

# EUROPEAN PARLIAMENT



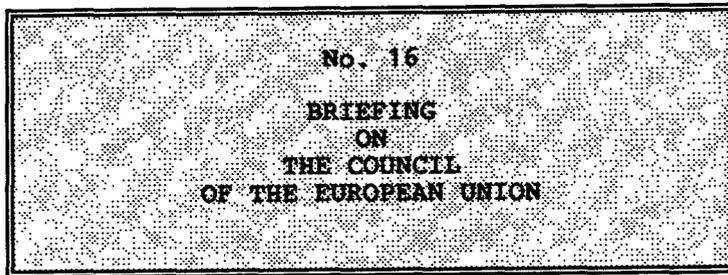
SECRETARIAT WORKING PARTY

TASK-FORCE  
ON THE  
" INTERGOVERNMENTAL CONFERENCE "

WORKING PARTY SECRETARIAT

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These briefings have been drafted by the Parliament Secretariat Task Force on the Intergovernmental Conference. Their purpose is to gather together, in an organized, summary form, the proposals and suggestions which the authorities in the Member States, the Union's institutions and specialist commentators have put forward on the issues likely to be on the IGC 96 agenda.

Briefings will be updated as negotiations proceed.

Already out:

- 1 The Court of Justice
- 2 The Commission
- 3 The Court of Auditors, ESC and COR
- 4 Differentiated integration
- 5 The common foreign and security policy
- 6 The role of the national parliaments
- 7 The hierarchy of Community acts
- 8 Codecision procedure
- 9 CJHA
- 10 European citizenship
- 11 WEU, security and defence
- 12 Public services
- 13 Social policy
- 14 The European Parliament
- 15 The European Council
- 16 The Council of the European Union

**BRIEFING**  
**ON THE COUNCIL OF THE EUROPEAN UNION**

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## 1. SUMMARY

It appears that the main subjects related to the Council of the European Union likely to be discussed at the 1996 Intergovernmental Conference will be:

- \* the decision-making procedure, especially with respect to the voting system and the weighting arrangements;
- \* the organization of the work of the Council: its presidency, composition and secretariat.

In the context of these subjects and the documents and opinions already submitted, the overall situation at present appears to be as follows:

- on the voting system, a gradual consensus seems to be emerging that unanimous voting must be replaced by qualified majority voting. Some wish to extend qualified majority voting to the CFSP, and even to cooperation in justice and home affairs. However, many Member States take the view that on a number of subjects (including second and third pillar decisions, cultural matters, taxation, own resources, the language regime, new accessions, revisions of the Treaties, European citizenship, finance, social security and welfare in general) unanimous voting should be retained, or else replaced by an 'extended qualified majority' arrangement;
- on the blocking majority/minority, the incipient consensus seems to be against retaining the Ioannina compromise, whether in its existing form or in a slightly amended version;
- on reforming the weighting arrangements, the large Member States are unequivocally in favour of changing them to obtain a closer match between Member States' population and weight in Council. Various types of double weighting (votes/population or votes/number of Member States) are proposed to this end. However, the smaller Member States are in general opposed to any such change;
- on the leadership and coordination of the Council and its presidency, there is a broad consensus that the presidency should be strengthened. The formulas proposed include: a longer term for the presidency; creating 'presidential teams'; a 'troika'-type presidency, to consist of one large Member State and two medium-sized or small Member States and serve for a minimum period; an 'elective' presidency, to serve for at least one year; and a presidency which would represent the Union to the outside world over a period of several years, with the presidential role being filled by a 'personality', assisted by the President-in-Office of the Council and the Commission President as vice-presidents.

## 2. AGENDA FOR THE CONFERENCE

As far as the reform of the Council is concerned, the agenda for the conference for the revision of the Treaty of Maastricht is essentially predetermined by the various legal and political documents and other sources relating to the IGC:

1. **The Treaty on European Union**, in particular Article 189b(8), which provides for the review of the codecision procedure involving Parliament and the Council. In addition, Articles J.4 and J.10 provide for the review of the CFSP provisions.

## 2. **The Brussels European Council of 10 and 11 December 1993**

In line with the conclusions of the Brussels European Council, the IGC agenda will include the weighting of the Member States' votes in Council. The conference will also consider what measures may be required to facilitate the work of the institutions and ensure their smooth running.

## 3. **The European Council of 29 March 1994 and the Ioannina Compromise**

With the accession of Austria and Sweden (with four votes each in Council) and Finland (with three), the total number of votes in Council is now 87, and the number of votes required for a qualified majority is 62 (there is a further requirement that at least 10 Member States should have voted in favour where the Council is not in agreement with the Commission proposal). The Ioannina Compromise, in its present form following the fourth enlargement, lays down that where members of the Council who together represent 23 to 25 votes state their intention of opposing adoption of a Council decision by a qualified majority, the Council will do all in its power to obtain a satisfactory solution; this is to be adopted with at least 65 votes in favour, within a reasonable period of time and without prejudice to the mandatory time limits specified by the Treaties and derived law. The Ioannina Compromise also includes an agreement by the Member States that the 1996 IGC will consider the reform of the institutions and re-examine the minimum number of votes required for a qualified majority.

## 4. **The Corfu European Council of 24 and 25 June 1994**

The Corfu European Council confirmed the Ioannina Compromise and agreed to the setting up of a 'Reflection Group' to prepare the 1996 Intergovernmental Conference. The Group will have the tasks of: examining the provisions of the Treaty on European Union which needed to be revised and proposing possible changes; and preparing options on the institutional questions referred to in the conclusions of the Brussels European Council and the Ioannina Compromise (number of votes, qualified majority ceiling, size of the Commission, and other measures to ensure the smooth running of the institutions in the context of enlargement).

## 5. **The Cannes European Council of 26 and 27 June 1995**

The Cannes European Council stated that the priorities of the Reflection Group should include discussion of improving the efficiency, democratic character and transparency of the institutions, to enable them to adapt to the needs of a larger Union. The Group would also be asked to examine *means of improving the workings of the institutions which would not require amendment of the Treaties and could, therefore, be implemented immediately.*

## 6. **Interinstitutional agreements. These include:**

- 6.1. **The interinstitutional declaration on democracy, transparency and subsidiarity of 25 October 1993;**
- 6.2. **The interinstitutional agreement of 29 October 1993 on budgetary discipline and reform of the budget procedure;**

6.3. The 'modus vivendi' concerning committee reached by the European Parliament, the Council and the Commission on 20 December 1994.

\* \* \*

Finally, it should be noted that the Essen European Council (9 and 10 December 1994) agreed that the IGC should be held before the accession negotiations with the countries of central and eastern Europe, to ensure the existence of the institutional conditions required for the Union to function correctly.

