

**CONFERENCE
OF THE REPRESENTATIVES OF THE
GOVERNMENTS
OF THE MEMBER STATES**

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LIMITE

INFORMATION NOTE

*Subject: IGC 2000: Memorandum from the Greek Government to the Intergovernmental
Conference on institutional reform of the European Union*

Delegations will find attached a contribution from the Greek Government.

MEMORANDUM OF THE GREEK GOVERNMENT
TO THE INTERGOVERNMENTAL CONFERENCE
ON THE INSTITUTIONAL REFORM OF THE EU

(February 2000)

(Unofficial translation)

A. The political framework

1. As the European Union forges ahead with the historic challenge of its new enlargement with a very large number of countries, the revision of the Treaties by the new Intergovernmental Conference (IGC) appears an imperative need. Without the revision and the adjustment of the institutional edifice and the decision-making processes, the enlarged European Union will not be able to effectively shape policies and take decisions. Such a development would have serious negative consequences for the entire continent, while deleterious side-effects would be strongly felt not only by the current EU Member States of the EU but also by the countries seeking accession. Enlargement should in no way distort or compromise the prospects for deepening integration and transforming the EU into a genuine Political Union.
2. Moreover, the revision of the Treaties provides an opportunity to respond to certain concerns and demands expressed by European citizens and the European society. Recent experience has shown that the distance between the Union institutions, on the one hand, and European citizens, on the other, remains considerably long. In other words, the problem of democratic legitimacy still exists for the European Union.
In order to deal with this situation, the Union needs to enhance, inter alia, its ability to contribute to alleviating the European citizen's and society's every-day problems. Included in these is the problem of European security. As made painfully clear by the crisis in Kosovo, the Union lacks the substantive institutional means, capabilities and mechanisms to deal in a timely and effective manner with crises.

3. The reform process could therefore be instrumental in providing the adjustments that would enable the Union to address these problems more successfully. As far as Greece is concerned, the revision should contribute, more particularly, to strengthen the European Union and institutions, enhance its democratic and social character and reinforce the fundamental principles which underpin the Union, such as equality of the Member States, solidarity, and cohesion. The revision should not upset fundamental and historically justified balances, such as that between larger and smaller states, balances that, until now, have ensured the success of the European system.

B. The scope of the Intergovernmental Conference

4. Viewed from this perspective, Greece believes that, while the IGC should focus primarily its work on the three issues unresolved by the Treaty of Amsterdam (Amsterdam leftovers), certain other matters should not be overlooked, matters that must be immediately dealt with via the revision of the Treaties. The revision must encompass that is a wider range of issues.
5. More specifically, Greece is willing to support the inclusion in the agenda of the IGC the following:
 - a) issues related to the reform of other EU bodies, i.e. the European Court of Justice, the Court of Auditors, the Committee of the Regions, the Economic and Social Committee,
 - b) aspects of the European Security and Defense Policy (ESDP) that need perhaps to be incorporated in Treaty, provided that the relevant process for elaborating the ESDP leads to that conclusion,
 - c) the incorporation into the Treaty of the Charter of Fundamental Rights, provided also that the Body drawing-up the chapter succeeds in its task.

Furthermore, Greece realizes the importance of including in the IGC agenda, (as Box 6) a limited number of issues associated with the competencies for the EU. More specifically, this chapter could include questions of policy developments that are of immediate concern to the European citizen, something which would convey a positive message to European society. Such matters may include, indicatively, provisions with regard to sports, "society and economy of knowledge", consumer protection (food safety), protection from natural disasters, enhanced provisions for employment, etc.

6. With respect to the renegotiation of the provisions on "enhanced cooperation" (flexibility), Greece views the opening of this chapter with considerable skepticism, particularly as the relevant provisions of the Amsterdam Treaty have not yet been implemented.

C. Timetable of the IGC

7. Greece considers that the IGC should complete its work by the end of 2000, so that the EU's preparation for the new enlargement with the countries of Eastern Europe and the Mediterranean could be accomplished in time.

D. The Amsterdam Leftovers

(i) The Size of the European Commission

8. Greece attaches particular importance to a strong, independent, effective, democratically legitimized and accountable European Commission. The Commission must continue to be the central organ of the European Union's institutional system, safeguarding European interests, as well as delicate institutional and political balances.
9. In order to enhance the democratic legitimacy and, consequently, increase the effectiveness of the Commission, Greece supports the principle of "one Member-State, one Commissioner", meaning that all member-countries would have the "right to nominate" a member to the Commission. Any discrimination among Commissioners in terms of either portfolio allocation or voting rights, would not only be erroneous, it would also undermine the very efficiency of the institution.
10. With regard to improving the operation of the Commission and within a wider package of acceptable reforms, Greece is willing to accept improvements in the Commission's structure and functioning, some of which would necessitate incorporation in the Treaty. In this context, it would be willing to examine with a positive eye an increased role for the President of the European Commission and to accept a more precise definition of a Commissioner's individual responsibility.

Provided that certain conditions for safeguarding vital inter-institutional balances are met, Greece could also accept the possibility of a Commissioner's personal dismissal by the European Parliament. A more precise description of a future Commissioner's qualifications could also be accepted.

11. Greece considers that, at this stage, setting a maximum, overall number of the Commission's members would be an option of little practical value and most certain to send a negative message to candidate-countries.

