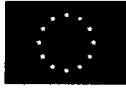


PARLEMENT EUROPEEN



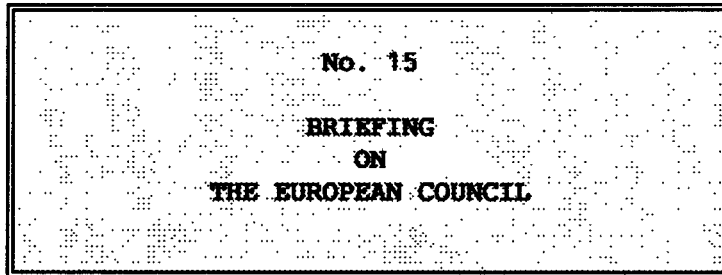
GROUPE DE TRAVAIL DU SECRETARIAT GENERAL

TASK - FORCE " CONFERENCE INTERGOUVERNEMENTALE "

LE SECRETARIAT

JF/bo/153/95

Luxembourg, 31 July 1995



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

**BRIEFING
ON THE EUROPEAN COUNCIL**

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1. **SUMMARY**

It appears that the main institutional subjects related to the European Council likely to be discussed at the 1996 Intergovernmental Conference will be, at the very least: its powers, its presidency and its political control over the Commission.

As matters stand, only a certain number of the proposals and ideas put forward by the Member States and the institutions make reference to the European Council. Among these, particular attention will be paid here to those relating to the presidency of the European Council or the Union presidency. It should be pointed out, however, that the proposals concerned are still very much at the drawing-board stage.

2. **AGENDA FOR THE CONFERENCE**

As far as the European 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 (for more detailed discussion, please see our briefings on the European Parliament [No. 14] and the Council of the European Union [No. 16]).

3. **POSITIONS OF THE MEMBER STATES**

BELGIUM

The Belgian Government has thus far issued no official document concerning the 1996 IGC, and its senior figures have not made any specific comments relating to the European Council and the conference.

DENMARK

The Danish Government has not as yet issued any official document setting out its views on the 1996 IGC or the role of the European Council in this context.

GERMANY

The German Government has thus far not expressed any official positions on the IGC or on any institutional matters relating thereto specifically concerning the European Council. No specific reference of any importance has been made to the subject in the numerous proposals submitted by the parties and the political groups in the Bundestag; this also applies to the considerable number of proposals put forward by the CDU/CSU group in that chamber.

GREECE

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

On the subject of the common foreign and security policy (CFSP), this 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.

SPAIN

Document: 'The 1996 Intergovernmental Conference: bases for discussion'

With respect to the leadership and coordination of the Council and the presidency, this document appears to favour a stronger presidency. It summarizes a number of formulas which could help give the presidency greater continuity: a longer term of office; 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, 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 institutions 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. '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 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:

'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.

'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.

'Option C3': a 'defence protocol' could be appended to the Treaty on European Union.

FRANCE

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

During the presidential election campaign, President Chirac expressed a number of specific positions, declaring, with respect to the European Council, that *he favoured the institutionalization of the President of the European Council, and that the President should be appointed for a three-year term by the European Council itself, his main responsibilities being to represent the Union to the outside world and to guarantee the defence of the Union's interests and the promotion of its identity.*

The Minister for European Affairs, Mr Michel Barnier, stated at the end of June 1995, in an interview with the daily newspaper 'Libération', that the European Council should have direct responsibility for the CFSP, and that it was likely that France would work on President Chirac's idea that the President of the Council or President of the European Union should be elected by his fellow members, thus giving the Union a 'representative face'. Mr Barnier felt that the CFSP should have a visible face, be it a secretary-general or a head of state entrusted with the office by the others for three years.

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, called once more for the appointment of a person who, under the direct authority of the European Council and in liaison with the other institutions, would represent the CFSP to the world. Developing on his earlier statements, he said that this figure could be either the President of the Union, elected for a two- or three-year term, or the Secretary-General of the CFSP.

IRELAND

The Irish Government has as yet not made any official statement on the 1996 IGC, and the statements thus far made by its senior figures do not contain any hints as to the position Ireland will take on the institutional matters related to the European Council in the run-up to the conference.

ITALY

Italian government statement of 23 May 1995 on the Intergovernmental Conference for the revision of the Treaty of Maastricht

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 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.

LUXEMBOURG

'Memorandum/Handbook' of the Luxembourg Government of 30 June 1995 on the 1996 intergovernmental conference

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

NETHERLANDS

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

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.

AUSTRIA

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

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.

PORTUGAL

The Portuguese government has not yet published any official document reflecting its views regarding the Intergovernmental Conference.

Recently, in an interview published in the daily newspaper 'Público' on 4 June 1995, the Prime Minister, Mr Anibal Cavaco Silva, said on the subject of Portugal's position on the reform of the Treaty of Maastricht that the European Council should, in his opinion, remain the cornerstone of the system.

FINLAND

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.

**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 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.

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.

4. POSITION OF THE COMMISSION

In 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:

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.

5. POSITION OF THE COUNCIL

In its report of April 1995 on the workings of the Treaty on European Union, the Council noted 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.

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 view that the existing system of six-month presidencies of the Council and European Council should be retained, although its workings should be made more flexible.

7. POSITION OF THE OTHER INSTITUTIONS AND BODIES

7.1. OPINION OF THE EUROPEAN COURT OF JUSTICE

The opinion 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.

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 European 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 makes no significant reference to the institutional arrangements relating to the European 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.

8. OTHER POSITIONS

- * PROGRESS REPORT FROM THE CHAIRMAN OF THE REFLECTION GROUP ON THE 1996 INTERGOVERNMENTAL CONFERENCE (1 September 1996)

THE EUROPEAN COUNCIL

A. Basic points

- Maintenance of the present functions of the European Council, as the Union's main source of impulse and political orientation.

B. Areas for reflection

- Study options for exercising the Presidency that solve its operating requirements in an enlarged Union.

* * * * *

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