### 3. POSITIONS OF THE MEMBER STATES



The Belgian Government has thus far issued no official document concerning the 1996 IGC.

On 11 January 1995, in an address delivered to the Royal Institute of International Relations in Brussels, the Belgian Minister of Foreign Affairs, Mr Frank Vandebroucke, opposed both the right of veto and any compulsory or systematic use of unanimous voting at Union level.

On the same day as Mr Vandebroucke's speech, the Belgian Prime Minister, Mr Dehaene, gave an address to the French Chamber of Commerce and Industry in which he made it clear that Belgium wishes to preserve the institutional balance and is open to any suggestions concerning the weighting of votes in Council.

In a further speech, given on 23 March 1995 at the College of Europe in Bruges, Mr Dehaene spoke in favour of majority voting in Council in the areas of social policy, taxation and the environment, while on 10 July 1995 King Albert II said in Germany that majority voting should become the general rule in the decision-making process.

At approximately the same time, Mr Dehaene said in an interview that it could be acceptable to reduce the weight of the smaller Member States within a more integrated Union, provided suitable safeguards were introduced to protect their interests.



The Danish Government has not as yet issued any official document setting out its views on the 1996 IGC.

As far as institutional reforms are concerned, there is general support in the Danish parties for introducing qualified majority voting in Council into a large number of new areas, so as to prevent the Union being weakened by repeated enlargement.

With respect to the balance between small and large Member States, there appears to be a consensus among the Danish parties to the effect that there should be no change in the arrangements for weighted voting in Council and that a 'double majority' system should be introduced to ensure that institutional decisions are not made by a majority of Member States corresponding to a minority of the total population. It is felt that each Member State should have one commissioner and that the Council presidency should be held by each Member State in turn, with, possibly, a reinforcement of the Community 'troika'.

The Danish Conservatives believe that the Council should have a formal right of initiative similar to that already enjoyed by the Commission.



#### I. Basic positions of the Federal Government with regard to the 1996 Intergovernmental Conference

On 21 February 1995, the German Foreign Minister, Mr Klaus Kinkel, set out the underlying philosophy behind the Federal Government's priorities for the 1996 Intergovernmental Conference. Among other points, he stressed that the notion of deciding by majority vote on foreign policy matters should no longer be taboo, and that the weighting of the votes of the Member States must be part of the IGC agenda item on 'increasing efficiency'. Earlier, on 20 February 1995, Mr Kinkel had called for the Union to move speedily towards majority voting in Council in all respects.

#### II. Basic positions of the German Länder

The conclusions of the Conference of Ministers of European Affairs of the Länder held on 16 February 1995 state expressly that majority voting in Council should become the rule and that the existing qualified majority voting regime should be replaced by a 'dual majority' arrangement whereby decisions would be adopted if supported by a majority of the Member States represented in Council and a majority of the total population corresponding to those Member States.

On 24 June 1995, the Ministers of European Affairs of the sixteen Länder, meeting in Würzburg, adopted a text on the IGC advocating greater use of majority voting in Council (with the introduction of a population criterion).

#### III. Basic positions of the parties and of the Groups in the Bundestag

Among the various positions adopted by the German political parties in relation to the IGC, one may note the proposals of the CDU/CSU group in the Bundestag, in the light of its role as the political and parliamentary base of the Kohl government.

#### The manifesto of the CDU/CSU group in the Bundestag (1 September 1994)

With regard to the development of the institutions, the document proposes that one objective should be the reform of all the existing institutions with a view to achieving a new institutional balance, under which: Parliament would become the Union's basic legislative body, with equal rights to the Council; the

Council would, in addition to its intergovernmental responsibilities, take on the role of a second chamber (probably a 'chamber of the Member States'); and the Commission would become a fully-fledged European government.

**The CDU/CSU discussion document 'Strengthening the power of action of the European Union in the field of the common foreign and security policy', 13 June 1995**

With respect to reforming the decision-making process, this document reaffirms the following two objectives:

- Foreign policy and security objectives which do not have military implications should be dealt with by qualified majority vote, with the introduction of a 'dual majority' arrangement whereby decisions would be adopted if supported by a majority of the Member States represented in Council and a majority of the total population corresponding to those Member States.

- Decisions on foreign policy and security matters having military implications and, in particular, entailing recourse to military action, should be taken in such a way that a minority of Member States is not able to prevent the majority from committing itself to a joint action, while, equally, no Member State is obliged to take part in joint actions against its will. This would mean that joint actions could be undertaken by a restricted number of Member States under the aegis of the Council; those Member States which did not take part would, however, be expected to express their solidarity by contributing to the joint funding of those actions.

On organizational and institutional matters, the document proposes the following:

- that there should be a suitable permanent body (not specifically defined) with the responsibility of analyzing, planning, proposing and monitoring the execution of Council decisions under the CFSP;

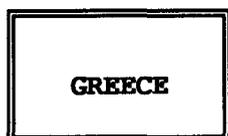
- that every effort should be made, while not undermining the Union's institutional balance, to unite the existing capacities of the Commission, the Council, the WEU and all the Member States so as to submit, at the appropriate moment, suitable proposals to the Council, in agreement with the Commission, with a view to implementing the CFSP and ensuring that the relevant provisions of the Council are applied.

**The CDU/CSU discussion document 'Developing the constitutional state at European level', 13 June 1995**

The second section of this text is concerned with the extension of the rules of the constitutional state at European level. As far as institutional implications for the Council are concerned, one may note the following: the Community procedure would be progressively extended to certain areas in the fields of justice and home affairs; all the areas covered by Article K.1 would be put on a more solid institutional footing; and the Commission would progressively acquire the right of initiative. Subsequently, in specific areas such as asylum policy, there would be a gradual transition from intergovernmental cooperation to Community responsibility within the Council, thanks to which the Council would take its decisions by majority vote pursuant to Article 148 of the Treaty.

\* \* \*

On 4 July 1995 the Federal Presidency of the CDU debated and adopted its European policy guidelines for the preparation of the 1996 IGC. These guidelines will be submitted for adoption to the CDU Federal Conference in October 1995. With respect to the procedure for adopting decisions on matters falling under the first pillar, the general rule proposed by the document is that the Council should decide by majority vote, except in the areas of taxation, finance, enlargement and amendment of the Treaties, where decision by unanimous vote should be retained.



Document: 'Towards a citizens' Europe - democracy and development': memorandum for the 1996 IGC

With respect to institutional reforms, the Greek Government proposes, as far as the Council is concerned:

- there should be closer cooperation between COREPER and the Commission;
- The Council's responsibilities should only be extended in the case of creation of new policies. Greece will not accept a UN-type model for the Council with a small number of permanent members and rotating membership for the smaller countries. It follows that any reform of the Council must not make it possible for a group of Member States (be they large or small) to decide for the rest. The text states that the Greek Government does not endorse the present system of qualified majority voting; it proposes that the 'federal state model' (as existing in the US) be adopted instead. It supports the notion of the veto as safety-valve, as opposed to an opt-out facility for important decisions.

