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IGC 2000: from Feira to Biarritz

The European Council meeting in Santa María da Feira on 19-20 June considered two documents presented by the outgoing Portuguese Presidency: a progress report on the IGC negotiations and proposals for new Treaty articles.

This paper looks at some of the main contributions to the IGC during the preparatory phase and at the outcome of discussions at the informal European Council in Biarritz on 13-14 October 2000.

The background to the IGC and earlier contributions are discussed in Library Research Paper 00/49, *Intergovernmental Conference 2000: the main agenda*, 19 April 2000.

Vaughne Miller

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Summary of main points

The Intergovernmental Conference (IGC) to amend the EC Treaties in preparation for EU enlargement was launched on 14 February 2000. The purpose of the IGC is to adapt the Community institutions so that they can operate efficiently in an enlarged Union.

Under the Portuguese EU Presidency the Preparatory Group, set up in Helsinki in December 1999, concentrated on the three main issues not resolved at the last IGC in 1996-97, namely: the size and composition of the Commission, the weighting of votes in the Council of Ministers and the extension of Qualified Majority Voting. The membership of the European Parliament, reforms affecting other EU institutions and “closer cooperation” have also been discussed and the latter is now on the IGC agenda.

The Conference met as the European Council (heads of state and government) in Feira, Portugal, on 19-20 June 2000, to discuss a Progress Report and specific draft Treaty articles prepared by the Presidency.

The European Council met informally in Biarritz on 13-14 October. At that meeting Heads of State or Government discussed the Charter of Fundamental Rights and the main IGC issues. Although agreement was reached on some matters, there was no agreement on the size of the Commission, nor on a move from voting by unanimity to QMV in certain areas.

The French Presidency is to publish a draft treaty text in November that will be discussed with a view to final revision in Nice in December.

N.B. This paper looks at the main institutional issues, but does not look in detail at the Charter of Fundamental Rights or closer cooperation, both of which are to be the subjects of future research papers.

CONTENTS

I	The Amsterdam Legacy	9
II	The Negotiating Phase	10
III	The Feira Report	12
	A. Commission Reform	12
	B. Weighting of Votes in the Council	13
	C. Extension of Qualified Majority Voting	14
	D. Other Reforms	14
	1. European Parliament	14
	2. Co-decision and Cooperation Procedures	15
	3. Court of Justice and Court of First Instance	15
	4. Economic and Social Committee; Committee of the Regions	15
IV	Approaching Biarritz	15
	A. Qualified Majority Voting	16
	B. Weighting of Votes	16
	C. Closer/Enhanced Cooperation	16
	D. Article 7 of the Treaty on European Union	17
V	The Biarritz Meeting	18
VI	British Views on the IGC Issues	20
	A. Government	20
	1. Political Reform	20
	2. Qualified Majority Voting	21
	3. Biarritz	21
	B. Opposition	23

VII Beyond Nice?	23
Appendix I : Extension of Qualified Majority Voting	27
1. Portuguese Presidency Proposal	27
2. French Presidency Proposal	29
Appendix II : Documents considered by the IGC	33

I The Amsterdam Legacy

The justification, and now the momentum, for the present IGC have come from the prospect of enlargement of the EU to 27 or 28 in the next decade or so. The Treaty of Nice is expected to resolve the issues left outstanding at the last Intergovernmental Conference that gave rise to the Treaty of Amsterdam in 1996. The so-called ‘Amsterdam leftovers’ concern the size of the Commission, the weighting of votes in the Council of Ministers and the extension of Qualified Majority Voting (QMV). Other, less contentious, institutional reforms have been discussed at the IGC, and closer or enhanced cooperation has also been added to the agenda.

While enlargement negotiations progress apace,¹ agreement on some of the main aspects of the Amsterdam leftovers is not in sight. The IGC Commissioner, Michel Barnier, said in his evidence to the House of Lords European Union Select Committee in May:

What does strike me is that to the same questions as were posed four years ago the same answers are being given today and that will not do because the context has changed. The extent and pace of enlargement are very different from what they were four years ago. It is no longer a case of three or four countries preparing to join in some fairly distant future. We are now talking about 12 or perhaps more countries that are applying to join the European Union.²

While concern has been expressed about the lack of progress in agreeing institutional reforms at the IGC, Professor Helen Wallace,³ in her evidence to the Lords Enquiry, suggested that the institutional reforms under discussion were not crucial for enlargement, and that failure to solve the Amsterdam leftovers would not be a disaster for the EU, unless it prevented the process of enlargement. She said:

... we have become locked into an Intergovernmental Conference as an apparent precondition to further enlargement, resting on the assumption that European governance is vulnerable to the arrival of new members both numerically and because new members might be rather backward and not know how to play the game. There is somehow a hope that issues that were not resolved at Amsterdam might be resolved because enlargement seems such a provocation. ... I have some doubts about this line of argument, partly because I am less nervous about enlargement and indeed am keen for enlargement to regain a sense of momentum which has been lost, and also because I think the problems of poor institutional performance in the European Union, to the extent that they are there already, are not necessarily made worse by enlargement. ... non-Treaty reform has got more

¹ See Library Research Paper 00/62, *EU Enlargement: from Luxembourg to Helsinki and beyond*, 14 June 2000, for information on progress in the enlargement negotiations.

² House of Lords Select Committee on the European Union, *The 2000 Inter-Governmental Conference*, 18 July 2000, HL 92, 1999-2000, p.72.

³ Professor Helen Wallace, CMG, of the Sussex European Institute.

to offer the process of improving institutional performance than the so-called narrow agenda for the coming IGC.

