

## Note from the Presidency on the follow-up to the Feira European Council and the organisation of the work of the IGC (6 July 2000)

**Caption:** Note from the European Union Presidency, dated 6 July 2000, on the headway achieved after the Feira European Council and on how the Intergovernmental Conference will continue its work.

**Source:** Conference of the Representatives of the Governments of the Member States Presidency note – IGC 2000 – Follow-up to the Feira European Council and organisation of work, CONFER 4755/00. Brussels: 06.07.2000. 6 p.  
[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/cig2000/en/4755en.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/cig2000/en/4755en.pdf).

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[http://www.cvce.eu/obj/note\\_from\\_the\\_presidency\\_on\\_the\\_follow\\_up\\_to\\_the\\_feira\\_european\\_council\\_and\\_the\\_organisation\\_of\\_the\\_work\\_of\\_the\\_igc\\_6\\_july\\_2000-en-2d3839d7-0208-4ab2-891e-6959146fa441.html](http://www.cvce.eu/obj/note_from_the_presidency_on_the_follow_up_to_the_feira_european_council_and_the_organisation_of_the_work_of_the_igc_6_july_2000-en-2d3839d7-0208-4ab2-891e-6959146fa441.html)

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**Brussels, 5 July 2000 (06.07)  
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**LIMITE**

**NOTE**

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from :	Presidency
to :	Sixth ministerial meeting of the Intergovernmental Conference
Subject :	<b>IGC 2000</b> – Follow-up to the Feira European Council and organisation of work

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The Feira European Council noted and welcomed the Presidency report. It noted the significant headway which had been achieved under the Portuguese Presidency “*in considering Treaty changes which will ensure that the Union continues to have properly functioning, efficient and legitimate institutions after enlargement*”.

The agenda was extended to include closer cooperation, “*while respecting the need for coherence and solidarity in an enlarged Union*”.

The Conference can now move forward “*on a sound footing so that an overall agreement can be reached in December*”.

In order to reach the agreement sought by the European Council, the Presidency intends to take discussions forward on the basis of the progress made over the last six months and in particular the points of convergence identified in the Portuguese Presidency’s report to the Feira European Council.

After Feira it is clear that that agreement:

- will have to ensure that the Union has properly functioning, efficient and legitimate institutions,
- will be able to rely on the progress made under the Portuguese Presidency, and
- will be a comprehensive agreement.

**I. EFFICIENT AND LEGITIMATE INSTITUTIONS**

In the introduction to its report, the Portuguese Presidency noted that it was not the purpose of this IGC to settle the current debate on the goals of the Union and the future of its institutions but rather to contribute to *“the process of constant adaptation of the institutions and the way they operate, without which the Union's immediate future, and, still more, its long-term future would be compromised”*. The French Presidency intends to keep to this path, concentrating on the issues which the IGC has a duty to solve immediately and keeping those issues separate from the longer term discussions on the Union's future.

If current shortcomings in the efficiency and solidarity of the Union's institutions make immediate reforms necessary, reform is even more essential in the imminent prospect of extensive enlargement.

For the Presidency, the final agreement must incorporate the conditions for ensuring efficiency and legitimacy in the form of :

- a Council with a reinforced decision-taking capacity, which means both significantly extending the scope of qualified majority voting and a majority voting system that does not complicate the decision-taking process, while reflecting more accurately the weight of the Member States;
- Council decisions that have more legitimacy in the eyes of the population and that respect the Union's uniqueness (organisation of relations between the Member States and their peoples according to principles of consistency and solidarity);
- a Commission whose action is legitimate and efficient, with major implications for the composition and organisation of this pivotal institution;
- a European Parliament with a maximum number of members, in which the European peoples are fairly represented;
- provisions on closer cooperation, encouraging States that wish to cooperate further among themselves to do so within the Union's institutional framework, while respecting the requirements of consistency and solidarity of an enlarged Europe.

*Can delegations endorse these as guiding principles for the Presidency's search for a final agreement?*

## **II. PROGRESS MADE UNDER THE PORTUGUESE PRESIDENCY**

The significant progress made over the last six months will ease the task of seeking final agreement on adapting the institutions to the next enlargement.