On the subject of the common foreign and security policy and in the institutional sphere, the document proposes that the Commission should exercise a greater planning role; the promotion of Community action should be the responsibility of the European Council and the Commission, subject to the financial and political control of Parliament and subsequent control by the Council. With such a reform of the CFSP, unanimity would be required for decisions on policies and joint actions, with due regard for the vital interests of the Member States.

With regard to the third pillar and as far as Articles K.1 and K.3 of the Treaty of Maastricht are concerned, the document calls on the Council to explain its positions more clearly.

Conclusions of the interministerial committee of the Greek Government (Athens, 7 June 1995)

According to these conclusions, the Greek positions are:

- at the institutional level, the fundamental Greek position is that of equal participation of all Member States in the EU institutions. Greece rejects the notion of a multiple-speed Europe. At this level, it is also self-evident that the Intergovernmental Conference will function, by definition, on the basis of the principle of unanimity (consensus);

- in the long term, the strengthening of the CFSP is an indispensable condition for Europe's existence and survival. In this context, when the issues at stake concern vital national interests of the Member States, the rule of unanimity (consensus) cannot be abandoned.



Document: 'The 1996 Intergovernmental Conference - starting-points for a discussion'

Another of the key aspects of the IGC discussed in the document is institutional reform. The main positions expressed on the subject are as follows:

- With respect to the Council, the document anticipates a possible strengthening of its powers.

- On the matter of the voting rules, the first aspect discussed is the replacement of unanimity by qualified majority voting. It is already clear that Spain believes that in the case of decisions in such areas as the second and third pillars, fiscal harmonization, industrial policy, social security and social welfare in general, the major networks, the Structural Funds and the Cohesion Fund, the quality of public services and the environment, the unanimity rule should either be retained or replaced by a requirement involving an 'extended qualified majority' (or, on a rather less likely hypothesis, by excluding the area concerned from the Union's competence, or else by a combination of the above options).

- As regards the blocking majority/minority, the document sets out a number of alternatives: maintenance of the Ioannina compromise or something similar after enlargement; revision of the existing weighting arrangements in such a way that two large countries (of which there would be six, including Spain and Poland) plus one small or medium-sized country could obtain a blocking minority, by awarding such a grouping two extra votes for the purpose; fixing the blocking minority at a higher level as a general rule, but exceptionally providing for an alternative arrangement entailing a smaller number of votes representing at least three Member States with a total population of over 100 m; introducing a double voting system (number of votes plus a certain percentage of total population, or number of votes plus a minimum number of Member States); or, finally, introducing 'sectoral' blocking minorities, i.e. establishing different weighting arrangements in accordance with the subjects or policies voted on, following the precedents set by Article 28 of the ECSC Treaty or Article 129d of the Treaty on European Union.

- The document also considers possible changes in the weighting system, the aim being to bring individual Member States' voting weight in Council more into line with population. It is argued that the most satisfactory arrangement would be to give two extra votes each to Germany, France, the UK, Italy, Spain and, when the time comes, Poland, in the context of a future enlarged Union of thirty or so members. In addition, reference is made to the double weighting system (votes plus population or votes plus number of Member States) as mentioned above, as well as the problems raised by 'micro-states'.

- With respect to the leadership and coordination of the Council and the presidency, the document appears to favour a stronger presidency. It summarizes a number of formulas which could help give the presidency greater continuity: a longer time period; the creation of 'presidential teams', consisting of four or five large groupings of Member States representing different 'national peculiarities', each corresponding to some 100 m inhabitants, which would serve for one year or 18 months; a 'troika'-type presidency (consisting of one large country and two small or medium-sized countries), with a term of office of at least 18 months; an 'elective' presidency, with a term of office of at least one year; and a presidency responsible for external representation over a two-and-a-half-year period (the presidential role would be filled by a 'personality', with the presidents of the Council and Commission as vice-presidents).

#### Discussion paper of 4 July 1995 on the WEU: contribution to the 1996 IGC

The document sets out three options. The first of these ('option A') would consist of closer cooperation between an autonomous WEU and the EU. Under this formula, where defence decisions were adopted the basic rule of consensus would be strictly adhered to as at present, for both the CFSP and the WEU. The implementation of an EU decision by the WEU would require the full consent of all the EU's Member States and all the full members of the WEU. The present institutional set-up would be preserved: this would imply retaining the existing WEU bodies, on a basis of complete independence from the EU bodies. The WEU's Council of Ministers, Permanent Council and Parliamentary Assembly would keep their existing roles and responsibilities; however, closer cooperation between the two organizations would be embodied at the highest political level by the establishment of a WEU summit, which could, if necessary, meet on a successive basis with the European Council.

Under 'Option B', the document sets out three intermediate options aimed at securing greater convergence between the EU and the WEU, the main differences between them lying in the nature of the legal and/or political commitments which would bind the two organizations. These three possibilities, their exact nature varying with the type of agreement chosen, are as follows:

'Option B1' would entail provisions enabling the EU to determine the guidelines for WEU actions; to this end, the European Council would be responsible for laying down the guidelines for action on defence-related matters. These would be directed both to the other EU bodies and to the WEU, as the organization having the power to implement the military action required by the relevant decisions of the Council of the European Union.

'Option B2' would enable the EU to issue instructions to the WEU. For such cases, Article J.4(2) of the TEU could be revised to make it clear that the WEU should be seen as politically and operationally subordinate to the EU, its main role being to implement the EU's decisions.

'Option B3' would create a legally binding relationship between the EU and the WEU. Under this option, the two would still be separate organizations, and the (amended) Treaty of Brussels would therefore remain valid. However, the legal form of the EU-WEU institutional framework would be altered, as agreements between the two would thenceforth be legally binding. This would reinforce the role of the WEU as the implementing organ for the EU's decisions.

'Option C' would involve the assumption by the EU of responsibility for the defence of Europe. This new 'European defence and security identity' would have,

allowing for the area of the Union's activities in which the collective defence commitment was inserted and for the decision-making procedure adopted, a legal framework which could take one of three forms, namely:

Under 'Option C1', the defence of Europe would fall under the second pillar. All aspects of defence would be brought under the wing of the CFSP and the main body of the TEU, although those Member States which were not in a position to join the collective defence agreement would be allowed a defence opt-out. The basic rule of consensus would remain, and the organs would be essentially the same as those now existing for the CFSP.