... I do not think that the left-overs add much by way of value to the current institutional arrangements or solve much by way of the current institutional deficiencies.⁴

This view is not shared by many involved in the European process and is unlikely to become a justification for not solving the institutional problems. However, the credibility of the Union could be seriously undermined if the current IGC does not resolve the issues it failed to settle at Amsterdam. Failure could become a crisis of legitimacy rather than a threat to enlargement.

The need for further reform, and therefore for another IGC, will depend on the scale of enlargement of the Union. If expansion is fairly limited to begin with, then the institutional options under discussion – assuming that some of them are adopted - might be adequate. However, by the time membership is in sight for all twelve or thirteen applicant states, it is likely that greater institutional changes will have become necessary.

II The Negotiating Phase

The Preparatory Group of Government representatives decided to divide the negotiating phase into two stages. The first ran from the inaugural meeting of ministers on 14 February until the ministerial meeting on 10 April. During this stage there was a preliminary examination of the subjects mentioned in the Cologne and Helsinki European Council Conclusions.⁵ The first part of the second stage, which ran from 10 April until the Feira European Council, identified the subjects that were discussed in the Portuguese Presidency Report.⁶ The second part of stage two has been managed by the French EU Presidency, which took over on 1 July 2000.

The Portuguese Presidency Report was the basis for the second phase of negotiations, although subsequent contributions from the French Presidency and from other Member States have continued to feed into the negotiating process. The timetable for the IGC up to Biarritz was as follows:

⁴ HL Paper 92, 1999-2000, p.38.

⁵ 3-4 June and 11-12 December 1999 respectively. See Library Research Paper 00/49, *Intergovernmental Conference 2000: the main agenda*, 19 April 2000.

⁶ CONFER 4750/00, *Intergovernmental Conference on Institutional Reform: Presidency report to the Feira European Council*, 14 June 2000.

Meeting	Dates	Subjects
Preparatory Group	6 July	Organisation of work (working methods, agendas) Weighting of votes, QMV
Ministerial Meeting	10 July	Feira follow-up Organisation of work
Preparatory Group	14 July	Commission reform Enhanced cooperation
Conclave	24 July	Weighting of votes; QMV; Commission; Enhanced cooperation
Preparatory Group	4 September	Enhanced cooperation; QMV
Preparatory Group	11 September	EP; co-decision; ECJ/CFI
Ministerial Meeting	18 September	Commission; EP; Enhanced cooperation
Preparatory Group	25 September	QMV; ECJ/CFI; Other institutions
Preparatory Group	2 October	Preparation for Biarritz
Conclave	8 October	Preparation for Biarritz
Ministerial Meeting	9 October	Preparation for Biarritz
European Council	13-14 October	Discussion of draft treaty? ⁷

The provisional work programme for the second part of the French Presidency is as follows:

Meeting	Dates	Subjects
Preparatory group	23 October	QMV; ECJ; EP; other institutions
Preparatory group	30 October	QMV; ECJ; EP; other institutions
Conclave	4-5 November	Draft Treaty
Preparatory Meeting	13 November	
Ministerial Meeting	20 November	
European Conference at Ministerial level	23 November	Briefing applicant states on IGC
Informal Preparatory Group	24-25 November	
Bilateral Negotiations	28 November	
Conclave	3 December	
Ministerial Meeting	4 December	
Nice European Council	7-9 December ⁸	

⁷ From *IGC 2000: Provisional Work Programme*, CONFER 4752/00, 22 June 2000.

III The Feira Report

The Portuguese Presidency Progress Report presented at the Feira European Council is divided into two parts. The first summarises progress on all the issues discussed at that point, including the major positions taken by Member States and definitions of the main options. The second collates draft texts and includes tables setting out options in areas such as weighted votes in the Council and the allocation of EP seats. Perhaps the most significant new element was the Presidency proposal to include “closer cooperation” on the main IGC agenda and to re-examine the Amsterdam Treaty provisions on this.

A. Commission Reform

- A college made up of one national from each Member State

The majority view at this point was that this formula would safeguard the Commission’s legitimacy and would be compatible with increased efficiency if combined with rationalised internal reforms. Others believed that this formula contradicted the nature of the Commission as an independent, collegiate body, and that it would also contribute to inefficiency.

- A college made up of a limited number of Commissioners, however many Member States there are in the Union

This would enable the Commission to remain a collegiate body, while ensuring efficiency, and arrangements could be made to provide equality and a degree of balance among Member States. Past suggestions that this formula should involve a rotation of Commissioners for the smaller Member States have not been popular among those States.

The Presidency acknowledged that there was no imminent prospect of reconciling these two approaches. The adoption of positions of principle on the size of the Commission has been the main obstacle to agreement over the last five years. There has been little evidence of a will to compromise beyond the larger States agreeing to give up one Commissioner in return for more votes in the Council.

On the internal reform of the Commission, the Portuguese Presidency was more optimistic, setting out three options concerning increased powers for the Commission President, and the creation of additional posts for Vice-Presidents and for Commissioners

⁸ From *IGC 2000: Provisional Work Programme*, CONFER 4777/00,27 September 2000

without portfolio. The discussions in this area had arisen largely from the resignation of the entire Commission in March 1999, following a report on corruption and nepotism by a Committee of Independent Experts.⁹ Internal reorganisation has been tackled largely by the so-called “Kinnock reforms”, many of which are already under way and do not need Treaty amendment.¹⁰

B. Weighting of Votes in the Council

The Feira Report noted that although opinion among the Member States was still divergent on this matter, there were areas of agreement, namely:

- The weighting system must reflect the dual nature of the Union as a Union of States and a Union of peoples;
- A future system must be equitable, transparent and efficient;
- A qualified majority must comply with a minimum threshold in terms of population, which must be more than 50%;
- There is a political link between the weighting of votes and other institutional issues, such as the size of the Commission and the allocation of EP seats, so that a satisfactory outcome will come only from a balanced overall compromise;
- Decision-making in Council should not be made more difficult.

