

Intergovernmental Conference IGC: revision of the Treaties, the financial interests and the European Prosecutor

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In presenting its opinion on the future revision of the Treaties, the European Commission states that it is in favour of a far-reaching reform of the composition of the EU institutions and of the decision-making process in order to make it more effective. The document is in two parts: the first deals with the operation of the European institutions in the enlarged Union and the second with the effectiveness of decision-making procedures. It includes proposals for new Treaty articles, intended as a practical contribution to the proceedings of the Intergovernmental Conference. 1) Role, operation and composition of the institutions and bodies of the European Union: the remit given to the IGC by the Helsinki European Council is not to change the role or powers of the institutions, but to adapt their operation to the needs of an enlarged Europe. The Commission proposes retaining 700 as the upper limit on the number of Members of the European Parliament, some of whom, in part would be elected on Europe-wide lists. The opinion contains two options for the composition of the Commission: the first, in order to preserve collective responsibility, recommends that the number of Commissioners be kept at 20, whatever the future number of Member States, with a rotation system laid down in the Treaty and based on the principle of equality of the Member States. The second is that of a Commission made up of a national of each Member State, which would entail major adjustments in its organisation and its operating methods. Whatever the option, the undertaking given by each Commissioner to resign if requested to do so by the President will have to be formally incorporated in the Treaty. The Commission proposes supplementing the Union's justice system to improve the operation of the European Court of Justice and also to add a judicial dimension to the action to combat fraud against the Community budget. The other institutions and bodies of the European Union will need to be reformed before enlargement. The number of members of the Court of Auditors should be limited. The Economic and Social Committee should be more representative of European civil society and the number of members kept at the same level. The Committee of the Regions should also be kept at the same size. An effective decision-making process: to preserve the effectiveness of the decision-making process after enlargement, unanimity should be required only when there are serious and lasting reasons for it. As a general rule, qualified majority voting should replace the unanimity requirement. The opinion identifies five categories of provision which require the unanimous agreement of Member States: decisions which have to be ratified by each Member State; decisions relating to the operation and balance of the European institutions; decisions in the field of taxation and social security not related to the operation of the single market; conclusion of international agreements on matters on which the Council still acts unanimously; and derogations from the common rules of the Treaty. The opinion also proposes making the Union's decision-making procedures simpler, more effective and more coherent. The Commission makes four proposals: strengthening the link, for legislative decisions, between the codecision procedure and qualified majority voting; extending the scope of the common commercial policy rules to cover all services, investment and intellectual property rights; enhancing the powers of the European Parliament in trade matters; and dropping the cooperation procedure. With regard to the voting procedure in the Council, the Commission, whilst accepting the argument for a re-weighting of votes, recommends adopting a straightforward and democratic system of double simple majority, whereby a decision would stand adopted if it had the support of a simple majority of the Member States and a simple majority of the total population of the Union. The Commission believes that the Union must not only maintain its present level of integration but also equip itself with the means of going even further. As there will be greater diversity within the enlarged Union, the possibility must be provided of allowing certain Member States representing at least one third of the number of Member States, without weakening the Community edifice, to cooperate and move beyond the level of integration achieved today. The Commission accordingly recommends reviewing the existing Treaty

provisions on closer cooperation and extending them subject to conditions to be defined to the Union's common foreign and security policy. Treaty articles: the Commission opinion proposes draft Treaty articles on certain matters as a concrete expression of the amendments that it is recommending. It believes that the proceedings of the Intergovernmental Conference for the revision of the Treaties should be as operational as possible. The Commission will be presenting further contributions in the months ahead on items such as the reorganisation of the Treaties. The European Council will eventually have to decide whether certain matters should be included in the treaty, such as the development of a European security and defence policy and the Union Charter of Fundamental Rights.