

**CONV 521/03**

**CONTRIB 217**

**BEGELEIDENDE NOTA**

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van: het secretariaat

aan: de Conventie

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Betreft: Bijdrage van mevrouw Tiilikainen, lid van de Conventie

- " Het creëren van nieuwe elites versterkt de legitimiteit noch de doeltreffendheid van de EU"
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De secretaris-generaal van de Conventie heeft van mevrouw Teija Tiilikainen, lid van de Conventie, de bijdrage ontvangen die in bijlage dezes staat.

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CREATING NEW ELITES DOES NOT REINFORCE THE EU'S LEGITIMACY NOR ITS  
EFFICIENCY

DR. TEIJA TIILIKAINEN

REPRESENTATIVE OF THE FINNISH GOVERNMENT

The EU's legitimacy and efficiency form two major challenges for the Union's political system. This was confirmed by the European Council in its Laeken declaration. The Convention should therefore ask itself in what manner can it best respond to these challenges.

The weak popular legitimacy of the EU could be best addressed by asking how the EU - with its institutions and policies - could be made more relevant for ordinary citizens. This goal can, in part, be promoted by European and, in part, by national means. Neither alternative, however, necessitates the involvement of any new institutions.

The conditions for democracy at the European level could firstly be improved by creating better conditions for a European-wide political debate. People do not commit themselves to political institutions directly. Commitment takes place through political movements and the media. Their role in the Union's democratic process has not been addressed by the Convention.

It is important to improve public awareness of the current powers of the European Parliament, which are much more extensive than is generally believed. The simplification of the forms of legislative power contributes to that end. I strongly support broadening of the scope of co-decision. The medium of secret diplomacy as the core legislative method of EU policy-making should be replaced by ordinary political debate and confrontation. The legislative activities of the Council must be made open to the public.

Last but not least, a stronger political connection and accountability must be created between the EU's legislative and executive powers. The President of the Commission should be elected by the EP with an appropriate qualified majority. The European Council should thereafter approve the choice, again with an appropriate qualified majority. The Commission's composition should be based upon the equality of Member States. Collegiality and equality among its members should form the key principles for the Commission's work.

Instruments that are genuinely national in nature should also be used for the promotion of the Union's democratic legitimacy. Such instruments should be based upon the strengthening of the traditional forms of parliamentary control of the executive. The role of national parliaments in the control of compliance with subsidiarity is another suitable pragmatic influence. Any type of congress between NPs and the EP would, on the contrary, weaken the full participation of National Parliaments and, consequently, discourage national-level political debate on the EU.

#### Clarifying political responsibility of institutions

The reinforcement of the Union's efficiency does not necessitate the creation of new institutions. Efficiency can be intertwined with the Union's capacity to make decisions as well as with its ability to defend its interests in the international arena. In an enlarged EU, the Union's decision-making capacity calls for increased application of majority voting and more coherent and streamlined instruments for the implementation of the Union's decisions. When the Council makes a decision on the basis of a qualified majority, this majority should be determined as a majority of the Member States and populations.

The EU can be made more efficient by allowing the Commission to keep a firmer grip on the functions it was once established for. These are the right of initiative, the external representation of the EU and the control of compliance with the Treaties. The Commission plans the legislative activities and the Council – together with the European Parliament - makes the decisions. This efficient and balanced procedure – known as the Community method – should be spread to new policy areas.

An important element linked with the Community method - the judicial competences of the European Court of Justice - shall be extended to the current pillars II and III as a part of the abolishment of the Union's pillar structure.

The rotating presidency of the Council has become cumbersome only because it is loaded with inappropriate tasks. Originally, the Presidency was a purely administrative function but in the course of history it has become burdened with an increasing number of political tasks. When these tasks, starting from policy planning and implementation of external action, are returned to the Commission, the Presidency will be well able to continue to rotate at least as regards the Presidencies of the European Council, the General Affairs and External Relations Council and COREPER. In other Council formations and at lower levels, other types of solution can be utilized.

If we reject rotation, we will permanently lose one very important expression of equality among the Member States of the EU.

There is no room for a Presidential institution in a purely democratic and legitimate EU. The Union's problems related to democracy and efficiency must be resolved by means of a bottom-up strategy, by rationalizing and streamlining the present institutions and decision-making systems, not by establishing new elitist organs on the top of them. A long-term EU Presidency would constitute a serious competitor to the Commission and blur the division of labour between these organs. It would become an organ requiring its own bureaucracy without any political accountability. Bluntly, it would become an organ that does not belong to 21<sup>st</sup>-century Europe.

The Union does indeed need a more coherent appearance vis-à-vis the world around it. But that cannot be achieved by nominating a long-term president to the European Council. A more coherent appearance can only be achieved by means of a firmer commitment on the part of individual Member States to the EU's common policy.

Conclusion:

The Community method has been a success in the history of European integration. Why not continue to build on this positive experience in the future and cautiously extend it to new policy fields?

The great advantage of the Community method is that it treats the Union's Member States - big and small - equally. It puts the common interest of all Member States above the separate national interest of any single Member State. It promotes a Europe that is legitimate from the point of view of all Member States and their peoples.

If we now move away from the Community method and the important principle of equality among Member States and choose a system of oligarchy, we will violate the collective spirit of the EU and the mutual respect that Member States have for each other. We will certainly be taking a very big risk.

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