The arguments for a dual majority to reflect more accurately the populations of the Member States are well-rehearsed.¹¹ They demonstrate the sense of unfairness felt by the larger States, which have proportionally fewer votes, and the fears of smaller States of being undermined in important policy-making decisions. The dual-majority system and its variants involve combining a number of Member States or weighted votes with a percentage of the total population of the EU.

While enhancing the legitimacy of EU decision-making, the dual-majority system has been criticised for its complicated practical implications and its distance from the “spirit of the original system of the Community”.¹² The alternative to a dual-majority system would be a new weighting of votes, based on the present system, under which the number of votes reflects the relative size of a Member State’s population. Bearing in mind the Amsterdam Treaty requirement to compensate the loss of a Commissioner by more votes

⁹ *First Report on Allegations regarding Fraud, Mismanagement and Nepotism in the European Commission*, 15 March 1999; see Library Research Paper 99/32, *The Resignation of the European Commission*, 16 March 1999.

¹⁰ EC CONS DOC 6302/2000 and EC CONS DOC 6302/2000 ADD 1, *Reforming the Commission: a White Paper* Communication from Neil Kinnock in agreement with the President and Ms Schreyer, 1 March 2000 (Part 1 also in *Agence Europe Doc 2178-2179*, 9 March 2000)

¹¹ See Library Research Papers 99/54 and 00/49 for background information on the institutional issues and options for reform.

¹² CONFER 4750/00, p.19.

in the Council,¹³ some Member States viewed the latter option as more flexible and therefore best suited for this purpose. It represents an essentially political approach and could be adapted to favour those States that lost a Commissioner. The smaller States would continue to benefit from a disproportionately high number of votes in relation to population, and the qualified majority would still need to respect a minimum population threshold (e.g. between 50% and 60%) “sufficient to halt the erosion of democratic legitimacy of decision-making observed over the years”.¹⁴ The Presidency illustrated possible models for re-weighting in Annexes 2.6 and 2.7 of the Feira Report.

C. Extension of Qualified Majority Voting

Although all Member States, including the UK, agree that in an enlarged Union, an increase in decision-making by QMV is desirable, the extent of the increase is disputed. There is a consensus that the extension of QMV should be carried out within the current limits of the EU’s powers and that the IGC should not seek to modify these. The IGC has looked at Treaty Articles or parts of Articles, which could simply be transferred to QMV and others where this would not be possible because of their complexity or political sensitivity.

The IGC Commissioner, Michel Barnier, told the Lords Enquiry on the IGC in May that there were around 20 subjects on which a majority of States were in favour of moving from unanimity to QMV, adding: “That majority is a shifting one. It is not always the same majority of countries which is in favour of the same subject areas being covered by QMV”.¹⁵

The Portuguese Presidency proposed 39 Articles which might be considered for transfer to QMV and a list of constitutional, quasi-constitutional or ‘organic’ provisions for which unanimity would be required. **Appendix I** lists these Articles.

D. Other Reforms

1. European Parliament

The Feira Report noted broad agreement on the need to cap membership of the EP at 700, while ensuring “appropriate representation”, and some support for extending co-decision, combined with a simplification of the legislative process. Two methods of seat distribution were considered. One would simply reduce in linear fashion the present number of seats allocated to Member States in order to give seats to applicant states,

¹³ *Protocol on the Institutions with the Prospect of Enlargement of the European Union*, Protocol 11 annexed to the TEU and TEC in Treaty of Amsterdam, Cm 4434, p.88

¹⁴ CONFER 4750/00, p.21.

¹⁵ HL 92, p.73.

remaining within the 700 threshold. The other, the EP's own proposal, would allocate each Member State a minimum of four seats and distribute the rest according to a scale directly proportional to the population of each State. Transitional provisions for applying the new allocations could either be staggered in two adjustments in 2004 and 2009; or in one adjustment in 2004 which would envisage an EU composition of 27 or 28, and would not exceed the 700 threshold; or in 2009, on the basis of accessions at that time.

2. Co-decision and Cooperation Procedures

With regard to the co-decision and cooperation procedures, the Feira Report recorded that the majority favoured linking consideration of the extension of co-decision to discussion of the extension of QMV, but not making an automatic correlation between the two. There was majority support for abandoning the cooperation procedure altogether¹⁶.

3. Court of Justice and Court of First Instance

The Feira Report considered changes to the European Court of Justice (ECJ) and the Court of First Instance (CFI), largely to take account of the increase in litigation before the two Courts and the prospect of a further increase with enlargement. The Conference agreed that the Courts need to be able to adjust to new circumstances without having to go through the Treaty amendment process, which requires an IGC to be convened. The popular solution was to give the Council the power to act, either by unanimity or by QMV, depending on the circumstances, to allow the Courts to make such adjustments. There was also general agreement that amendments to the ECJ's *Rules of Procedure* should be approved by the Council by QMV rather than unanimity.

4. Economic and Social Committee; Committee of the Regions

The Report proposed changes to the allocation of seats in the Economic and Social Committee and the Committee of the Regions. One formula took the form of a linear extrapolation of membership of the two bodies, based on current allocation systems, in a Union of 27-28 members. Another was a linear reduction of the number of members of the bodies to comply with a limit of 250 members.

IV Approaching Biarritz

Contributions to the IGC negotiations continued to flow in between Feira and Biarritz, with numerous proposals on closer cooperation, the extension of QMV and other agenda issues. A list of all submissions so far is given in **Appendix II**.

¹⁶ Article 252 of Treaty. Its use was virtually abolished by the last IGC, but was retained in the Amsterdam Treaty for EMU and certain budgetary provisions.

