

**CONV 590/03**

**CONTRIB 263**

**COVER NOTE**

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from	Secretariat
to	The Convention
Subject :	Contribution submitted by several members of the Convention: - “Premises and Principles of EU Institutional Reform”

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The Secretary-General of the Convention has received the contribution annexed hereto from:

Kimmo Kiljunen, Andrew Duff, Vytenis Andriukaitis, Paraskevas Avgerinos, Eduarda Azevedo, Péter Balázs, Irene Belohorská, Alberto Costa, Kemal Dervis, Marietta Giannakou, Algirdas Gričius, Karel de Gucht, Puiu Hasotti, David Heathcoat-Amory, Paul Helminger, Ben Fayot, Jelko Kacin, Sandra Kalniete, Tunne Kelam, Jan Kohout, Ivan Korcok, Peeter Kreitzberg, Alain Lamassoure, Göran Lennmarker, Liena Liepina, René Van der Linden, Hanja Maij-Weggen, Luis Marinho, Rihards Pīks, Hildegard Puwak, Proinsias de Rossa, Dimitri Rupel, Peter Serracino-Inglott, József Szájer, Frans Timmermans, Matti Vanhanen, Edmund Wittbrodt, Jan Zahradil and Josef Zieleniec, Members of the Convention, and

Terese Almeida Garrett, Alexander Arabadjiev, Michel Brejc, Lone Dybkjaer, Wim Van Eekelen, Péter Eckstein-Kovacs, Constantin Ene, Marta Fogler, Genowefa Grabowska, Esko Helle, Franc Horvat, Liia Hänni, Arturs Krisjanis Karins, Piia-Noora Kauppi, Riitta Korhonen, Guntars Krasts, Neli Kutskova, Kenneth Kvist, Neil MacCormick, Guilherme d'Oliveira Martins, Luis Quieró, Lenka Anna Rovna, Nicolas Schmit, Earl of Stockton, István Szent-Iványi, Helle Thorning-Schmidt, Ülo Tärno, Roberts Zile, alternate Members of the Convention as well as Hasse Svensson, observer to the Convention.

## Premises and Principles of EU Institutional Reform

Contribution by *Kimmo Kiljunen, Andrew Duff, Vytenis Andriukaitis, Paraskevas Avgerinos, Eduarda Azevedo, Péter Balázs, Irene Belohorská, Alberto Costa, Kemal Dervis, Marietta Giannakou, Algirdas Gricius, Karel de Gucht, Puiu Hasotti, David Heathcoat-Amory, Paul Helminger, Ben Fayot, Jelko Kacin, Sandra Kalniete, Tunne Kelam, Jan Kohout, Ivan Korcok, Peeter Kreitzberg, Alain Lamassoure, Göran Lennmarker, Liena Liepina, René Van der Linden, Hanja Maij-Weggen, Luis Marinho, Rihards Pīks, Hildegard Puwak, Proinsias de Rossa, Dimitri Rupel, Peter Serracino-Inglott, József Szájer, Frans Timmermans, Matti Vanhanen, Edmund Wittbrodt, Jan Zahradil and Josef Zieleniec*, Members of the Convention, and

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Signatories to this contribution believe it to establish a minimum catalogue of reform for the institutions of the Union.

### Premises for reform

The Laeken Declaration calls for democratic, transparent and efficient institutions.

Institutional changes must respect, not disrupt the institutional balance of the Union. Equally, they must respect the balance and equality between Member States.

Every single institutional change approved by the Convention must pass the litmus test of the requirements set above. The creation of new institutions is not warranted under them.

Inclusion of the Charter for Fundamental Rights in the new Constitutional Treaty<sup>1</sup> and the principle of a single legal personality for the Union, both accepted by the Convention with a very broad consensus, are essential foundations for reform.

Competences not accorded to the European Union in the Constitutional Treaty remain the competence of Member States.

The Convention method should be formalised for Treaty changes of a constitutional nature<sup>2</sup>.

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<sup>1</sup> Mr Heathcoat-Amory, Ms Kalniete, Mr Queiró, Earl of Stockton and Mr Zahradil do not agree to this point of the contribution

<sup>2</sup> Mr Quieró does not agree to this point of the contribution.

## **European Council**

- Presidency of the European Council rotates between the Member States.
- European Council concentrates strictly on its Treaty tasks of giving the Union necessary impetus for its development and defining the general political guidelines thereof.

## **Council**

- Is open and transparent in all respects when legislating.
- Legislative function separated from the coordinative function within the Council work.
- Simple double majority (majority of EU population and majority of Member States) the rule when Council uses qualified majority<sup>1</sup>.

## **European Parliament**

- Uses co-decision procedure in all legislative matters decided by qualified majority in the Council<sup>2</sup>.
- European Parliament has its seat in one location<sup>3</sup>.

## **Commission**

- Has the exclusive right of initiative in all matters that do not remain intergovernmental.
- Takes its decision as a college.
- Equal representation of Member States is guaranteed in the composition of the Commission.<sup>4</sup>
- Members have equal rights in the decision-making of the college.

## **National Parliaments<sup>5</sup>**

- National Parliaments are enabled to formulate their position on all proposals for EU legislative measures and actions.
- Mechanism for the control of the principle of subsidiarity is set up to allow national parliaments to adopt and convey their views on the compliance of a legislative proposal with the principle.

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<sup>1</sup> Ms Giannakou, Ms Kutsikova, Mr Kvist, Mr Lennmarker and Mr Serracino-Inglott do not agree to this point of the contribution.

<sup>2</sup> Mr Vanhanen does not agree to this point of the contribution.

<sup>3</sup> Mr Fayot, Mr Lamassoure, Mr Rupel and Mr Serracino-Inglott do not agree to this point of the contribution.

<sup>4</sup> Mr Van der Linden does not agree to this point of the contribution.

<sup>5</sup> Ms Giannakou does not agree to this point of the contribution.