Under 'Option C2', there would be a procedural exception for defence within the CFSP. With a view to preserving sovereignty and the rule of consensus with respect to European security matters, a 'defence exception' would make it possible to go on applying the rules of the existing CFSP. There would be no majority voting on defence matters, no powers of codecision for Parliament and no exclusive right of initiative for the Commission, whose participation in defence matters would not go beyond the limits established by the existing TEU.

'Option C3' would entail appending a 'defence protocol' to the Treaty on European Union. Most of the provisions on the European security identity - those in which all Member States could take part - would be included in the main body of the new Treaty. A collective defence protocol would also be annexed: this would be open to all Union Member States wishing to sign it.

The options and possibilities set out in the text by the Spanish Presidency could be phased in sequentially, as the order employed above starts with those reforms requiring the least institutional change. The order would thus be: Option A - Option B (B1, B2, B3) - Option C (C3, C1, C2).



The French Government has still not made any official submission on the IGC.

During the presidential election campaign, President Chirac made a number of concrete proposals. He advocated the strengthening of the role of the Council and a longer term for the Council presidency, which would endow it with the duration required for any large-scale action while backing it up with two vice-presidencies. He also considered that the Council's powers of proposal should be strengthened, as opposed to the almost exclusive powers currently wielded by the Commission in this area, and favoured revision of the existing weighting arrangements for votes in Council to take greater account of political realities. On the voting system, his position was that the various parameters, including population, should be linked up in such a way as to create a more effective decision-making system: this would not be an obstacle to the principle of mutual loyalty among Member States, but should dissuade the Union from imposing a decision on a Member State running contrary to the latter's vital interests.

On the occasion of his first general policy statement to the National Assembly on 23 May 1995, the new Prime Minister, Mr Juppé referred to his government's position on the IGC. He announced that France was ready to submit proposals on

the strengthening of the Council and its presidency, the rationalization of the decision-making process, the clarification of relations with the Commission and the enhancement of democratic control via greater participation by the national parliaments. He also said that the IGC should seek to resolve the question of the future relations between the Council and an independent central bank, given that the latter would be responsible for economic policy.

The Minister for European Affairs, Mr Barnier, has expressed his support for the retention of unanimous voting in a certain number of key areas, including foreign policy, defence and security, while conceding that greater flexibility could be introduced in this connection to enable certain Member States to go further in relations among themselves without being prevented from so doing by the rest.

In an interview with the daily newspaper 'Le Figaro' on 10 July 1995, Mr Barnier, who is also France's representative on the Reflection Group, reiterated his support for keeping unanimous voting and the intergovernmental approach on CFSP matters, and proposed the strengthening of the Council secretariat.



At a seminar held at Limerick University on 27 March 1995, the Foreign Minister, Dick Spring, made a number of comments on Ireland's likely attitude at the IGC. With regard to institutional reform, he stressed that Ireland was anxious to preserve the balance among the Member States as far as the weighting of votes in Council was concerned.

Since then, two important speeches further specifying the Irish position on the IGC, by Mr Spring on 22 May 1995 and by the Secretary of State for European Affairs and member of the Reflection Group, Gay Mitchell, on 6 June 1995, have given to understand, with respect to the Council:

- that Ireland supports greater use of qualified majority voting in Council, while feeling that a requirement of unanimity could be counter-productive in certain areas of particular national sensitivity;
- that, while welcoming any proposals that are likely to improve the Council's efficiency, the Irish Government is not convinced of the case for changing the existing system of weighted voting: it feels the distinction between 'larger' and 'smaller' Member States to be irrelevant, arguing that in reality the outcome of voting depends less on the respective sizes of the Member States than on the nature of the issues discussed.

ITALY

Statement of 23 February 1995 by the Italian Government on foreign policy guidelines

As regards the institutional aspects, the document of the Italian Government takes the following positions:

- the weighting of votes needs to be changed and majority voting made the general rule in Council. The presidency should be strengthened in order to make the Union more visible at the external level and more effective at the internal level;
- the Italian Government warns against any attempt by particular Member States to set up 'steering committees';
- as regards the second pillar, the document rejects the idea that there is no need to go beyond the intergovernmental level for the time being, maintaining instead that the CFSP needs to be strengthened and given a strong identity of its own. It proposes that the CFSP Secretariat be equipped with the resources required to improve its capacity for analysis and forecasting, and encouraged to embark on specific steps and ventures in agreement with the Council and Commission and in keeping with the wishes of the Union presidency.

Statement of 23 May 1995 by the Italian Government on the Intergovernmental Conference for the revision of the Treaty of Maastricht

The Italian Government proposes a drastic reduction in the number of Council decisions adopted by consensus. It also favours an extension of majority voting, with greater weight being placed on Member States' populations in the voting procedures.

Accordingly, the text favours the introduction of a double majority (votes plus population), to prevent decisions being imposed against the wishes of a majority of the Union's citizens.

The Italian Government considers that a genuine Union external policy will require a consensus among the Member States on certain principles and components of that policy, amounting to a 'foreign policy agenda' agreed by the Council and Parliament.

It is also felt that the Union's foreign ministers could more frequently decide by majority vote, with unanimity being reserved for areas more strictly bound up with national interests, such as defence. It is suggested that more flexible formulas could be devised to enable actions to be carried out by a limited number of Member States, in a context of cooperation and solidarity.

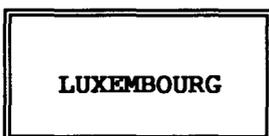
The Italian Government considers it essential that there should be a permanent body with powers of external representation in the field of the Union's external policy, and that this body should also be endowed with suitable structures and functions of discussion, preparation, proposal and implementation of Council decisions. Should this principle be accepted, the Italian Government proposes that a Secretary-General be appointed by the Council and, possibly, confirmed

by Parliament: this person would be responsible for presenting a recognizable image of the Union and stamping its actions with enhanced continuity, credibility, responsibility, legitimacy and transparency, thus also superseding the limits of the system of rotating presidencies. As an alternative, the Italian Government suggests that there could be an elected presidency, serving for a two- or three-year term, again on a basis of appointment by the Council and confirmation by Parliament; it recognizes, however, that there would be problems of coexistence between an elected presidency and the existing system of rotating presidencies, let alone the numerous Council meetings, committee meetings and working parties. It is therefore further suggested that the external policy function be separated off from the other responsibilities of the presidency: in this case, the elected President would chair the General Affairs Council, and would be assisted by a vice-president, who would be replaced every six months in accordance with the existing rotation system, and would be from the Member State currently chairing the rest of the Council's business.

**Joint declaration of 15 July 1995 by the German and Italian Foreign Ministers on the 1996 Intergovernmental Conference**

This declaration proposes, in the context of the IGC and with a view to improving efficiency and raising the level of the CFSP, that the Union's capacity for decision and action should be strengthened by the use of majority voting in certain fields. It also advocates closer institutional ties between the EU and the WEU, with the latter being placed under the authority of the European Council. The long-term objective would be the integration of the WEU into the EU.