A. Qualified Majority Voting

In September 2000 the French Presidency identified five areas on which Member States could not agree on a move from unanimity to QMV. Two weeks later a Presidency document proposed that forty-six provisions might be considered for transfer to QMV. These Articles are listed in **Appendix II**.

B. Weighting of Votes

At a ministerial enclave on 8-9 October a Presidency Note was discussed, which set out the main options for re-weighting of Council votes. The Presidency acknowledged that a majority was emerging in favour of revising the current weighting system without changing the principle of allocation, “subject to achievement of an outcome which is politically acceptable to all parties”.¹⁷

C. Closer/Enhanced Cooperation

French and German leaders have revived the debate surrounding the concept of ‘closer cooperation’.¹⁸ ‘Flexibility’, ‘closer’ or ‘enhanced’ cooperation are descriptions of an arrangement whereby one group of Member States might proceed with a policy or action ahead of, or without, the rest of the Union, but inside the Treaty framework. EU enlargement has provided the stimulus for a renewed discussion of this idea and of reforming the Amsterdam Treaty provisions on closer cooperation.¹⁹

One aim of such an arrangement would be to allow a diverse Union to proceed towards integration at a pace appropriate for different Member States but within the Treaty framework. It would thus seek to deter groups of States from pursuing their own objectives independently of the Union. The decision to include closer cooperation in the IGC agenda was formalised at Feira, and has attracted a number of submissions on proposed reform of the Amsterdam provisions, which have not been used since the Treaty came into force on 1 May 1999.²⁰

This arrangement is broadly popular but has attracted the criticism that it could fragment the Union, creating a ‘two-speed’ or ‘two-tier’ Europe in which some States would be left on the margins. The proposals on the table seek to preserve the integrity of the Union, its institutions and the single market. There has been majority support for abolishing the right of a Member State to veto an enhanced cooperation arrangement.

¹⁷ CONFER 4781/00, 5 October 2000.

¹⁸ Joschka Fischer’s speech to Humboldt University, Berlin, 12 May 2000; Jacques Chirac’s address to the German *Bundestag*, 27 June 2000.

¹⁹ See Library Research Paper 97/112, *The European Communities (Amendment) Bill: Implementing the Amsterdam Treaty*, 5 November 1997, for information on the Amsterdam provisions.

²⁰ CONFER 4758/00, 11 July; 4761/00, 18 July; 4765/00, 28 August; 4766/00, 30 August; 4783/00, 4 October; 4780/00, 5 October 2000.

A Presidency Note of 5 October set out general principles to be observed in drawing up new arrangements:

Closer cooperation should:

- (a) be aimed at furthering the objectives of the Union and protecting and serving its interests;
 - (b) respect the provisions of the Treaties, the *acquis communautaire*²¹ and the single institutional framework of the Union;
 - (c) concern areas that fall within the competence of the Union and of the Communities to the exclusion of areas falling within the exclusive competence of the Community;
 - (d) not restrict trade between Member States, nor distort competition between them;
 - (e) involve a minimum of [one third of the] or [x] Member States.
2. Closer cooperation must not affect the powers, rights and obligations of those Member States which do not participate therein.
 3. Closer cooperation must be open to all Member States, which have the right to join in at any time.
 4. Closer cooperation may be engaged in only when it has been established within the Council that its objectives cannot be attained with the support of all Member States.²²

The document proposes different mechanisms for the first, second and third ‘pillars’ of the Union, bearing in mind the particular sensitivity of aspects of security and defence policy.²³

D. Article 7 of the Treaty on European Union

In May 2000 the IGC had considered a Belgian proposal to amend Article 7 of the TEU on measures the Community may take in the event of human rights violations by Member States. This arose largely as a result of the inclusion in the Austrian coalition government of the extreme right Austrian Freedom Party, led by Jörg Haider.²⁴

Article 7 allows for sanctions to be taken against a Member State government for a “serious and persistent breach” of human rights. It has not been used, but Belgium in particular has been keen to allow the EU to act more quickly. As it stands, Article 7 allows for a breach to have been in existence for some time before any action is taken,

²¹ The range of principles, policies, laws, practices, obligations and objectives of the EU, established by the Treaties, legislation, the case-law of the Courts and CFSP and JHA joint actions.

²² CONFER 4780/00, 5 October 2000.

²³ These are: the *Treaty Establishing the European Communities*; the Common Foreign and Security Policy; Justice and Home Affairs.

Bilateral diplomatic sanctions were imposed on Austria in February 2000, although Austria continued to participate in EU business at all levels. Sanctions were finally lifted on 13 September 2000, following a positive report by a human rights monitoring group.

whereas the Belgian amendment seeks action upon the threat alone. Under the Belgian amendment the Council “may determine the existence of a threatened breach of those principles in a Member State and address the appropriate recommendation, if necessary accompanied by appropriate measures, to the Member State in question”.²⁵

The Austrian government submitted to the IGC Preparatory Group its own proposals for a reformulation of Article 7 which aimed to give the Member State confronted with a human rights charge the opportunity to express its opinion at all stages of the process. This would require the Council to debate the issue, the EP to give its assent, and the process to contain an “obligation for justification” and to be based on “proven facts”. The French Presidency, aware of the highly sensitive nature of the principles involved, asked the Member States to consider the principle of allowing for the determination of the existence of a threatened breach of rights; procedures for activating a decision on the alleged threat; the need to address recommendations to the Member State concerned and the right of that State to be heard.²⁶

The Commission has proposed a re-wording of Article 7 that adds the following:

The Council, acting by a majority of two thirds of its members on a proposal from one third of its Member States, the European Parliament or the Commission, may determine that there exists a threat of a breach by a Member State of the principles mentioned in Article 6(1) and address an appropriate recommendation to the Member State concerned after having heard the government of that Member State.²⁷

Although a majority of Member States appear to support amending Article 7, some, including Germany, Denmark and Britain, are concerned about what constitutes a threat, and the low threshold of two-thirds of Member States that has been proposed to trigger the mechanism.

