch from the European Parliament.

Working methods were further established in July and the chapter on employment and the Third Pillar were discussed. Other items which were discussed recently are: Citizenship, fundamental rights, subsidiarity, transparency and external trade.

Today the Commission is overlooking the rather slow progress made so far and will discuss how to use the time between now and 5 October to find ways to make more concrete progress in the IGC.

The feeling is that discussions up till now are too fragmented and too little focussed on the main items. To give an example:

There is a fear now that without correcting the relationship between the three pillars (Institutions, PESC and Justice and Home Affairs) there could be an imbalance, especially as concerns the impact of enlargement on the functioning of the Institutions.

The situation with regard to a number of items that are discussed so far is as follows:

- PESC: the debate on a Mr PESC is still open: should he concentrate than on preparatory works or on executive aspects? Also the matter of coordination between the Presidency and the Commission is in discussion.
On the other hand there seems to be agreement on setting up a planification unit, but without taking over certain roles of the Troika.
Extension of qualified majority is not popular in the discussions.
- Defence: there seems to be a possible agreement, which means that the military non-aligned countries could participate with the WEU countries to reinforce the tendency that the European Union takes political decisions and charges the WEU with the execution. A reinforcement of the line between the European Union and the WEU is foreseen.

External trade: problems here concern the question about the extension of Art. 113. There is very little opening here and the same goes for the functioning within the World Trade Organisation.

Employment: in this area a number of items are approached positively, so there is hope that the final text can lead to effective decisions. To include the social protocol is generally accepted, however not by the UK.

On the Third Pillar the transfer of competences to the first pillar seems to be accepted as a principle, but now there is much uncertainty about which items this might finally concern and how this can be worked out institutionally.

Qualified majority: this question and the matter of unanimity is not yet finished but the attitudes of the participants is very restrictive.

All this, it is clear, is only part of the numerous items that still have to be discussed. The political question the Commission would like to discuss now is how the level of ambition could be improved again and how the important question of the impact of enlargement could be faced in this whole framework.

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FACT SHEET INTERGOVERNMENTAL CONFERENCE

10.9.96

Page 1

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IGC FACT SHEET**Chapter I. General approaches**

page 3

1.1. Objectives

The Commission discusses every week the developments which take place in the IGC. This is a fixed item on the agenda and normally the discussion concerns either the results of a General Affairs Council or the meetings of the Permanent Representatives. In the first fact sheet we gave the overall state of play so far. Recent discussions took place in the light of the possible European Council of 5 October.

A main topic in the current discussion is how to get the IGC debate on a political level rather than at the level of technical and legal discussions. The debate should therefore concentrate more on major items like employment, European citizenship, enlargement, foreign policy and Justice and Home Affairs. The reform of the Institutions also needs more specific attention.

These tactical and strategic questions will play a role in the September session of the European Parliament and at the next European Council. The position of the Commission is that it wants to obtain the means to get to the enlargement as foreseen, i.e. a European Union of twenty members.

The Commission is also of the opinion that further intergovernmental practices in external policy are not acceptable and the same goes for a common trade policy. For the Irish Presidency as well as for the Commission Justice and Home Affairs are a priority.

The Permanent Representatives meet this week to discuss three items: Institutions, Budget and the relations with national parliaments.

As concerns the Institutional questions they will discuss co-decision, the possible reduction of the number of procedures and the possible extension of qualified majority. On this last issue the Irish Presidency developed a list of areas where unanimity is required so far, suggesting that Member States should indicate which ones could go to the QM category. There will also be the question of broader powers to be given to the European Parliament.

Further meetings of the Permanent Representatives will be on the Third Pillar, notably the transfer of items to the First Pillar and how to do that.

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IGC FACT SHEET

Page 4

Chapter I. General approaches**1. Objectives**

On 18 September President Santer gave his 'State of the Union' speech to the European Parliament. On the Intergovernmental Conference he said:

'I mentioned already the difficulty of linking political circles with the people of Europe. It is a common phenomenon. It doesn't really matter that politics is not popular. But if things reach the stage where politics no longer inspires confidence, or where its credibility is undermined by its powerlessness in the face of problems such as unemployment and crime, that is dangerous for the cohesion of our societies. And for the future of the Union.

That is why the Intergovernmental Conference is important. Hasn't it been called specifically to bring the Union closer to its citizens, to make it more efficient and more credible? Isn't it a further expression of the same drive which inspires us to make a success of the single currency, the single market and the integrated growth and employment strategy.

