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PRESIDENCY NON-PAPER

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Subject: *Outline for structuring technical IGC consultations of Permanent Representatives by the Presidency*

This non-paper is designed to facilitate and structure discussion of the issues covered in the attachments at the technical meetings starting on 14 July 1999. The Presidency has taken as a starting point the three main items highlighted in the Cologne European Council conclusions (see Annexes I, II and III covering respectively the size and composition of the Commission, the weighting of votes in the Council and the possible extension of QMV). In line with the Cologne conclusions, Annex IV also raises the question of the other necessary amendments to the Treaties arising as regards the European institutions in connection with the above issues and in implementing the Treaty of Amsterdam.

The Presidency would like to underline the fact that this work is not aimed at resolving these issues at this stage. The Presidency's objective is to produce a complete, useful and readable report drawing up and setting out a comprehensive list of options and approaches which could serve as a basis for the work of the IGC to be convened next year.

The European Council, the Commission and the European Parliament have stressed that there is a close link between the perspective of enlargement and the need to reinforce the institutions.

Calls have been made for institutional change which is guided by efficiency and transparency. Our forthcoming work ought to be underpinned by these principles.

It has also been suggested that any changes relating to qualified majority voting should be implemented directly after ratification, whereas adjustments in the composition of the Commission and the reweighting of votes might only enter into force when the first enlargement takes place.

1. THE COMMISSION

(i) Size and composition of the Commission with the prospect of enlargement

The Intergovernmental Conference should address these issues in view of the next and future enlargements, aiming to find a lasting solution. In Amsterdam a link was made between changes in the size and composition of the Commission and the reweighting of votes.

(ii) Other issues related to the Commission

Apart from the size and composition of the Commission, do delegations consider that further issues, over and above those not requiring Treaty change, need to be considered, such as:

- (a) The internal structure of the Commission;
 - (b) The individual responsibility of Commissioners within the College;
 - (c) Other possible issues regarding the functioning of the Commission.
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2. WEIGHTING OF VOTES IN THE COUNCIL¹

The Cologne European Council conclusions highlight three linked questions which should be considered under this heading: reweighting of votes, a dual majority system and the threshold for qualified majority decisions.

(i) Reweighting of votes of members of the Council

A number of different approaches could be envisaged in order to tackle this issue:

- (a) If a change were to be made, should the relative weight of votes reflect factors other than difference in population size?
- (b) If a change were to be made in the relative votes of members of the Council, should we aim at maintaining certain parameters and positions of equilibrium as at present? If this is the case, should a purely political approach be used or should we explore more objective ways to tackle the issue?
- (c) Would it be useful to consider broadening the scale of votes so as to allow greater room for differentiating between Member States?

¹ See statistical tables attached.

(ii) Introduction of a dual majority

The Cologne conclusions mention the possibility of modifying the weighting of votes in the Council by introducing a dual majority (i.e. a majority in terms of both votes and population). In considering this solution, there are two questions which have to be addressed:

- (a) the first question is whether to fix the level of the Union's population to be represented by a qualified majority decision at 58% (current percentage), lower or higher?
- (b) the second question is how to compose the second branch of the majority. Should it be:
 - a qualified majority of Member States
 - a simple majority of Member States

What ways and means could be envisaged in order to ensure that any dual majority system does not complicate the decision-making process and make it less transparent?

(iii) Threshold for the qualified majority in terms of votes

A further question which has to be addressed in the threshold for the qualified majority. The current minimum percentage of votes required for a qualified majority is 71.26%, a figure similar to that for EU-12 (71.05%).

- (a) Do delegations consider that this threshold needs to be modified?
 - (b) Should consideration be given to possibilities for differentiating the QMV threshold in certain cases ("super-qualified" majorities)?
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3. EXTENSION OF QUALIFIED MAJORITY VOTING

Many Member States and institutions have pointed out that the extension of qualified majority voting is directly linked to the efficiency of decision-making in the European Union. It has been maintained that increased recourse to qualified majority voting will ensure that an enlarged Union can continue to take decisions effectively.

There are a number of approaches that can be considered when discussing the extension of qualified majority voting. One of the approaches discussed in the previous IGC was to establish QMV as the general rule for EU/EC decision-making, subject to a limited number of justified exceptions.

