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– "Reform af institutionerne: principper og forudsætninger"

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This paper entitled ‘Reforming the Institutions: Principles and Premises’ is a contribution to the Convention submitted by the following Members and Government Representatives:

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## **Reforming the Institutions: Principles and Premises**

### **Purpose of Paper**

This paper sets out broad common orientations, shared by a significant number of Convention members, on the basic principles and premises which should underpin reform of the European Union's institutions. It is without prejudice to the more detailed views of individual members, or groups of members, on specific questions. It should be read in conjunction with a number of papers previously submitted, in particular that by the Benelux countries.

### **1. KEY GENERAL PRINCIPLES**

- **Maintaining and Reinforcing the Community Method**

The success of the European Union over fifty years has been underpinned by the Community Method, which reflects its unique nature as a union of states and peoples. The Community Method has been based on the distinct roles of the Union's institutions, which together promote unity of purpose and action while respecting diversity of identity and interest. The maintenance and development of the Community Method will be all the more important at a time when enlargement is increasing the size and complexity of the Union.

- **Preserving the Institutional Balance**

Institutional balance is fundamental to the operation of the Community method. While the institutions must individually be reformed and reinforced to meet the challenges which lie ahead, each must be strengthened in a way which does not upset the careful equilibrium between them. Each institution has a purpose and a specific role to play. A clear definition of the respective roles, responsibilities and tasks of all players is the key to an efficient, transparent and successful outcome at the Convention.

The **Council**, together with the European Parliament, is at the centre of the Union's legislative work. The Council represents the Member States. It seeks to establish community solutions to issues of common concern. It also has key executive responsibilities. It

represents Member States and is the forum where they can present and defend their national interests. The **European Parliament** directly represents the citizens of Europe, and therefore plays an essential role in reinforcing the legitimacy and representativeness of the Union's legislative processes. The **Commission** is the guardian of the Treaties, the main executive arm of the Union, the primary initiator of legislation and the monitor of its implementation. And, of course, the ECJ and CFI provide for judicial control.

- **No New Institutions**

We believe that the creation of permanent new institutions could upset the existing careful balances.

- **The Equality of Member States**

The equality of the Member States is a core principle which must be respected in the reform of the Union's institutions. We could not accept any arrangements which sought to establish a hierarchy of Member States, or to differentiate between them in terms of their entitlement to involvement in the operation of the institutions. While we accept that demographic factors are relevant both to representation in the European Parliament and to voting weights in the Council of Ministers, we would not support any further reliance on them.

- **Openness**

The institutions should operate as transparently as possible, with decisions being taken as close as possible to the citizen in accordance with the principles of subsidiarity and proportionality.

### **The Council**

- Within the Council, Qualified Majority Voting (QMV) should be further extended as the normal decision-making mechanism, save in those limited areas where the particular sensitivities of Member States require the maintenance of unanimity.
- The Council, when acting in legislative mode, should be open to the public.

- The re-establishment of a full-time position of Secretary-General to the Council, which would be a consequence of reforming the role of the High Representative, would strengthen continuity within the Council.

### **The Presidency**

- The Presidency of the Council is an integral part of the overall institutional balance within the Union. As currently organised, it facilitates a coherent and co-ordinated approach to all aspects of the Council's activities, both vertically within sectors and horizontally across them. It allows for the regular infusion of fresh energy and new perspectives. It ensures political control of the Council. Its automaticity avoids a diversion of energies into campaigning for election or appointment to the chairs of Council formations. It is a symbol of the equality of the Member States and is a bridge between their peoples and the Union.
- Further practical enhancement of the continuity of the Presidency function, along the lines of the reforms agreed at the Seville European Council in June 2002, including annual and multi-annual programming and closer co-operation between Presidencies, will help to increase further its coherence and effectiveness.
- Reform to strengthen the coherence of the Presidency system is needed in a larger Union. While among us there are a number of varying views on the detail of possible models, we are guided by the following principles:
  - the retention of rotation as the predominant aspect of a new system;
  - the preservation of the equality of all Member States;
  - respect for the overall institutional balance.
- We support retention of the rotating system in particular in the European Council, the

General Affairs Council and Coreper. However, two Government representatives have expressed their willingness to examine the idea of an elected chair of the European Council in light of the need for improved coordination.

### **The High Representative**

- The appointment of a single person to the posts of High Representative and External Relations Commissioner (“double-hatting”), with a single service, is seen as highly significant and as strengthening the coherence and visibility of the Union’s external projection and representation. This should be subject to the establishment of clear lines of accountability, the safeguarding the integrity of each institution, and the provision of appropriate resources, including the possibility of deputy Representatives

### **The Commission**

- For the Commission to continue to fulfil its role in the institutional framework, it must remain a strong supranational, independent and collegial body. It must keep its sole right of initiative in what is presently known as the first pillar, but it must also be allocated a stronger role of initiative in the current second and third pillars.
- The group sees the need of strengthening the Commission’s democratic legitimacy through new arrangements for the election of its President. One option is election by the European Parliament with a reinforced majority, with confirmation by a qualified majority vote of the Council at the level of Heads of State or Government. Another option is election by a “Joint Electoral College” comprising the European Parliament and National Parliaments, but not sitting as a separate institution. Depending on the method of election chosen, appropriate arrangements for the nomination of candidates by the European Council would need to be put in place.
- The Commission should be answerable to both the European Parliament and the European Council and subject to dismissal through censure by them.
- Guaranteed equality as between the Member States in the composition and operation

of the Commission must be retained.

- The principle of one Commissioner per Member State provided there is full equality.

### **1.1. The European Parliament**

- There should be a further extension of the co-decision procedure in the legislative field. Such a move would go hand in hand with QMV in the Council, and with the preservation of the Commission's sole right of initiative. The EP's role in other areas, such as assent for international agreements could also be envisaged. As indicated above, there is strong support for an enhanced role for the European Parliament in the selection of the Commission President.

### **National Parliaments**

- We fully support the enhanced participation of National Parliaments in European affairs, as an essential link in the democratic legitimacy of the European legislative process. Their core function is scrutiny of governments within the national framework.
- However, National Parliaments should also have an important role in monitoring the respect of the principle of subsidiarity. Further, the current co-operation between members of national parliaments in the framework of the COSAC should be strengthened. Their role would also increase if they were included in electing the President of the Commission

### **Ombudsman**

- The status of the European Ombudsman as a European institution should be included in the Constitutional Treaty.

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