At the Florence European Council, the Heads of State or Government decided to move from the analysis to the negotiation stage. Three months later, what has happened? There is no doubt that the Irish Presidency is doing its utmost to inject dynamism into the Conference. But there is, however, a question mark over the commitment of all the Member States to face the problems squarely and move forward.

A lack of dynamism, ambitions pitched too low-those are the impressions given by the discussions at the moment. Rather than concentrating on what is essential and facing up the real challenges of the year 2000, I sometimes think that the national governments are using the Conference to revive their old proposals.

But it is not too late. The European Council is meeting on 5 October. Let's take this chance to give the negotiations a decisive boost. I intend to take the opportunity to reiterate a few home truths.

Page 5

The first, obvious point is that we are on the brink of enlargement, and that the Union must stop acting as if it can afford to treat this Conférence as a dress rehearsal. The mind boggles at the idea of holding a second IGC, a play-off as it were, before the end of the century. I must emphatically discourage any such notion. Do we really want to carry on external accession negotiations and discussions on internal institutional reform at the same time? Do we really want all that to coincide with extremely difficult discussions on future financial perspectives?

There is an urgent need, therefore, to tackle the inevitable institutional questions associated with an enlarged Union. Maintaining unanimity would kill the Union. Maintaining the complexity of the decision-making procedures would paralyse it. This dimension is still conspicuously absent from the Conference's deliberations. Yet the principle of enlargement has already been accepted politically; the first enlargement negotiations must start six months after the end of the IGC and dates for the first of the accessions are already being suggested from some quarters.

I am in favour of enlargement. But I must make it clear that the scenario will come to nothing if the IGC does not provide a solution to the institutional challenges posed by enlargement.

In addition to institutional reform, the IGC must be used to reinforce the identity of the Union on the world stage. The Commission is resolute about one simple point: in the field of economics, the Union must speak with one voice and decide by qualified majority. That is the only way in which Europe can successfully defend itself against unilateral action such as the Helms-Burton Act in the United States.

We must adapt ourselves to the changing pattern of world trade and WTO. How, in today's world, can we reasonably maintain a distinction between trade in goods and trade in services? It is absurd. I call on our Member States to ensure that our external action is not weakened by institutional quarrels which our entrepreneurs, no doubt, find very difficult to understand.

Also in the field of external relations, how can we hope that the Union will ever achieve a strong identity on the world stage without an appropriate Common Foreign and Security Policy? (...).

But if we want to change all this and see our Union exercising its full influence, it is up to us to do something about it. And we know what we need to do: we must pool our analytical resources, improve our decision-making procedures, speak with a single voice on the international scene and boost the cohesion of the various facets of our external action - economic, commercial and political. Creating a new post, a Mr CFSP or whatever, will not be the answer to our needs, indeed, it will only add to the confusion.

Page 6

The European identity is inconceivable without an area of freedom, security and justice. The free movement of persons is enshrined in the Treaty of Rome. But of the four freedoms in Article 7a, it is the one that is the furthest behind schedule and yet the one that most directly concerns our citizens. There is nothing surprising about that because, after all, that freedom has to have safeguards to ensure it is not abused. Maastricht was a first stage in the realization of this. But we must acknowledge that what was enough yesterday will not do today.

Drugs, violence and organized crime, and the sexual abuse and exploitation of the most vulnerable members of society, are there to remind us of our responsibilities. We cannot pass over in silence the tragic events that put one of our Member States into collective mourning this summer. The wave of emotion aroused there did not stop at the borders (.....).

The Commission will not remain on the sidelines. The IGC will be receiving our proposals for measures commensurate with the expectations of those who want effectiveness to be at the forefront of our preoccupations.

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IGC FACT SHEET

24.9.1996

I. General approaches

1 Objectives

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Débat au P.E.

Lors du débat au Parlement européen sur l'Etat de l'Union (voir pages 4-6 de ce Chapitre), M. Hänsch est intervenu pour plaider pour une meilleure politique de l'emploi. "Toutes les pistes doivent être explorées : les gisements d'emplois dans les services, l'amélioration de la formation initiale et de la qualification, la monnaie unique, et ses effets bénéfiques attendus sur l'emploi."

Dans la perspective de l'élargissement, l'Europe va devenir de plus en plus hétérogène et c'est pourquoi il est indispensable de renforcer l'intégration et de s'engager d'un pas résolu dans la réforme des institutions communautaires.

M. Hänsch a rappelé que l'Union monétaire et l'élargissement sont les deux occasions historiques pour redonner espoir aux citoyens.

