

THE EUROPEAN CONVENTION

THE SECRETARIAT

Brussels, 12 February 2003

CONV 550/03

CONTRIB 240

COVER NOTE

from	Secretariat
to	The Convention
Subject :	Contribution submitted by Ms Danuta Hübner, member of the Convention - “Effective management in the enlarged European Union”

The Secretary-General of the Convention has received the attached contribution from
Ms Danuta Hübner, member of the Convention.

**Effective management in the enlarged European Union.
Contribution by Professor Danuta Hübner,
Representative of the Government of Poland to the European Convention.**

Ensuring efficiency, transparency and democratic accountability in the future European Union will not be an easy task. It nevertheless remains the key to the success of the Convention. It will not be easy because the European Union has developed over the years a very unique method of integration, which finds its reflection in the institutional system. We are not building anything from scratch but are trying to improve what we have. The current set-up has passed the test of time but is under increasing strain from the rapidly widening agenda and the growing complexity of decision-making. Therefore changes are necessary. They should aim at combining the strengths of the status quo with developments that would help to overcome the obvious inadequacies of the current situation. **My proposal is to bring together the idea of the group presidency and that of the elected chairman of the European Council.** This would represent the best scenario for constructive management in the future European Union.

Rotating presidency: more pros than cons.

One of the key areas for reform, identified already in the Laeken declaration, is the rotating six month Presidency of the Union. **The current system, although making continuity difficult, offers incentives for political leadership by countries holding the rotating presidency.** It creates value-added by empowering governments and administrations to make the best of their expertise and experience. When taking enlargement negotiations as an example, the successive presidencies each brought a new dynamic to the process and contributed decisively to the timely completion of the talks. What is more, the system of rotation allows citizens in the member states to take an active interest in EU affairs and identify themselves with the process of integration. In other words it brings the EU into the country. Having one's Prime Minister at the helm is a source of pride and encouragement. In addition, rotating presidencies allow the administrations of the member states to demonstrate their strengths and expertise at the EU level and acquire invaluable management experience. **We should therefore retain elements of rotation when designing the new institutional system.** All the more so that the changes introduced by the Seville European Council are already bearing fruit in better organisation of work. More continuity should still be injected and **the best way** to do this is **to reform the rotation system so as to create group presidencies** of 4 countries taking the helm in the Union for 2-2½ years.

Group presidency: bringing better management and equality together

The group presidency should be composed of a diverse range of countries so as to ensure a constructive balance of views and interests. There should be both big and small member states represented, old and new as well as countries from different corners of the enlarged European Union. **That way the group presidency could be a microcosm of the larger Union. As such it would be able to find compromises likely to be adopted and supported by all the other members. The group presidency should be guided by a light Steering Committee consisting of the Chairman of the European Council and chairpersons of the respective Council formations.** They would only meet to approve the agenda prior to each of the European Council sessions. The Steering Committee

would also have a working level dimension consisting of the Permanent Representatives of the countries concerned who would establish effective communication channels between themselves. The Steering Committee would be supported by the General Secretariat of the Council. No new bureaucratic structures need therefore to be established.

Creating the group presidency means that there would have to be an additional effort at coordinating policy among countries holding the presidency before they would turn to the rest of the European Union. However, one should not overestimate the challenges of such coordination while undervaluing its potential benefits, which are substantial. **There would be specialisations within the group presidencies, meaning responsibility for council formations would be delegated to specific countries and coordination would be limited to ensuring that the progress stays within the programme of the presidency.** The advantage, on the other hand, would be that countries would be able to focus their effort on performing well with respect to a number of council formations rather than the entire spectrum. Chairmanship of the council formations would be assigned in such a way so as to make the best use of our different specialisations. What is more, having 4 countries at the helm, acting in line with agreed policy, would mean that there are better prospects of that policy carrying the day. Therefore even if some effort would have to be put into communicating between members of the group presidency, it would pay back later.