(ii) The allocation of votes

12. The allocation of votes in the Council of the European Union reflects historic, political and institutional realities that must be respected. Decision-making must certainly be a democratic process taking due account of all Member States vital interests, it must neither alienate nor be dominated by any group of countries, while it must reflect the basic principle of equality of the Member States within the European Union.
13. Accordingly, Greece believes that re-weighting the votes would not serve the above principles. Re-weighting of votes is unnecessary as the expansion of the present system to as European Union member Union of twenty-one Member States which is the realistic prospect for the coming years, does not pose any particular problems. On the contrary, re-weighting of votes could give rise to additional problems that our peoples would find hard to understand. We have always to keep in mind that the decision-making system must be democratic, transparent, simple and understandable by our citizens.
14. In any case, if the system were to be changed, Greece could consider a system of "dual majority" as its most appropriate successor. More specifically, in an enlarged European Union, decision-making with qualified majority would require 60% of Member-States, representing at least 60% of the European Union's total population.

(iii) Extension of qualified majority voting

15. With respect to decision-making methods in the Council of the European Union, Greece believes that a host of vital issues must continue to be subject to the rule of unanimity. Included in these are issues relating to the constitutional and institutional structure of the European Union, the association and accession of new states as well as matters that require constitutional ratification by the Member-States or are of intergovernmental nature. This is essential for the preservation of the cohesion and integrity of European Union.
16. However Greece is willing to examine, on a case-by-case basis, the extension of qualified majority as a decision-making method. We believe, however, that qualified majority must be accompanied by co-decision (Article 251 procedure) for all acts of legislative nature. Participation of the European Parliament in the legislative process is a vital precondition for the advancement of the Union's democratic character. In this framework and within a wider package of satisfactory arrangements, Greece could agree to extending qualified majority to those cases already subject to co-decision and unanimity in the Treaty.
17. Greece is willing to consider further more the extension of qualified majority to a number of other articles to be examined by the Intergovernmental Conference on an individual basis.

E. The Role of the European Parliament

18. The strengthening of the European Union's democratic character constitutes an indispensable condition for its smooth development, especially in view of its enlargement to 28 Member States. Moreover, enhanced democratic legitimacy forms also a prerequisite for the improved effectiveness of the policy-shaping and decision-making processes.
19. For these reasons, Greece supports a strengthened role for the European Parliament to be attained by, inter alia, (a) the extension of the provision of the co-decision process for all legislative acts, (b) the provision of consultation for other acts or acts adopted unanimously and (c) the examination of the potential extension of the "assent procedure" to the process of amending the Treaties as well as to article 308 of the Treaty. Greece could also agree to the replacement of the "cooperation process", wherever currently provided by the Treaty, by "co-decision".

20. In the light of recent experience, it would be advisable to look at the relations between the European Parliament and the European Commission, without, however, upsetting fundamental institutional balances taking into consideration the fact that acknowledging, under specific conditions, the right to a Commissioner's personal dismissal by the Parliament could be a significant step in redefining EP - Commission relations.

F. Reform of the European Court of Justice

21. Greece recognizes the need for reforming the European Court of Justice. Thus the Court could operate more effectively and justice could be administered more swiftly if the Court and the Court of First Instance were authorized to amend their Rules of Procedure without the Council's approval.
22. Greece holds the view that the number of members of both Court's must remain equal to the number of Member States. This is important for the smooth development of Community law. Nonetheless, Greece would be willing to support structural improvements that would make the Court's operation more effective.
23. Finally the IGC provides an opportunity for improvements in the functioning and effectiveness of the other European Union institutions, such as the Court of Auditors and the Committee of the Regions, the Economic and Social Committee. The latter must become more representative of the civil society.

G. Legal Personality of the European Union

24. Greece supports granting *expressis verbis* legal personality to the European Union. This will strengthen the EU's international presence, and facilitate the more effective conduct of its external relations of the CFSP.

H. Enhanced Cooperation - flexibility

25. Politically, enhanced cooperation is a quite sensitive chapter. It is the product of difficult negotiations within the IGC that led to the Treaty of Amsterdam. In addition, the new provisions have not yet been put into practice. Consequently, Greece views with considerable skepticism the renegotiation of this particular chapter of the Treaty, especially as this might send the wrong message to candidate countries.
26. In any event, any provisions for "enhanced cooperation" must contribute to deepened integration, without undermining the cohesion and unity of the EU's political and institutional system. Such arrangements should be open to all Member States wishing to participate therein. In this sense, it is necessary that any form of "enhanced cooperation" should involve at least the majority of EU Member States.
27. If the decision-making process and the introduction of enhanced cooperation including the possibility of invoking important and declared national policy reasons, are to be reexamined, the IGC must also examine the incorporation of a solidarity clause which would provide for support for those Member States that, albeit they wish to, cannot immediately participate in enhanced cooperation schemes.

I. European Security and Defense Policy (ESDP)

28. The European Security and Defense Policy (ESDP) is now in the process of being shaped. It is hoped that the process will lead to positive decisions within the year. Greece believes that the Intergovernmental Conference should deal, in due course, with the institutional and legal matters of defense policy that ought to be settled in the Treaty. Such matters include, among others, the status of the Political and Security Committee and other bodies within the Union's institutional system as well as the position of the Western European Union (WEU) and its acquis in the Treaty on the European Union.

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