M. Bruton, pour la Présidence, a précisé qu'il est nécessaire de se concentrer sur cinq tâches principales :

1. rendre l'Union européenne plus tangible pour les citoyens. A cet effet, il faut garantir l'emploi, assurer la sécurité, stabiliser la monnaie et réaliser la paix,
2. conclure - avec succès - la CIG (efficacité, transparence, démocratie). Le renforcement du rôle du Parlement européen sera également important,
3. réaliser la monnaie unique permettra de faire baisser les taux d'intérêt, de juguler l'inflation, de relancer l'investissement et de créer des emplois,
4. réussir l'élargissement,
5. consolider la place de l'Europe dans le monde (p.e. les relations transatlantiques).

Mme Green (PSE) : comme l'année passée, Mme Green a demandé l'introduction d'un chapitre Emploi dans le Traité. Elle a souligné la nécessité d'incarner la tolérance, le refus de la xénophobie et la défense des services publics.

M. Martens (PPE) a exprimé ses insatisfactions sur le dossier yougoslave qui a révélé les divisions européennes, les egoïsmes nationaux qui retardent l'élargissement, l'approche minimaliste de la CIG qui affaiblit les institutions et l'accroissement de l'insécurité qui nourrit les craintes du citoyen.

M. Collins (UPE) a exprimé sa confiance et son espoir dans la conclusion d'un accord au sein de la CIG. Il a surtout souligné l'importance de la lutte contre le chômage.

M. de Vries (ELDR) pense que les deux années à venir seront décisives pour l'Union. Il a rappelé la nécessité pour l'Europe de s'affirmer dans son statut de communauté de droit, pour la Commission d'être un moteur plus puissant et pour le Conseil d'être plus attentif aux attentes de la population.

M. Puerta (GUE) a demandé d'éviter la précipitation et le passage à l'UEM. Il trouve le calendrier trop rigide et veut des critères plus souples.

Mme Roth (V) a remarqué le développement d'une conscience anti-européenne du fait de la crainte des citoyens de la remise en question des acquis sociaux.

Mme Lalumière (ARE) croit que le scepticisme actuel s'empirera si l'élargissement est compromis par l'absence d'une réforme ambitieuse des institutions et si la Commission traite avec désinvolture la position du Parlement, etc...

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IGC FACT SHEET**Chapter II. Institutional matters***page 1***1.1 Co-decision**

The Intergovernmental Conference will consider the widening of the scope of the co-decision procedure (Art. 189b). The Commission has given a report on this in which she suggests criteria for the extension of codecision. The reports suggest that the codecision procedure be used for 'legislative instruments'. Such instruments would be identified as those which are 'based on the Treaty', 'binding', 'determine essential elements of Community action in a given area' and are 'general in scope'.

In previous discussion at the Conference other possible criteria for the extension of codecision (e.g. all acts currently covered by the cooperation procedure: all acts subject to qualified majority voting in the Council) were considered but no common approach has yet emerged.

The presidency will now invite the Conference to discuss the extension of codecision on the basis of the approach proposed by the Commission outlined above.

Delegations will therefore be asked to give as concrete an indication as possible of the specific areas in which they could envisage moving to codecision. This will be done in the form of a questionnaire.

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IGC FACT SHEET**Chapter II. Institutional matters**

page 1 / 1

2. National parliaments

The general opinion in the Intergovernmental Conference is that no new body should be created for the role of national parliaments in European affairs. If provisions have to be put in place they should not complicate the current decision-making process.

The idea is that national parliaments should be given an enhanced possibility of making their views known collectively to Union Institutions on legislative proposals, in particular on matters relating to subsidiarity and questions impinging on individual liberties and rights.

Two options are developed on this:

1. Building up direct contacts between national parliaments and the European Parliament within the existing forum of the Conference of European Affairs Committees (COSAC) (the revision of the treaty is required).
2. Giving a more specific role to COSAC under the Treaty. This could mean that COSAC could be entitled to make known the Community Institutions its views regarding the consistency of any EU legislative proposal with the principle of subsidiarity, or on Justice and Home Affairs (freedom of individuals).

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IGC FACT SHEETII. Institutional matters3. Commission

Page 1

3.1 In view of enlargement the IGC will also discuss the size of the Commission. Three lines are here developed:

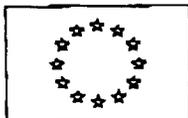
- at least ^{one per} ~~two~~ Member State; this option is argued by the question of the legitimacy of the Commission and by the 'acceptability' of the Union,
- others argue that the Commission would become inefficient if the number of Members was extrapolated in function of enlargement. They think of a maximum number of 10, 15 or 20,
- a third option is to accept the principle of one Commissioner per Member State and adjust the structure of the Commission. This could be done by having more vice-Presidents, by appointing Deputy Commissioners, or by having Commissioners without portfolio or with special responsibilities.