With regard to justice and home affairs, the text proposes greater use of the Community procedures, especially for asylum policy, visa policy and immigration.



**'Memorandum/Handbook' of the Luxembourg Government of 30 June 1995 on the 1996 Intergovernmental Conference**

On the second pillar and the question of decision-making, the Luxembourg Government proposes extending the scope of majority voting. For decisions on positions and joint actions, it considers that the principle of 'unanimity minus one' would represent a significant advance, since it would allow a Member State to dissociate itself from a joint action without stopping it from going ahead.

The Luxembourg Government considers that there should be a single institutional framework for the various pillars.

The text also examines institutional matters and enlargement; as far as the Council is concerned, it calls for an extension of qualified majority voting. It is felt, nonetheless, that unanimity should be retained for all subjects closely affecting the sovereignty of the Member States and, therefore, of their national parliaments (e.g. revision of the Treaties, European citizenship, new accessions, taxation and own resources).

On the subject of the Council presidency, the Luxembourg Government proposes retaining the six-month rotating presidency, and says that it will accept no watering-down of this principle.

<b>NETHERLANDS</b>
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**Memorandum on 'the enlargement of the European Union: the opportunities and obstacles'**

The document examines the institutional questions resulting from enlargement. The Dutch Government is against the idea of merely extrapolating the present institutional framework when the enlargement negotiations begin.

**Memorandum of the Dutch Government on the common foreign and security policy: 'towards firmer external action by the Union'**

The third section of this memorandum is taken up by an assessment of the CFSP and a number of suggestions concerning its workings.

With regard to the decision-making system in itself, the document proposes a number of alternatives to the rule of consensus. Concerning decisions on implementing a joint action, it suggests improving the existing wording of Article J.3(2) so as to ensure that all decisions thereunder are adopted by qualified majority vote. It also proposes more frequent recourse to abstention when a joint action is adopted; in this case, it is suggested that less use should be made of the existing system of consensus and that a 'consensus minus one' arrangement should be introduced and become the norm, except where a vital interest of a Member State is affected. In the latter case, the rule of consensus would continue to apply.

The text also comments on the German proposal that majority voting be introduced for the adoption of joint actions. The Dutch Government supports this proposal, on the grounds that it would make the CFSP more effective by applying a more Community-oriented approach. It points out, however, that the result would be a majority-based decision-making system operating within an intergovernmental context, in other words a different arrangement from the majority-based decision-making system operating in the Community proper, which is characterized by the Commission's exclusive right of initiative, the involvement of Parliament and the role of the Court of Justice vis-à-vis revision of the legislation adopted.

The Dutch document considers that the 'communitarization' of the CFSP could be a longer-term objective. However, after stressing that the options put forward for the adoption of joint actions could also be suitable for the process of adopting common positions under Article J.2, the Dutch Government concludes that the rule of consensus should under no circumstances lead to a situation where Member States were forced to send troops for crisis management purposes in the context of any future EU defence policy.

**European cooperation in the fields of justice and home affairs - third memorandum for the 1996 Intergovernmental Conference**

In particular, the memorandum includes a certain number of intermediate options for improving JHA cooperation. Some of these measures could be summarized as follows:

1) Improvements in political guidance, and multi-annual work programmes

The Dutch Government believes that a multi-annual work programme would help to promote the progress and the continuity of cooperation in the fields of justice and home affairs. Such a programme would be even more effective if its main points were laid down by the European Council. The JHA Council could then interpret and elaborate those points.

2) Streamlining decision-making

The Dutch Government takes the view that the decision-making structure would be streamlined. This would make it easier for the K.4 Committee to play the coordinating role assigned to it under the Treaty on European Union. In conjunction with a multi-annual work programme consideration could then be given to projects for which the K.4 Committee would be responsible. No amendment to the Treaty would be required for this purpose.

**Fourth memorandum of the Dutch Government: the institutional reform of the Union**

With respect to the Council, the document considers that four aspects must be examined, namely: the decision-making system; the weighting of votes; the presidency; and the Council's working methods.

On the matter of the Council's decision-making system, the document refers the reader to the Dutch Government second and third memorandums concerning the second and third pillars. For the first pillar, it proposes that Council decisions should in principle be made by qualified majority vote, but that the rule of unanimity should continue to apply to tax matters, decisions on own resources and constitutional decisions relating to the reform of the Treaties, the language regime and accession.

With regard to the weighting of votes, the Dutch Government considers that there should be a reasonable balance between large, medium-sized and small Member States. It raises two possibilities: giving more votes to the larger Member States, and introducing a 'double-key' system (the existing weighting plus representation of a certain percentage - in principle 50% - of the Union's total population), and comes down in favour of the second option, on the grounds that it would strengthen the democratic legitimacy of the decision-making system. It also implies that the Netherlands will oppose continuation of the Ioannina Agreement.

On the subject of the Council Presidency, the Dutch Government examines four possibilities: an annual presidency; a split between the internal and external aspects of the presidency; an elected presidency; and an appointed presidential team. It provisionally comes down in favour of the last-named option. Such a team would consist of a 'troika' of Member States, with one President and two vice-presidents, and would serve for one year.

Finally, with respect to the Council's working methods, the Dutch Government urges the IGC to devise new formulas and calls on the Reflection Group to examine the matter and submit proposals for improvement which would not require amendment of the Treaties.

**AUSTRIA**

**Guidelines proposed by the Austrian Government on the probable subjects of the 1996 IGC**

In particular, on the subject of the institutional provisions relating to the role of the Council, the Austrian Government is against any reduction in the blocking minority.

It calls for a partial, article-by-article revision to permit the extension of qualified majority voting in Council.

With respect to the presidency, the Austrian Government favours retaining the existing rotation system.

On the matter of the CFSP and the role of the presidency, Austria accepts the primacy of the Council presidency, and sees no reason for change. Concerning the decision-making aspects, the Austrian Government says that it is open to all suggestions on judicious means of moving towards majority voting. This could be:

- graduated (for joint actions); or
- sectoral (decisions taken on the basis of 'unanimity minus one'; 'positive abstention'; cases of vital national interest would be excepted).

Unanimity is favoured for the military security aspects of the CFSP.

On cooperation in the field of home affairs and justice, the Austrian Government advocates the clarification and 'simplification' of working structures, and proposes that at least one working layer be removed from the third pillar. To this end, it proposes:

- Option A: abolition of the 'steering groups';
- Option B: merger of the K.4 committee with COREPER, leading to the creation of a 'COREPER III'.