An elected Chairman of the European Council: continuity combined with improved leadership

The European Council is by definition responsible for providing leadership. If it is to do its job, it needs a good manager setting the agenda and watching over its implementation. Six-month presidencies are not ideal for this task. This is the main reason for the proposal to elect a longer-term Chairman of the European Council.

There is good logic in believing that extending the term of the Chairman of the European Council will help ensure the kind of continuity the European Union needs. However, **there are two issues that have to be addressed before we all become convinced of the virtues of such a solution. First of all, the need not to distort the institutional balance means that the tasks of the Chairman of the European Council have to be clearly defined.** Preparing European Council sessions, overseeing implementation of its decisions and representing the European Union in the wider world are all legitimate tasks for a Chairman of the European Council. **At the same time, none of these tasks should be performed independently of the other two key institutions, the European Commission and the European Parliament.** The Commission, as the guardian of the treaties and the sole source of legislative initiative needs to be in general agreement with the Chairman when he or she establishes the agenda of the European Council. Similarly, overseeing the implementation of decisions should only be confined to monitoring and preserving the political dynamic while the implementation proper, at the Union level, ought to remain in the hands of the European Commission.

Group presidency with an elected Chairman of the European Council: a linkage that works

Ensuring sound management within the group presidency means that there needs to be a factor of stability and cohesion in the system. **Such stability can best be provided by having the best of both worlds: a group presidency and an elected Chairman of the European Council. The way to make it happen would be for the group presidency to**

designate candidates for the post of the Chairman of the European Council who would then be elected by a qualified majority vote of the entire European Council. The suggested method would have a unique feature of making the group presidency identify with the person in charge. What it means is that the group presidency would back him or her whenever necessary, hence ensuring smooth decision-making **The continuity factor, already enhanced by extending the term of the Presidency, would be further strengthened if the Chairman of the European Council were to be elected half a year prior to the taking up of the post. In such a situation he or she would already participate in the agenda-setting functions of the Chairman with regard to two important European Council sessions.** In line with that arrangement, it should be the task of both the outgoing and the incoming Chairman to shape the tasks of each successive Presidency, so that the necessary policy span is ensured. The Chairman would also take over the functions of the current Secretary General of the Council. Council formations should also be chaired by officials appointed for the same term as the Chairman of the European Council. The same mechanism would apply as for the election of the Chairman - the group presidency would designate candidates and the European Council would make the final decision by qualified majority.

Preserving the institutional balance

Keeping both policy-making institutions on board should be a prerequisite of any functioning management system. What it means is that **a separate channel of communication ought to be created and enshrined in the treaty for the Chairman of the European Council and the President of the European Commission to consult each other regularly on the policy agenda.** The Chairman of the General Affairs Council and the double-hatted Foreign Representative should also be consulted and present on such occasions. No item should be placed on the agenda of the European Council without it being discussed by the two. The Commission would not have the power to prevent items being placed on the agenda of the European Council but it would have every possibility to influence events.

Combining agenda-setting and brokerage roles: an arbitration/leadership committee

One problem that has to be resolved concerns an important function of the current rotating President of the European Council who is not only an agenda-setter but also a broker of last resort if decisions are not taken at the ministerial level. It is in this context that the pendulum could shift excessively in favour of the European Council should we have an elected Chairman. **One possibility to avoid distortions of the institutional balance and potential conflicts of competence would be to engage the President of the Commission in a sort of arbitration/leadership committee meant to resolve outstanding issues.** Since member states would be capable of activating the committee, the fears and concerns of some of them with respect to possible peer pressure of big member states could thus be allayed. The arbitration committee would be an ad hoc mechanism activated in case of need. What the latter means is that the Chairman of the European Council would serve a facilitator of decision-making rather than an omnipresent ruler. He or she would translate the leadership demonstrated by the heads of state and government into a cohesive and ambitious EU policy.