V The Biarritz Meeting

The informal meeting of Heads of State or Government in Biarritz on 13-14 October considered the main IGC agenda issues and the *Draft Charter of Fundamental Rights*, which is being elaborated separately from, but parallel to, the IGC. The summit was overshadowed by the worsening situation in the Middle East and the Conference devoted some time to considering the EU response to the upsurge in violence in the region.

As is usual with informal summits, no formal decisions were taken and no written conclusions were published, although the French Presidency website contains edited

²⁵ Belgian delegation Draft Amendment to Article 7 of the TEU, 2 May 2000, CONFER 4739/00.

²⁶ CONFER 4782/00, 5 October 2000.

summaries of the debates.²⁸ The aim of the Conference was to take stock of IGC progress to date. A commitment was made to signing Treaty amendments in Nice in December, but press coverage of the summit emphasised the continued lack of agreement on some of the major issues.

The EP President, Nicole Fontaine, in the customary EP address to the European Council, urged the IGC to resolve the major institutional issues left over from Amsterdam for the sake of the “long term survival and credibility of the Union’s institutions”. She concluded by calling for a “political quantum leap” to allow enlargement to proceed.²⁹

Member State leaders committed themselves to agreement in Nice on all the outstanding issues. There was no will for negotiations to continue beyond December on these matters, nor for minimal or temporary arrangements that would need to be revised at another IGC in the near future. Yet at least two of the main issues – the size of the Commission and the weighting of Council votes - remain unresolved at this stage, with little prospect of compromise.

President Chirac announced at a press conference on the meeting that governments had been able to “clarify the challenges” and identify “paths leading to solutions”.³⁰ On QMV he announced ‘real progress’ generally, noting national reservations in the area of tax, but ‘openings’ in the fight against fraud and matters that did not affect social security. The common trade policy could be advanced as long as it did not lead to increased Community powers, and provided that account was taken of the situation in certain sensitive sectors, particularly in the field of culture.³¹ There were still problems in agreeing measures for asylum and immigration policy and difficult questions remained on non-discrimination, the environment and cohesion.³² According to a report in *Agence Europe*, there was a “tendency to agree to an extension of qualified majority voting on a ‘good half’ of the articles examined”.³³

The Presidency suggestion that the size of the Commission should be capped at around twelve, with a rotating system for national Commissioners, was rejected by some of the smaller Member States. This proposal differed from earlier ones in proposing that **all** Member States, not just the small ones, should rotate their Commissioners on an equal basis. Portugal supported the proposal and Belgium’s Prime Minister, Guy Verhofstadt, thought it ‘interesting’,³⁴ but others were not convinced.

²⁷ Full text of all proposals to amend Article 7 are in CONFER 4782/00, 5 October 2000.

²⁸ French Presidency Website: <http://www.presidence-europe.fr/pfue/static/acces5.htm>.

²⁹ From: <http://www.europarl.eu.int/president/speeches/en/sp0056.htm>.

³⁰ Jacques Chirac, Final press conference, 14 October 2000

<http://www.presidence-europe.fr/pfue/menu-long-defaut5.htm?rubrique=01179&nav=5>

³¹ Jacques Chirac, *ibid.*

³² *Ibid.*

³³ *Agence Europe*, No. 7820, 14 October 2000.

³⁴ *Financial Times*, 14 October 2000.

With regard to the weighting of votes in the Council, Member States could still not agree on the two options discussed before and at Feira: simple re-weighting or a double majority.³⁵

There was agreement on the need for closer or enhanced cooperation, and according to Michel Barnier there were no major difficulties in this area. He proposed retaining most of the Amsterdam provisions, but amending two points: the number of countries able to engage in such cooperation and the abolition of the right to veto such an arrangement.

Governments agreed to postpone the decision on whether or not to make the *Charter of Fundamental Rights* legally binding and the French Presidency announced that it would publish a draft treaty text in November for consideration by the IGC.

On 15 October *Agence Europe* published a summary of the reactions of heads of government to the Biarritz summit.³⁶

VI British Views on the IGC Issues

A. Government

1. Political Reform

The Prime Minister set out his views on institutional reform and the future of Europe in a speech at the Polish Stock Exchange on 6 October 2000. In a section on “Proposals for Political Reform”, Mr Blair emphasised the need for the EU institutions and policies to be meaningful to the citizens of Europe, and made a radical, if not new, suggestion for a second chamber for the EP. He said:

It would not get involved in the day-to-day negotiation of legislation - that is properly the role of the existing European Parliament. Rather, its task would be to help implement the agreed statement of principles; so that we do what we need to do at a European level but also so that we devolve power downwards. Whereas a formal Constitution would logically require judicial review by a European constitutional court, this would be political review by a body of democratically elected politicians. It would be dynamic rather than static, allowing for change in the application of these principles without elaborate legal revisions every time.

Such a second chamber could also, I believe, help provide democratic oversight at a European level of the common foreign and security policy. Efficient decision

³⁵ See Library Research Paper 00/49, *Intergovernmental Conference 2000: the main agenda*, 19 April 2000, for a discussion of these options.