The parameters of the negotiations appear now to be the following:

- **the Conference agenda:** the main negotiating issues will be the scope of qualified majority voting, the weighting of votes in the Council, the size and composition of the Commission, the allocation of seats in a European Parliament with a maximum membership of 700, and the provisions on closer cooperation introduced by the Treaty of Amsterdam. The delegations to the Conference consider that these issues must be resolved without fail if there is to be agreement at the Nice European Council;
- **scope of qualified majority voting:** the Presidency believes that it can rely on a number of principles as established: (1) that this issue is crucial for the success of the Conference given the prospect of an enlarged Europe; (2) the Portuguese Presidency's approach (which involved distinguishing between "articles to be examined for straightforward transition to qualified majority voting" and "provisions for which a move to qualified majority voting can be considered only for certain specific, clearly defined aspects") is the right one and must be pursued; the Preparatory Group has already held a first reading of the draft texts on taxation, social policy and the environment, and the list of Articles annexed to the Feira report for which a move to qualified majority voting could be considered. In the light of that discussion the Presidency will amend the texts in preparation for further examination by the Preparatory Group on 4 September 2000;
- **weighting of votes in the Council:** the parameters are now clear: need to facilitate decision-taking in the Council in an enlarged Europe; need for a system which is legitimate for Europe's citizens and Member States; need to compensate Member States which forgo one of their two Commissioners, and, lastly, need for transparency and sustainability. The Preparatory Group held an initial discussion on this topic on 6 July 2000.

- **size and composition of the Commission:** the various options discussed over the last few months centre basically on two issues: the size of the Commission (one Commissioner per Member State or a college with limited membership, with or without rotation) and its internal organisation (increasing the powers of the President, creating more posts for Vice-Presidents, creating posts of Commissioner without portfolio, etc.). The Presidency intends to submit a discussion paper on ways of increasing the operational and political consistency of Commission action, in preparation for the meeting of the Preparatory Group on 14 July 2000;
- **European Parliament:** (1) discussions began by addressing the issue of how a maximum number of 700 seats should be allocated among the Member States and the minimum allocation for each Member State; the Presidency will continue studying the various options. (2) As regards extending application of the codecision procedure to other areas of legislative activity, the Presidency regards the outcome of the Portuguese Presidency's work as a starting point for further discussions, which will have to be conducted in parallel with discussions on extending qualified majority voting. (3) Lastly, there is undoubted interest in introducing the concept of "legislative act", even if doubts remain about its application in practice as well as some concern over the risks for the institutional balance; the Presidency will take examination of this question forward, investigating all the practical, legal and institutional implications;
- **closer cooperation:** the main issues for discussion have been narrowed down to: (1) the implementing conditions (veto, minimum number, other conditions, etc.) and (2) the operating conditions. The Presidency considers that closer cooperation has become a central Conference topic and that, before we embark on any detailed drafting of provisions, the process of clarifying the concept of closer cooperation, identifying its various possible forms and how to make it more operational needs to be taken further;
- **Court of Justice and Court of First Instance:** The Group of Representatives has instructed a Friends of the Presidency Group to continue with the examination of these issues with a view to submitting an interim report on 11 September and a final report no later than 25 September 2000. At that point the main political issues needing to be put to the Preparatory Group and the Ministers will have become clear;
- **other institutions and bodies:** the Presidency intends to propose an overall approach for dealing with all these issues before the end of September;

- **other topics:** very fruitful discussions have already been held on Article 7 (fundamental rights). Work on the principle of an improved mechanism will continue and, if the reaction is favourable, on the appropriate enacting terms.

More generally, it has become clear in the discussions that the dividing-line on many issues (scope of qualified majority voting, the Commission's internal organisation, choice between re-weighting and double majority, implementing conditions for enhanced cooperation, etc.) is not a function of Member States' size. In the Presidency's view this bodes well for a final compromise.

*Do delegations agree with this assessment of the significant progress made by the Conference over the last six months?*

### **III. SEARCH FOR AN OVERALL AGREEMENT: ORGANISATION OF WORK**

The Portuguese Presidency noted in its report that *"there cannot be any partial results, since the overall balance can be evaluated only in the context of a comprehensive solution at the end of the negotiations"*.

It has been clear for several months now that partial agreement can be obtained on very few subjects, as delegations have established links between a whole range of issues. Links have for instance been made between:

- the number of Commissioners and the re-weighting of votes in the Council;
- the re-weighting of the votes in the Council and the allocation of seats in the European Parliament;
- the re-weighting of votes in the Council and the scope of qualified majority voting;
- the scope of qualified majority voting and the codecision procedure.

In its working method the Presidency therefore intends to respect the overall nature of the negotiations, seeking to make progress simultaneously on all the main topics of negotiation so as to obtain an outline overall compromise before the Nice meeting.

To that end, the Presidency intends initially to revert in the Preparatory Group to the four main negotiating topics (weighting of votes, scope of qualified majority voting, size and composition of the Commission, closer cooperation). The Presidency will address these subjects at an initial ministerial meeting on 24 July 2000 (conclave), where the particular focus will be closer cooperation. It will then tackle the other topics, with a view to proposing possible approaches for some of them.

Thus, before the Biarritz European Council meeting, all the negotiating topics (including the European Parliament, the Court of Justice and the other institutions) will have been discussed in detail in the Preparatory Group and by Ministers. An overview of the negotiations will therefore be available to those preparing the Biarritz European Council (Preparatory Group on 2 October, Ministerial conclave and IGC on 8 and 9 October 2000).

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