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IGC FACT SHEET**II. Institutional matters****4. Council***page 1***4.1 Voting-system**

In view of enlargement the IGC will examine questions like the weighting of the votes in the Council and also the question of the number of members of the Commission (see for this II, 3).

As concerns the weighting of votes two different approaches must be distinguished.

The first is to maintain the current weighting and to extrapolate the system when enlargement takes place.

The second approach is against maintaining and extrapolating the current system, especially because the number of less populated Member States will increase with enlargement. An adjustment of the weighting of votes is asked in order to get a better representation of the population.

Besides those two options a third idea has been forwarded introducing a requirement for a dual majority; this could be either in terms of votes and population or in terms of number of States (e.g two thirds) and population.

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IGC FACT SHEET**II. Institutional matters**

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5. Court of Justice

Mid-September a meeting took place between the permanent representatives and the President of the Court of Justice.

Main items which were discussed are:

Composition of the Court

There is a widespread support for the principle that the Court must have at least one judge from each Member State.

With further enlargement this will lead to a significant increase in the number of judges. Accordingly it has been suggested that, consideration should be given to creating two separate chambers within the Court, if this can be done without calling into question the indivisibility of case-law.

Powers of the Court

It has been suggested that access to the Court be broadened for individuals claiming violation of fundamental rights; and for the European Parliament, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions.

Functioning of the Court

It has also been proposed that there should be an appeals procedure internal to the Court.

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IGC FACT SHEET

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II. Institutional matters

I.I Co-decision

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La Commission a proposé une approche générale de l'extension de la codécision. Pour cela, quatre critères sont développés : un acte doit se fonder sur le Traité, doit être de caractère contraignant, doit déterminer les éléments essentiels d'une action communautaire et doit avoir une portée générale.

Une grande majorité des délégations est favorable à cette approche ce qui n'évite pas d'ailleurs que de nombreuses questions restent en suspens.

Simplification

- une grande majorité est en faveur d'une réduction à trois procédures, à savoir la consultation, la codécision et l'avis conforme,
- en ce qui concerne l'avis conforme, la majorité est favorable au maintien du champ d'application actuel.

Vote à la majorité qualifiée

Le questionnaire de la présidence sur ce sujet concerne tous les cas actuels d'unanimité demeurant dans le Traité. L'évaluation de ce questionnaire est à voir.

Entretemps, le lien établi par les grands Etats membres entre la majorité qualifiée et la pondération des votes au Conseil a été réitéré.

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IGC FACT SHEET**III. Citizens Europe****6. Environment**

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The Florence European Council concluded that environment protection is an item that is close to the Union's citizens and asked - in view of the review of the Treaty - to make environmental protection more effective and coherent at the level of the Union in order to secure sustainable development.

At the time the basic principles for a Community environment policy were formulated in the Single European Act; now they are under Article 130r-130t of the Treaty.

In the preparation of the IGC one can see a broad support for a strengthening of the environment provisions, especially concerning sustainable development and concerning the principle of more integration.

To put sustainable development in does not seem to be complicated; as concerns the integration principle, the question will be if this should be for environmental considerations into all sectoral policies or to have an explicit reference to specific policy areas (transport policy, agriculture, Trans-European Networks).

There is also a consideration to introduce other environmental issues, such as restrictions on imports, exports or goods in transit.

Decision-making procedures concerning the environment will be considered in the wider context of institutional questions under the First Pillar (qualified majority voting and/or codecision).

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IGC FACT SHEET**III. Citizens Europe****8. Justice and Home Affairs****8.1 Objectives**

As indicated in an earlier fact sheet on Chapter I, many delegations are in favour of a relocation of Justice and Home Affairs items into the Community Treaty. Currently these are covered by Title VI of the Union Treaty.

This move has the advantages of visibility (all areas where Community procedures apply would be brought together) and of flexibility (initiatives and proposals from Member States to be considered by the Commission). Technical problems that arise from this possible move do not seem to be too serious.

A possible new title is also proposed for this, namely "an area of freedom, security and justice". Specific articles under that Title should then relate to:

- the removal of controls at internal borders and to the crossing of external borders;
- asylum policy, immigration policy (including visa);
- combatting drugs traffic;
- combatting economic and financial crime.

The Community should also adapt provisions to facilitate the exercise by persons of civil and administrative rights and to strengthen cooperation between national authorities, particularly the customs authorities.

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