³⁶ *Agence Europe*, No. 7821.

making, even with these changes, will be harder in an enlarged European Union. In the long run, I do not believe that a Commission of up to 30 members will be workable. The present intergovernmental conference must and will address the size of the Commission. More radical reform is not possible this time round in view of the worries of some states. I simply give my view that, in the end, we shall have to revisit this issue and streamline considerably. Reweighting votes in the Council has also become a democratic imperative which this current intergovernmental conference must resolve.³⁷

2. Qualified Majority Voting

The British Government has maintained that a case-by-case approach will be taken to the unanimity/QMV debate, but that certain matters must remain subject to unanimity. The Minister for Europe, Keith Vaz, commented on the extension of QMV in his evidence to the House of Lords enquiry into enlargement of the EU:

We have made it perfectly plain that in areas of national interest, such as tax, defence, border controls, social security and immigration, we do not want to see an extension of qualified majority voting but we accept that in an EU that is going to be much larger you have to do business on that basis in other areas, such as environmental issues, competitiveness in industry or appointments to the European Court of Justice.³⁸

In his Statement to the House on the outcome of the Feira European Council, the Prime Minister defended QMV in the following terms:

It [QMV] is important in certain instances, especially in the completion of the single European market. That could not be completed unless we had qualified majority voting rather than a veto. In areas such as tax, defence or social security, I shall fight hard to retain the veto. Elsewhere, I shall consider what is in the British national interest.³⁹

Mr Vaz pointed out more recently that, apart from agreeing to QMV for the Rules of Procedure for the European Courts, “no area has yet attracted consensus for a move to QMV”.⁴⁰

3. Biarritz

In an edited transcript of the press conference on the outcome of the Biarritz conference, Mr Blair reiterated his support for the extension of QMV in certain areas, but not in

³⁷ From FCO website at: <http://www.fco.gov.uk/>.

³⁸ House of Lords Select Committee on the European Union, *Enlargement of the EU: Progress and Problems*, 9 November 1999, HL 118, 1998-99.

³⁹ Prime Minister’s Statement on the Feira European Council, HC Deb, 21 June 2000, c.346.

⁴⁰ HC Deb, 28 June 2000, c 534W.

others, such as tax. He agreed that enhanced cooperation would be needed in an enlarged Union, but stated two “absolute preconditions”. Firstly, there should be no two-speed Europe and no hard core; and secondly, enhanced cooperation must not undermine the single market.⁴¹

In a written answer to the Commons on 23 October, the Prime Minister said:

As far as the Inter-Governmental Conference was concerned, this was not a Summit at which decisions were to be taken. Political progress was, however, made towards the agreement which we want to see reached at the Nice Summit in December. That Summit will pave the way to the enlargement which has long been the objective of successive British Governments.

On the detail of these negotiations, I made clear our support for the extension of majority voting in the areas where this will benefit Britain, for example by enhancing the efficiency of the Single Market as well as the economic reform which we have, with others, consistently sought, while making clear that these areas did not include tax or social security.

The European Council agreed that there was a role for enhanced co-operation in an enlarged European Union. In other words, there is scope for some member states moving ahead on certain policies faster than others but these so-called enhanced co-operations must be genuinely open to all and must not undermine the existing policies of the Union, especially the Single Market. If these conditions are satisfied, the Government believe that enhanced co-operation can be useful in advancing the British agenda, for example in co-operation in common foreign and security policy within the framework of agreed policies and in co-operation in the fight against international crime and terrorism.

In this negotiation, Britain has a significant interest in seeing a reweighting of votes so that the position of the larger member states, which has deteriorated in relative terms with successive enlargements, is improved. That is also a necessary outcome of the negotiation if we are to agree to a reduction in the size of the Commission. This issue is sometimes seen as one in which the larger member states and the small member states have opposing interests. We believe it should be possible to reach an agreement which meets the interests of all.⁴²

Mr Blair also commented on the status of the Charter of Rights:

Heads of Government [who] agreed that it should be adopted at the Nice European Council as a purely political declaration. It creates no legal obligations. It also sets out in a clear way a range of rights, freedoms and principles recognised within the EU which the EU institutions - the primary addressees - should respect when going about their daily business. It only applies to member

⁴¹ FCO website at: <http://www.fco.gov.uk/news/newstext.asp?4259>.

⁴² HC Deb, 23 October 2000, c70W.

states to the limited extent that they are implementing Union-wide laws. It has no application where national governments are acting purely within their own areas of national competence.⁴³

B. Opposition

The Shadow Cabinet is opposed to any Treaty amendments they believe might damage national interests, including the transfer of more Treaty Articles to QMV. William Hague supports the idea of a flexible Europe, interpreting this as meaning that Britain could opt out of areas of EU action or policy that it did not like. He told the Conservative Party Conference that his vision was “to preserve our independence in a flexible Europe”.⁴⁴ He continued:

Now we must champion the cause of a flexible, free trading, low tax, lightly regulated Europe. A Europe that goes with the grain of the new global economy, in which nations combine in different combinations for different purposes to different extents.

We will be the champions of that flexible Europe. And we will be the champions of Britain’s right to govern itself. For we believe in being in Europe not run by Europe.

So we will write into the law of our land the powers and rights that we hold today and which we will pass to the next generation, so that no stroke of a pen from Brussels, or retrospective court judgement, can take those rights away.

And we will champion the common sense instincts of young people who know that the idea of creating artificial, centralised supra-national superstates is an idea left behind in the twentieth century as they plan their lives in the twenty-first.⁴⁵

In a speech in June, the shadow foreign secretary, Francis Maude, spoke about the future of Europe and said that there “should be no further extension of QMV on European legislation at all”.⁴⁶

VII Beyond Nice?

The lack of agreement on basic reforms has not deterred European leaders from projections of future Treaty changes that would have much wider political and

⁴³ HC Deb, 23 October, c70W.

