

THE EUROPEAN CONVENTION

THE SECRETARIAT

Brussels, 17 January 2003 (23.04)

CONV 493/03

CONTRIB 196

COVER NOTE

from Secretariat

to The Convention

Subject : Contribution by Mr Daniel Valtchev, member of the Convention

-“Contribution to the Convention Debate on the Functioning of the Institutions”

The Secretary-General of the Convention has received the contribution annexed hereto from
Mr Daniel Valtchev, member of the Convention.



Contribution to the Convention Debate on the Functioning of the Institutions

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January 16, 2003

Improving the effectiveness of the institutions of the European Union and maintaining the balance between them is one of the greatest challenges posed by the Enlargement. The success of the attempts to tackle democratic deficit and fully employ the principle of subsidiarity will largely depend on the institutional solutions agreed by the Convention and the IGC.

The constitutional draft of the Convention Presidency notably adds two new institutions - the European Council and the Congress of the Peoples of Europe. It envisages a reformed Presidency both of the European Council and of the Council of Ministers. The most controversial proposal, involved in the debate, as it seems, is the appointment of a senior political figure as “full-time” President of the European Council for a period of 5 years, to be elected by the Heads of State and Government - a spokesperson for the Union as an international actor. The alternative solutions would be a “double-hat” president or a team presidency. One of the points that these proposals would raise is the elimination of the system of a rotating Presidency, and indeed we have heard strong voices in this respect.

From a practical point of view it might be justified to question the system of a rotating Presidency. In an enlarged Union with 27 and more member states this system might not be able to cope with an overwhelming number of tasks and challenges. However, this existing arrangement is best suited to give each member state the feeling that it has a grip on EU affairs. It is a powerful sign to the public, a real manifestation of democracy and decentralisation. In one or another form the system of the rotating presidency should be maintained. One option is to be found in the Commissions Contribution to the Presidency Draft – maintaining the system for the European Council, the General Affairs Council and COREPER. We can also search for a solution at the other end of the spectrum of Council competencies. If we make a clear-cut between the legislative and policymaking functions of the Council, the system of a rotating Presidency might be maintained for the execution of the Council’s legislative powers, thereby enabling member states to continue to introduce their specific national policy priorities into the EU’s decision-making machinery.

However, this split of functions, coupled with the formal institutionalisation of the European Council carries in itself certain contradictions. It is justified by our search for simplification of instruments and procedures. But by definition simplification presupposes and validates centralisation. And, still, we are trying to decentralise as much as possible the political and the law making process – we want the decisions to be taken at the lowest possible level. How do we reconcile a strong Council with the subsidiarity principle? We have witnessed the formal empowerment of, say, the European Parliament being counterbalanced by informal empowerment of the Hydra-like Council. Despite intended involvement of national parliaments in the European process we might see them once again restricted to national scrutiny procedures.

The growing role of the Council has been undermining the “Community method” for years. Yes, we do need a single personality; we need a single voice for the Union, but can we allow ourselves to depart from the established and working Community method?

The reform of the Union’s intergovernmental structures, especially the appointment of a President of the European Council will have to be balanced by the election of the Commission President. The role of both the Commission and the European Parliament have to be reinforced. A suitable solution would be the election of the Commission President by the EP. This will also reinforce the parliamentary character of the EU’s political system.

In this respect the recent Franco-German proposal concerning a dual presidency – Council and Commission is quite interesting. Fears have been voiced that this is a “recipe for chaos” and will complicate the matter even further. But then, there is a certain romance about the idea. It reminds of the two consuls of the Roman Republic. In contrast with the imperial (or presidential) model, the interdependent consuls are a symbol of democracy. It might prove efficient and reconcile the large-small member states conflict.

Today’s constitutional discourse for the future of Europe is marked by contradicting tendencies. While trying to reinvent Europe, we search for inspiration in the federal model but simultaneously employ mechanisms that are typical for intergovernmental co-operation. It is conceivable of course to reconcile all these seemingly irreconcilable elements.

If this exercise remains a compromise only with the known theoretical constructions, and the future Union successfully employs all the legal and political advantages of the federal State while conserving the sovereignty of the “nation States” we will have succeeded.