

## SECRETARIADO

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de:	Secretariado
para:	Convenção
Assunto:	Contributo de Lamberto Dini e Marco Follini, membros da Convenção – "O funcionamento das instituições"

O Secretário-Geral da Convenção recebeu de Lamberto Dini e Marco Follini, membros da Convenção, o contributo que figura em anexo.

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Contribution by Lamberto Dini and Marco Follini, members of the Convention representing the Italian Parliament

### **The functioning of the Institutions**

The following comments address the document (CONV 477/03) on the functioning of the institutions.

#### **a) European Parliament**

The Treaty should incorporate at least the basic principles of the uniform electoral procedure, in order to make it generally mandatory. One might also include the provision that elections to the European Parliament should take place on the same day in each country.

#### **b) Council**

In the future institutional arrangements a clear guarantee must be given ensuring compliance with the principle of the separation of the legislative and the executive powers and functions. It would therefore be appropriate to establish a specific formation of the Council of Ministers, vested with the role of acting as a Second Chamber representing the Member States. A Legislative Affairs Council could comprise the European Affairs Ministers and be chaired in turn by the representatives of each Member State. This would preserve the six-monthly revolving Presidency system for an institutionally important official, giving visibility to the fact that all the Member States enjoy an equal status, while maintaining the valuable resource of the direct involvement of each individual country in driving the work of the Union. There should also be a separation between the General Affairs Council and the External Relations Council. The latter should be chaired by the European Minister of Foreign Affairs. The most important rule for the functioning of the Council must be majority voting, without permitting any

exceptions, for even if each country were to be granted only one derogation, this would be sufficient to hamstring the whole system, particularly when there are 25 Member States. As far as vote-weighting is concerned, the present system makes it necessary to revise weighting with every new accession. The simplest solution, that is to say, the majority of both the member States and the population, would obviate this drawback.

### **C) Commission**

The Commission which will be instituted in 2004 should, according to the Nice Treaty, be the last one on which every State is represented. This would enable the new Member States that will be entering the Union at that date to gain initial experience of working on the Commission, which would also make the Commission's decisions more acceptable to them. Beginning with the next Commission, the number of Commissioners should be reduced (perhaps to 12 Commissioners) on the basis of parity rotation. The future new Members, beginning with Romania and Bulgaria, could also be included on the Commission in the initial period of their membership of the Union. One innovative element could be to give the President greater freedom to choose the Commissioners, on the basis of a geographic and political balance. However, it would not be advisable to change the present simple majority decision-making procedure on the Commission, because this would make it less effective and would also make its work less transparent. Neither would it be appropriate, for the same reasons, to create two tiers or levels of Commissioners. The answer to the problem of over-sizing is to have fewer Commissioners than States.

### **d) Court of Justice**

The workload of the Court of Justice is bound to increase with the new accessions because of their lack of Community experience, the increased lack of homogeneity of the Union, the abolition of the pillar-based structure and hence of the increased jurisdictional guarantees that this entails, particularly in the

area of Justice and Home Affairs. With regard to the rules governing the functioning of the Court, here again, greater flexibility needs to be introduced, with more frequent use of the majority rule.

#### **E) European Council**

The rules governing the European Council and the way it is organised should be geared to its role as a policy-making organ, with the main task of giving political impetus to the Union. With regard to the Presidency, the most innovative and coherent proposal for superseding the precarious situation created by the six-monthly rotation is to vest the same person with the twin functions of President of the Council and President of the Commission. This "President of Europe" should be chosen by the European Council and confirmed by the European Parliament.

However, the European Council must not be allowed to become another decision-making body. If it were to, decisions taken at lower levels would have to be systematically referred for a decision by the top tier structure. The European Council must remain a policy-making organ, or a kind of collective Head of State.