⁴⁴ William Hague to Conservative Party Conference, *Conservatives-Believing in Britain*, 5 October 2000, from Conservative Party website at: http://www.conservatives.com/newspeeches.cfm?article_id=246

⁴⁵ *Ibid.*

⁴⁶ Speech to Humboldt University, Berlin, “Nations and Networks: Towards the New Europe”, 8 June 2000.

constitutional implications than those currently under discussion. The German Foreign Minister's visionary speech in May 2000 on a federal Europe with France and Germany at the helm⁴⁷ has been followed by further proposals, not all of them entirely new, for a Treaty revision process leading to the elaboration of a European constitution.

The Italian and German leaders, Giuliano Amato and Gerhard Schröder, considered the European reform process in an article in the *Frankfurter Allgemeine Zeitung* in September 2000. The two leaders stated in the *FAZ* article that they foresaw a two-stage reform process:

In a first stage in Nice the EU reforms its decision-making processes and concludes the Charter of Fundamental Rights. This project – and also the success of the IGC – takes immediate priority. France can rely on Germany and Italy in the realisation of this.

... in a second stage after Nice we should on the one hand tackle the question of defining competences at the European level, on the other hand at incorporating the text of the Charter of Fundamental rights into the Treaties, and thirdly we must examine the reorganisation of the Treaties and the problem of the division of power between the Brussels institutions.

...

This constitutional debate should lead to a comprehensive Conference that could meet in 2004, which should precede a wide, open debate in the whole of Europe and in which the candidate countries would participate in an appropriate way. We will therefore suggest to our colleagues in the European Council to reach a binding agreement in Nice on the calling of such a conference.⁴⁸

After the Biarritz summit Commissioner Barnier also looked forward to the post-Nice European Council under the Swedish Presidency, which he hoped would be an opportunity to set a timetable for further reform, namely: simplification of the Treaties, division of competences and incorporation of the Charter of Fundamental Rights.

The EP's Constitutional Affairs Committee has also supported the future 'constitutionalisation' of the EC Treaties. On 17 October the Committee adopted a report by the French Socialist MEP, Olivier Duhamel, on the constitutionalisation of the Treaties in two stages.⁴⁹ The first stage would recast the Treaties to make them simpler and more comprehensible. A short, 'readable' Treaty would set out basic, constitutional provisions, such as the aims of the Union, the protection of fundamental human rights, competences and institutional issues. Other provisions, including the common policies, would be set

⁴⁷ Joschka Fischer, "From Confederacy to Federation – Thoughts on the finality of EU integration". Full text of speech can be found on the German Embassy website at: <http://www.german-embassy.org.uk>

⁴⁸ *Frankfurter Allgemeine Zeitung*, 21 September 2000.

⁴⁹ A5-0289/2000, *Report on the constitutionalisation of the Treaties*, 12 October 2000, Rapporteur: Olivier Duhamel.

out in protocols. The second stage envisaged the adoption of a final Treaty with all the major characteristics of a constitution before the next EP elections in 2004. The Report proposed that the Nice European Council should launch the reform process and that the applicant states should take part in the preparation of the new Treaty.

In Britain political views are divided on the subject of constitutionalisation of the Treaties, with the Conservatives believing that this would lead inevitably to federalisation. The Prime Minister took up the subject of a constitution for Europe in his Warsaw speech:

... there is an important debate about a Constitution for Europe. In practice I suspect that, given the sheer diversity and complexity of the EU, its constitution, like the British constitution, will continue to be found in a number of different treaties, laws and precedents. It is perhaps easier for the British than for others to recognise that a constitutional debate must not necessarily end with a single, legally binding document called a Constitution for an entity as dynamic as the EU. What I think is both desirable and realistic is to draw up a statement of the principles according to which we should decide what is best done at the European level and what should be done at the national level, a kind of charter of competences. This would allow countries too, to define clearly what is then done at a regional level. This Statement of Principles would be a political, not a legal document. It could therefore be much simpler and more accessible to Europe's citizens.

The Liberal Democrats' Party Conference passed a motion on the elaboration of a constitution for Europe. The Conference called for the Nice European Council to:

Recognise in full the constitutional implications of reforming the European Union and therefore establish a Constitutional Convention composed of representatives from Member State governments, national parliaments, the European Commission and European Parliament charged with drawing up a 'Constitution of the European Union' specifically to:

- a) Consolidate the European Treaties in a clear and simple form.
- b) Define the rules necessary to give effect to subsidiarity, thereby guarding against any unnecessary concentration of powers.
- c) Enshrine the Charter of Fundamental Rights at its heart.
- d) Entrench the basic law of the European Union which defines and limits the powers and duties of the Union and Member States, setting out clearly the responsibilities of EU bodies, national governments and regional tiers, providing for its amendment only by the unanimous agreement of Member States and subject to national ratification.

These objectives seem somewhat premature, given the failure of the IGC so far to agree on some of the fundamental reforms deemed necessary for the enlargement process. Commentators tend to assume that eleventh-hour horse-trading will give rise to compromises that will allow a Treaty of Nice to be signed. Others are more sceptical about prospects for agreement in Nice, and suggest that events such as the Danish no-vote

on the euro demonstrated a national reluctance to accept further integration. National ratification could present more problems, and governments of States where a referendum is required to approve ratification of the new Treaty will not wish to sign a treaty that has little chance of popular acceptance. If a “political quantum leap” (Nicole Fontaine, see above) is needed to resolve the present institutional issues, some of the post-Nice scenarios would seem to require a triple jump of Olympic proportions.