Could this approach be taken as a starting point? If so, what could be the objective criteria for determining the exceptions where unanimity should continue to apply. Three such areas might be:

- (a) Provisions of a constitutional nature
- (b) Derogations to the internal market
- (c) Provisions relating to own resources

In addition, would the following offer a useful means for facilitating the shift to qualified majority voting as a general rule:

- (a) resorting to a super-qualified majority in certain sensitive areas (see also page 6);
 - (b) others?
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4. OTHER INSTITUTIONAL ISSUES

The Cologne European Council conclusions state that the Intergovernmental Conference could also discuss "other necessary amendments to the Treaties arising as regards the European institutions in connection with the above issues and in implementing the Treaty of Amsterdam".

In addition to the points outlined in Annexes I to III, Permanent Representatives might indicate in general terms whether they consider that further institutional reforms other than those mentioned in this paper need to be envisaged in connection with enlargement (e.g. the European Court of Justice).

EU-6 MEMBER STATES¹

MEMBER STATES	VOTES	POPULATION/000
Germany	4	54.064
France	4	44.563
Italy	4	49.313
Netherlands	2	11.096
Belgium	2	9.027
Luxembourg	1	309
TOTAL EU	17	168.372

¹ 1958 EUROSTAT population data.

EU-9 MEMBER STATES¹

MEMBER STATES	VOTES	POPULATION/000
Germany	10	61.809
United Kingdom	10	56.159
France	10	51.915
Italy	10	54.574
Netherlands	5	13.388
Belgium	5	9.727
Denmark	3	5.008
Ireland	3	3.061
Luxembourg	2	348
TOTAL EU	58	255.989

¹ 1973 EUROSTAT population data.

EU-10 MEMBER STATES¹

MEMBER STATES	VOTES	POPULATION/000
Germany	10	61.658
United Kingdom	10	56.379
France	10	53.963
Italy	10	56.479
Netherlands	5	14.208
Greece	5	9.698
Belgium	5	9.863
Denmark	3	5.124
Ireland	3	3.433
Luxembourg	2	365
TOTAL EU	63	271.170

¹ 1981 EUROSTAT population data.

EU-12 MEMBER STATES¹

MEMBER STATES	VOTES	POPULATION/000
Germany	10	61.021
United Kingdom	10	56.763
France	10	55.426
Italy	10	56.608
Spain	8	38.542
Netherlands	5	14.529
Greece	5	9.949
Belgium	5	9.858
Portugal	5	10.185
Denmark	3	5.116
Ireland	3	3.540
Luxembourg	2	367
TOTAL EU	76	321.904

¹ 1986 EUROSTAT population data.

EU-15 MEMBER STATES¹

MEMBER STATES	VOTES	POPULATION/000
Germany	10	81.493
United Kingdom	10	58.500
France	10	58.020
Italy	10	57.269
Spain	8	39.177
Netherlands	5	15.424
Greece	5	10.442
Belgium	5	10.130
Portugal	5	9.912
Sweden	4	8.816
Austria	4	8.039
Denmark	3	5.215
Finland	3	5.099
Ireland	3	3.595
Luxembourg	2	407
TOTAL EU	87	371.538

¹ 1995 EUROSTAT population data.

LINEAR EXTRAPOLIATION – EU-27 MEMBER STATES^{1 2}

MEMBER STATES	VOTES	POPULATION/000
Germany	10	82.012
United Kingdom ³	10	58.711
France ³	10	58.258
Italy	10	57.461
Spain	8	39.299
Poland	8	38.660
Romania	6	22.526
Netherlands	5	15.567
Greece	5	10.487
Czech Republic	5	10.299
Belgium ³	5	10.143
Hungary	5	10.135
Portugal	5	9.934
Sweden	4	8.844
Bulgaria	4	8.285
Austria	4	8.068
Slovakia	3	5.388
Denmark	3	5.275
Finland	3	5.132
Lithuania	3	3.705
Ireland	3	3.652
Latvia	3	2.458
Slovenia	3	1.985
Estonia	3	1.462
Cyprus ⁴	2	736
Luxembourg	2	418
Malta ⁴	2	367
TOTAL EU	134	479.267

¹ Maintaining and extrapolating the current weighting of votes in the Council. It should be noted that the votes attributed in this extrapolation model correspond to those tabled during the Amsterdam IGC (see doc. CONF/3815/97), with the addition of Malta.

² 1997 EUROSTAT population data, unless otherwise indicated.

³ 1996 population data.

⁴ 1995 population data.