**PORTUGAL**

The Portuguese government has not yet published any official document reflecting its views regarding the Intergovernmental Conference. More recently, in an interview published in the daily newspaper 'Público' on 4 June 1995, the Prime Minister, Mr Anibal Cavaco Silva, expressed a number of positions concerning the Portuguese view on the revision of the Treaty of Maastricht.

As far as institutional matters are concerned, Portugal will advocate a single institutional framework for all areas of the Community's activities and, specifically, for the three EU pillars.

On the subject of the Council, Mr Cavaco Silva considered that its effectiveness should be reinforced by greater use of majority voting; unanimity would remain for defence, cultural matters, own resources and reform of the Treaties.

With respect to the weighting of votes, he felt that the existing system should be retained, and ruled out any amendment of the existing Treaty provisions, on the grounds that the concept 'state' is not a purely economic and demographic matter.

He also considered that no Member State should be excluded from the rotating presidency of the Council.

The Prime Minister took the view that the institutional balance should be preserved, as should the principle of the equality of all Member States in the institutions. He therefore considered that Portugal's participation in all the Union's institutions and bodies was not a matter for negotiation.

He felt that the CFSP should be endowed with greater consistency and firmness, and that there should be a decided move towards majority voting for the adoption of joint actions now requiring unanimity. On the third pillar, he said that he would accept qualified majority voting in certain cases.



**Report by the Finnish Government to the Finnish Parliament on the guidelines for Finland's European policy - 14 February 1995**

In the institutional field, Finland wishes the Union to remain an association of independent Member States. On Community matters, it accordingly advocates retaining the existing system under which the Council decides on proposals from the Commission.

With respect to the second and third pillars (CFSP and CHAJ), Finland considers that intergovernmental cooperation should remain the main formula for action. Nonetheless, it is willing to grant the Union supplementary powers and to contribute to improving the Community decision-making system (especially in the environmental field), while safeguarding the position of the smaller Member States at all stages.

**Programme of the government of the Prime Minister, Paavo Lipponen**

In the institutional field, the new government has declared its willingness to work for greater transparency, more extensive publicization and an improved decision-making system in the EU.

**SWEDEN**

In statements to the press, the Swedish Minister for European Affairs, Mr Hellström, has said that Sweden is not likely to state its position on the subjects of the IGC until late 1995. The Swedish Government has not submitted any official document to date.

The Government has, however, declared that it considers the principle of transparency to be as vital at Union level as it is in Sweden itself. It considers that this principle should be extended to the Council, which can only gain from practising as great a degree of transparency as possible vis-à-vis the Union's citizens.

**UNITED  
KINGDOM**

**The UK government's memorandum of 2 March 1995 on the treatment of European defence issues at the 1996 Intergovernmental Conference**

This document comes out in favour of establishing a more clear and efficient decision-making mechanism. It is argued that security decisions should be taken exclusively at intergovernmental level by means of consensus between sovereign governments, with no participation by the European Parliament or the Commission.

The text also proposes the creation of a new WEU organ at the level of heads of state and government (the 'WEU summit'), which would bring together the WEU's member states, the countries associated with it and the countries having observer status. This organ would be responsible for all military and defence policy decisions at European level, and would, if necessary, meet jointly with the European Council to ensure coordination between the EU and the WEU. The rights and responsibilities of the nations represented at the summit would be the same as those currently applying to the WEU Council. However, only full members of the WEU would be able to oblige the WEU to act. The 'other' members could have the right to participate in certain operations; such participation would not affect their status within the organization.

In the political sphere, mention should be made of the speech made by the Prime Minister, John Major, to the Royal Institute for International Relations in Brussels, on 30 January 1995. In this speech, he advocated a reform of the voting system and the operations of the Council, to bring representation of the Member States more in line with their contributions and populations, and a review and overhaul of the European institutions. He also called for the democratic authority of the Council to be strengthened, seeing it as the voice of the various nation-states.

On 22 June 1995, Mr Douglas Hurd, who was then still Foreign Secretary, speaking to the House of Commons Select Committee on Foreign Affairs, outlined some of the proposals to be submitted to the IGC by the UK, including the reform of the 'troika' system such that, under the rotation arrangement, a smaller Member

States would share its six-month term with a larger Member State, and a revised system of weighting of votes which would give more importance to the larger Member States.

#### 4. POSITION OF THE COMMISSION

In the first part of its report of 10 May 1995 on the operation of the Treaty on European Union, the Commission, in the context of discussing institutional means of fulfilling the criterion of greater legitimacy, makes the following points concerning the European Council and the Council:

The Commission notes, in relation to the European Council, that the TEU has strengthened and institutionalized the existing practices, bringing them into the forefront of the Union's affairs; the institution's dynamizing role has been confirmed by recent practice, which has established it as the focus of convergence of the Union's internal and external strategies. In the context of EMU, its role has been to debate the broad lines of economic policy, and the transition to the third stage will be decided by qualified majority vote by the heads of state and government meeting in Council.

With respect to the Council, the Commission notes that the Treaty gives it the main decision-making power in the areas of the CFSP and cooperation in home affairs and justice, and that the Council's function remains vital in the Community decision-making process.

The Commission endorses the overall institutional response to the criterion of legitimacy contained in the treaty, but nonetheless expresses its reservations concerning the weakness, if not actual absence, of democratic control in the Union in the areas where the intergovernmental approach remains dominant.

The Commission also refers to the voting procedure in Council in relation to the new decision-making rules. It feels there is no doubt that the qualified majority voting in Council makes for efficient decision-making. However, it also notes that, despite the successive extensions of the field of application of the system by the Single European Act and the TEU itself, unanimity is still mandatory in numerous areas of the Treaty.

With respect to the organization of the Council in the area of justice and home affairs, the Commission notes that:

- the unanimity requirement has tended to block business, both because it makes action and decision more difficult and because it tends to reduce the quality of decisions. The Commission concludes that the unanimity requirement is the main factor reducing the effectiveness of Title VI. It also notes that the Treaty provision that conventions establishing implementing measures may be drawn up and subsequently adopted by a two-thirds majority in Council (Article K.3) has not been applied;
- on the subject of the means utilized, although since the entry into force of the Treaty the power of initiative has theoretically been shared by the presidency, individual Member States and the Commission, in practice the texts are submitted and the initiatives taken by the Council presidency, as before;
- concerning the working structures in the area in question, which are arranged in terms of five levels of negotiation (the Council, COREPER, the K.4 Committee,

the 'steering groups' and the working parties), there is considerable duplication (of technical responsibilities between the steering groups and the working parties, and of arbitration responsibilities between the K.4 Committee and COREPER). The Commission considers it obvious that this multi-level structure is not the ideal one for achieving compromises as required, and all too often leads to matters being referred back to a higher level.

