

'New reflection needed for composition of the Commission' from the Europe Daily Bulletin (20 June 2003)

Caption: In his editorial of 20 June 2003 regarding the composition of the Commission, Ferdinando Riccardi, Chief Editor of the Europe Daily Bulletin, criticises the arrangements set out in the Treaty of Nice that provide for 'a Commissioner for every Member State', and also the arrangements set out in the draft European Convention providing for a reduction in the number of Commissioners with full voting rights. In his view, it is necessary to maintain the principle of differentiation between large and small countries in place since the very beginning of Community history.

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by **Ferdinando Riccardi**

New reflection needed for composition of Commission

Convention draft won't work. In my first comments on the work of the Convention, I have included reform of the European Commission among the aspects to re-examine at the new IGC (Intergovernmental Conference). Why? Because the current draft won't work. The fifteen Commissioner formula with voting rights, as well as the other Commissioners without voting rights, who have to represent a corresponding number of Member States so that the principle of "a Commissioner for each nationality" is respected but who have different powers, as well as an equal rotation system between the two groups, is in my opinion, not a good idea. At first glance, it could appear sufficient as it puts Member States on an equal footing, while reducing the number of "Commissioners who make decisions". On reflection, it's bad because it does not resolve any problems.

A transition period would cause havoc. The first weakness: the very long transition period. The new system will not enter into force until November 2009. Until then the Treaty of Nice system will apply, namely, the formula of "a Commissioner for every Member State" which are all equal. Although this system is unfair and unbalanced, it will have the time to cause havoc. This is because it reaches decision by qualified majority voting and the Commissioners from the large countries only "weigh" five votes out of the 25 or 27 (six counting Poland), while "representing" 80% of the Union's population. A reply to this argument is that Commissioners do not represent their countries of origin. Well in that case, why such a firm defence of a Commissioner for each nationality?

If Valéry Giscard d'Estaing's maxim appears excessive, we could replace it with something a little less radical: Member States will not confer important tasks and extended powers to a Commission that has been constituted in this way. This "25 Member" Commission (and soon to be 27) will notably have to propose new financial perspectives for the Union, that are valid till 2012. How can we imagine that countries can bare most of the expenditure but leave this responsibility in the hands of a Commission that has less weight? The Commission proposal risks being a rhetorical exercise, with no relation to what follows the Council's decisions. On a more general level, the Commission is asking for the maintaining of the rule according to which the Council can only change its proposals by unanimity. This demand is unjustified as the rule is a pillar of the "Community method": but how can a Commission that does not represent European reality have the power of deciding by simple majority voting on important projects that could later be modified by the Council voting at unanimity?

Final solution solves nothing. By 2010, the long period which VGE himself has described as a "period of fragility", the functioning of the Community method risks being seriously perturbed and it will be very difficult to tranquilly return to it later.

But the final solution, as from November 2009, does not solve the problem of under-representation of the large countries either because out of the 15 Commissioners with voting rights, three or four will come from the large countries and eleven or twelve from the others. The equal rotation method suggests that the German, French or British Commissioner will not have the right to vote over a long period. All the same, the Commission could propose increasing German financial contributions or reform of the Common Agricultural Policy (voted a simple majority by the Council). "Fragility" will persist. To defend his draft, VGE had to resort to a certain lyricism by describing a Commission President faced with a map of Europe for choosing his Commissioners: he will get rid of national borders and choose his Commissioners by way of their competencies and ability and not their nationality. Some might come from the same country...For the moment that's what's hoped for.

A remark and an observation: I have no magic formula to propose but a remark of common sense: it is necessary to pursue reflections on the composition of the Commission. I'll also add an observation: since the beginning of community history, since the High Authority of the ECSC, presided by Jean Monnet,

differentiation has existed: two members were French, two German and the other countries (including Italy due to its lack of weight with regard to coal and steel, which indicated that not only the population had been taken into account but also the economic weight) had a member each. Since then, large countries have always had two Commissioners each as opposed to one for the others. In the current Commission, two groups of countries are equal: ten Commissioners for the five large countries, ten Commissioners for the medium and small countries. (F.R.)