On the subject of the organization of the Council in the area of the CFSP, the Commission examines the decision-making aspect and concludes that:

- the practice of unanimous voting partly explains the fact that, allowing for the diversity of their characteristics, the joint actions undertaken to date have narrowed in scope between the mandate of the European Council and their actual implementation;
- the Member States are not fully applying the Treaty in the area of procedure. In addition to the provision allowing for qualified majority voting in certain circumstances (Article J.3(2)), the Member States agreed in Declaration 27 that they would, to the extent possible, avoid preventing a unanimous decision where a qualified majority exists in favour of that decision;
- one of the problems of the CFSP, and one of the causes of its relative lack of effectiveness, is the practice of unanimous voting, even in those cases where the Treaty permits qualified majority voting.

Finally, among its general conclusions, the Commission identifies as actual structural deficiencies in the TEU, which a fortiori affect the Council, the following features: the multiplicity of procedures of whatever type; the structural complexity involved; the decision-making systems; and the lack of transparency. The Commission feels with respect to the third pillar that neither the legal instruments provided for nor the operating structures chosen permit an adequate response to the pressing need for coordination in this field.

## 5. POSITION OF THE COUNCIL

In its report of April 1995 on the workings of the Treaty on European Union, the Council notes as a starting-point that the European Council should be considered a key part of the Union's institutional system, and that the TEU has given an impetus to its functions of political dynamization and synthesis.

The Council also feels that it itself contributes to respect for the democratic functioning of the system, since all its members are politically responsible to their national parliaments for the positions adopted by them on Union matters.

On the voting system, the Council considers that:

- the option of qualified majority voting tends to speed up the decision-making process, since it helps avoid blockages; the prospect of being in the minority also frequently helps encourage compromises;
- it follows that this efficiency factor is not fully taken into account in relation to the fairly limited number of cases for which qualified majority voting is permitted.

The Council is, in general, satisfied with the workings to date of the codecision procedure introduced by the TEU. More generally, it feels that the preservation of the efficiency and coherence of its actions will require firmer controls on the increase in the number of meetings, as well as suitable coordination between the different Councils.

The Council's text also contains some interesting comments on its own organization in the area of the CFSP:

- with respect to the conception and formulation of foreign policy, the Council notes that neither it itself nor its Secretary-General has the necessary degree of direct access to information; it considers that the Political Committee has an essential role to play here;
- on the subject of preparation of decisions, it stresses various factors, including the role of COREPER, the merger of the working parties, the key role of the CFSP advisers, the general coordination work of the Council Secretariat under the presidency, and the use of the 'COREU' procedure, and notes that unanimity has been the norm;
- with regard to the implementation of the CFSP, the Council considers that the presidency's responsibilities are increasing all the time, thus creating problems which have made it necessary to spell out the respective roles of the presidency-cum-troika, on the one hand, and the Council Secretariat, on the other, in relation to both the administration of the CFSP and the role of the Commission;
- concerning the monitoring of the CFSP, the Council feels that the existing system should be improved: better use should be made of the Council Secretariat, without prejudice to the powers of the presidency and the Commission;
- finally, on the subject of security and defence, the Council confines itself to noting that the relations between the Council Secretariat and its WEU equivalent are still under discussion.

With respect to the organization of the Council in the field of justice and home affairs, the Council notes that:

- no use has been made of the option of qualified majority voting permitted by the Treaty;
- the multi-level structure (the Council, COREPER, the K.4 Committee, the 'steering groups' and the working parties) has proved to be cumbersome and has slowed down decision-making. The Council feels that there is a need to re-examine the role of the steering groups and the working parties assisting the K.4 Committee, and that that committee is at times finding it difficult to fulfil its role under the Treaty.

## 6. POSITION OF THE EUROPEAN PARLIAMENT

In its resolution of 17 May 1995 on the functioning of the Treaty on European Union with a view to the 1996 intergovernmental conference - implementation and development of the Union, Parliament expresses the following positions:

- the principle of transparency should be explicitly spelt out in the Treaty, and detailed mechanisms should be established for its application;
- the existing system of six-month presidencies of the Council and European Council should be retained, although its workings should be made more flexible;
- if the Union is to function effectively, there must be an extension of qualified majority voting; at all events, the threshold for a qualified majority must be reduced from its present excessively high level of 71%;
- for certain particularly delicate areas (amendment of the Treaty, Article 235 and 'constitutional decisions'; enlargement; own resources; the single electoral procedure), unanimity should remain;
- the voting system in Council may be in need of reform, but not on the basis of a 'double majority' of Member States and population, because it is Parliament that represents the population while the Council represents the Member States;
- a weighting system designed to reflect the overall importance of Member States should not be based exclusively or proportionally on population.

On the CFSP, the main points of present interest in Parliament's text are:

- the possibility of a number of Member States undertaking, on the basis of a qualified majority vote, a humanitarian, diplomatic or military action as a 'joint action', provided that no Member State is either forced to take part against its will or allowed to stop the majority of Member States from carrying the action out;
- there should be a joint Commission and Council planning and analysis unit, to be responsible for helping in the conception and formulation of EU policies.

In the field of cooperation in justice and home affairs, Parliament calls for the introduction of qualified majority voting in Council, and believes that the legislative authority should be enabled to adopt directives without a unanimity requirement.

## 7. POSITION OF THE OTHER INSTITUTIONS AND BODIES

### 7.1. OPINION OF THE EUROPEAN COURT OF JUSTICE

The report of the Court of Justice of May 1995 on certain aspects of the implementation of the Treaty on European Union concerns only those aspects relating to or likely to affect the Union's legal system. With respect to the Council, it refers to the following aspects:

- the Council's use of the facility of taking out annulment proceedings against acts of the European Parliament liable to have legal effects in relation to third parties (this facility is offered by the new wording of the first paragraph of Article 173);
- the desirability of changing the requirement of unanimous approval by the Council for any amendment of the Court's rules of procedure: either the Court could be allowed to adopt the text itself directly, or any changes would be

considered to be permanent if the Council failed to amend the Court's proposal within a certain time;

- on the possibility of appealing to the Council following the institution of a dual judicial system, the Court stresses that preliminary rulings are not suited to a system of dual jurisdiction, in view of the need to avoid unacceptable procedural delays and to ensure that there is no 'problem of authority' in respect of first-instance judgments.

The contribution of the Court of First Instance with a view to the 1996 IGC does not contain any particular institutional comments worth noting in relation to the Council.

## 7.2. OPINION OF THE COURT OF AUDITORS

The report submitted by the Court of Auditors to the Reflection Group on the operation of the Treaty on European Union in May 1995 does not contain any specific institutional comments of relevance to the Council.

## 7.3. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

The ESC's opinion of 26 April 1995 on the IGC and the role of the Economic and Social Committee defines the broad objectives of the IGC as being:

- the democratic reform of the existing institutions;
- the 'communitarization' of the third pillar;
- the creation of greater coherence between trade policy, development cooperation policy and the CFSP, on the basis of a single decision-making framework and the more effective and speedy implementation of decisions.

There is no other significant reference to the institutional arrangements relating specifically to the Council.

## 7.4. OPINION OF THE COMMITTEE OF THE REGIONS

In its opinion on the revision of the Treaty of Maastricht (20 April 1995), the Committee of the Regions announced that it would begin work in July 1995 on a text on the conditions for a positive dynamic in relation to the EP and the other institutions.

This document contains proposals for revising the Treaty in the areas of the principle of subsidiarity, the system of appeals to the Court of Justice and the Committee of the Regions itself. It does not contain any specific comments on institutional questions of relevance to the Council or the European Council. It does, however, call for specific action on the 'communitarization' of the third pillar, with specific reference to the right to asylum and emigration.

## 8. OTHER POSITIONS

- \* **PROGRESS REPORT FROM THE CHAIRMAN OF THE REFLECTION GROUP ON THE IGC/1996 (1 September 1995)**

### THE COUNCIL

#### A. Basic points

- Agreement on strengthening the rôle of the Council as an institution with clear legislative and executive powers, without prejudice to the institutional balance.

#### Powers:

- \* Maintenance of its present functions, strengthening its ability to act.

#### Decision-taking mechanism:

- \* **Unanimity of qualified majority ?** There is consensus within the Group in favour of maintaining unanimity for the amendment of primary legislation: Articles N and O and other decisions of a "constitutional" nature, such as own resources. All of those require ratification by national parliaments and in some cases the EP's assent is required as well.

As regards decisions on secondary legislation, a majority maintains that the enlarged Union would appear to require the extension or even the generalization of the qualified majority, for reasons of efficiency, in order to prevent the need to reduce the discrepancy between the development achieved in the internal market (where qualified majorities are the rule) and the lack of development in accompanying policies in the social, tax and environment spheres (where basically unanimity is the rule). Some members reject this reasoning while others accept it, but see exceptions as warranted in the defence of sensitive interests. Some link the move from unanimity to a qualified majority with better application of the principles of subsidiarity and sufficient means.

- \* **Formulas intermediate between unanimity and a qualified majority** are contemplated for Titles V and VI (a super-qualified majority, positive abstention, consensus less one) and for specially sensitive Community questions. These possibilities must be studied in greater depth.
- \* **Weighting of votes for purposes of qualified majorities.** Bearing in mind that in democratic societies efficiency is inseparable from legitimacy and that an efficient decision is not the one that is the easiest to adopt but the one that receives the most support from citizens, some members point to the growing imbalance between the population and its representation in votes by qualified majority, the procedure by which most Community decisions affecting citizens directly are taken. In the view of those members, the next enlargement would create a situation in which, if that imbalance is not corrected, a qualified majority could be achieved with a number of votes that could even represent a minority of the population. Those members consider that such a situation undermines the efficiency and democracy of Council decisions and is unacceptable in the context of future enlargement. In their view, the

system should be corrected so that greater account is taken of population by means of new weightings for votes, a change in the threshold for qualified majorities or the introduction of a double threshold (votes and population). Other members, on the other hand, do not endorse that analysis but rather insist that the weighting of votes in the Council must be based more on the principle of the sovereign equality of States than on the population factor, which they feel is already adequately reflected in each State's representation in the European Parliament. They also point out that this is a false problem, since practice shows that in the Community there is no systematic pattern of small-population countries forming coalitions against the large-population countries, and accordingly they do not consider it necessary to alter the present system.

- \* **The organization of Councils and their methods of work:** Regardless of the growing imbalance that some allege in the efficiency and legitimacy of the voting system, a large majority recognizes a gradual decline both in the organization and in the methods of work of Councils, which conceived for a smaller number of Member States. The Group stresses the need for the General Affairs Council to re-assume its role of the general coordination of Union affairs and ensure that the institution's activities are consistent overall. In the preparatory phase of decisions, a majority of members see a need for greater consistency between preparatory committees. For some members of the Group the enlargement of the Union means that reconsideration of the Council's working methods can no longer be postponed, some phases of working group discussion being dropped in favour of a written procedure, on the basis of arrangements that will have to be studied in depth.
- \* **Publicity:** For some representatives, the Council should be open to the public whenever it works as a legislative chamber. Others, on the contrary, point out that an excess of transparency can be harmful to efficiency. For these members, more than trying to differentiate between the executive and the legislative functions, the prevailing question is the intensive and constant negotiation task, which should not be public. Other members, finally, specify that publicity (not so much by the broadcasting of the debates as simply by setting up some listening rooms open to interested media) could be restricted to the initial debate of presentation of a legislative proposal and to the final moment of voting. It would be desirable to explore whether this last idea deserves the support of the Group.
- \* **Presidency:** The Group stressed the importance of Presidency's rôle in that it was responsible for conducting the Union's affairs. The Group sets great store by the feeling of belonging that is encouraged by the system of rotating Presidencies and by the will to do better and the stimulation of those holding the office. The prospective enlargement would result in each country's turn coming round much less frequently, making it necessary to establish a system which will ensure greater permanence and visibility for the Presidency without making more sporadic the participation by Member States in an enlarged Union. To achieve that the Group has been looking at various arrangements that combine elements of permanence and rotation, such as Presidency by teams. It is also considering the possibility of electing a President or a High Representative of the Union for external policy matters. The

Group will have to study these questions with a view to ensuring the general consistency of institutional functioning.

#### **B. Areas for reflection**

- **Maintenance of unanimity:** In which cases ? Should the EP participate when the Council decides unanimously ? Under which principles ? In which cases ?
- **Scope of qualified majority:** Generalized for secondary Community legislation ? Should it be accompanied by co-decision with the EP for legislative decisions ? Is a cases-by-case approach preferable at the present stage of integration and with the prospect of enlargement ?
- **Weighting of the qualified majority:** How can an adequate balance of population and votes be ensured in a fashion acceptable to all ?
- **Organization of the Council:** How can the central rôle of the General Affairs Council be restored ? Creation of a Council of European Affairs composed of deputies to the General Affairs Council, with frequent meetings, so that the General Affairs Council of full members receives a reduced agenda which will enable them to deliberate and decide on Union affairs ?
- **The Council's methods of work:** Study the possibility of applying written procedures in the preparatory phases; study arrangements increasing Permanent Representatives Committee/Political Committee consistency.
- **Publicity:** Can the Group accept the opening to the public of the Council in the initial and final phase of the legislative process ?
- **Study options for exercising the Presidency** that solve its operating requirements in an enlarged Union.

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