Appendix I : Extension of Qualified Majority Voting

1. Portuguese Presidency Proposal⁵⁰

Potential QMV areas:

1. Appointment of CFSP special representatives (Article 23 TEU)
2. Conclusion of CFSP international agreements in areas in which a joint action has been adopted by a qualified majority (Article 24 TEU)
3. Anti-discrimination measures (Article 13 TEC)
4. Provisions facilitating the exercise of the right of citizens of the Union to move and reside within the territory of the Member States (Article 18(2) TEC)
5. The taking-up of and pursuit of activities as self-employed persons; the amendment in one or more Member States of the existing principles laid down by law governing the professions (Article 47(2) TEC)
6. The procedures and conditions for issuing visas by Member States and rules on a uniform visa (Article 62(2)(ii) and (iv) TEC)
7. Measures on asylum (Article 63(1)(a), (b), (c) and (d) TEC)
16. Measures on refugees and displaced persons (Article 63(2)(a) and (b) TEC)
17. Measures on immigration policy (Article 63(3)(a) and (b) TEC)
18. Measures defining the rights and conditions under which nationals of third countries who are legally resident in a Member State may reside in other Member States (Article 63(4) TEC)
19. Measures in the field of judicial cooperation in civil matters having cross-border implications, and insofar as necessary for the proper functioning of the internal market (Article 65 TEC)
20. Measures to ensure cooperation between the relevant departments of the administrations of the Member States, and between those departments and the Commission, in the areas covered by Title IV (Article 66 TEC)
21. Derogations from the normal procedure when the application of the principles of the regulatory system for transport is liable to have a serious effect on the standard of living and employment in certain areas and on the operation of transport facilities (Articles 71(2) and 80(2), second subparagraph, TEC, concerning sea and air transport)
22. Directives for the approximation of laws, regulations or administrative provisions of the Member States which directly affect the establishment or functioning of the common market (Article 94 TEC)⁵¹
23. The economic measures to be taken in the case of difficulties in the supply of certain products (Article 100(1) TEC)
24. Community financial assistance, under certain conditions, to a Member State which is in difficulties or is seriously threatened with severe difficulties caused by exceptional occurrences beyond its control (Article 100(2) TEC)
25. Conclusion of international agreements on intellectual property and services (Article 133(5) TEC)
26. Incentive measures, excluding harmonisation, in the cultural field (Article 151(5) TEC)⁵²

⁵⁰ Annex 3.1, CONFER 4750/00, pp73-75.

⁵¹ If all the tax aspects are to be covered by Article 93 (see Annex 3.2 below). Deletion of this Article could also be considered.

⁵² One delegation has made a drafting suggestion for this Article (see CONFER 4742/00). Subject to the transfer of certain sensitive material from the Rules of Procedure to the Statute of the Court of Justice and the Court of First Instance (see Chapter 5 of report).

27. Measures supporting the action of Member States in the industrial sphere (Article 157(3) TEC)
28. Specific action for economic and social cohesion other than through the Structural Funds (Article 159, third paragraph, TEC)
29. Rules applicable to the Structural Funds and to the Cohesion Fund (Article 161 TEC)
30. Association of the overseas countries and territories (Article 187 TEC)
31. Approving the adoption of the statute for Members of the European Parliament (Article 190(5) TEC)
32. Appointment of the Secretary-General of the Council (Article 207(2) TEC)
33. Appointment of the Deputy Secretary-General of the Council (Article 207(2) TEC)
34. The Rules of Procedure of the Court of First Instance (Article 225(4) TEC)⁵³
35. The Rules of Procedure of the Court of Justice (Article 245(3) TEC)
36. Appointment of members of the Court of Auditors (Article 247(3) TEC)
37. Financial Regulation (Article 279 TEC)
38. Compilation of the list of dual-use goods (Article 296(2) TEC)
39. Association agreements (Article 310 TEC) covering areas in which internal rules must be adopted by a qualified majority

Partial transfer to QMV

40. Establishment of decentralised agencies (new Article 7(3) TEC)
41. Measures necessary to provide freedom of movement for workers and self-employed workers (Article 42 TEC)
42. Certain clearly circumscribed tax measures (Article 93(2) TEC)
43. Measures necessary for mutual assistance and cooperation between tax authorities (Article 93(4) TEC)
44. Certain specific provisions on social matters (Article 137(1) TEC)
45. Economic, financial and technical cooperation with non-developing third countries (new Article 181a TEC)
46. Conclusion of mixed agreements (new Article 300(8) TEC)
47. Arrangements for participation by the European Union in WTO proceedings (new Protocol)

Provisions in respect of which the Treaties expressly provide for the adoption of a decision by the Member States in accordance with their respective constitutional rules:

- *Common defence (Article 17(1), first subparagraph, TEU)*
- *Integration of the WEU (Article 17(1), second subparagraph, TEU)*
- *Establishment of PJC Conventions (Article 34(2) TEU)*
- *Communitarisation of PJC areas (Article 42 TEU)*
- *Revision of the Treaties (Article 48 TEU)*
- *Accession of a new Member State (Article 49 TEU)*
- *Additional rights of citizenship (Article 22 TEC)*
- *Uniform electoral procedure (Article 190(4) TEC)*
- *Own resources (Article 269 TEC)*

2. Provisions which, in view of the *sui generis* character of the European Union, may be considered "quasi-constitutional":

⁵³ Subject to the transfer of certain sensitive material from the Rules of Procedure to the Statute of the Court

- *Replacement of the provisions of the Protocol on the excessive deficit procedure (Article 104(14) TEC)*
- *Amendment of the Statute of the ESCB without a proposal from the ECB (Article 107(5) TEC)*
- *Committee procedure (Article 202 TEC)*
- *Decision on the order of the Presidency of the Council (Article 203 TEC)*
- *Alteration of the number of Members of the Commission (Article 213(1) TEC)*
- *Number of Judges and Advocates-General (Articles 221(4), 222(3) and 223(1) TEC)*
- *New classes of action before the CFI (Article 225 TEC)*
- *Statute of the Court of Justice (Article 245(2) TEC)*
- *Amendment of Commission proposal (Article 250(1) TEC); Second co-decision reading after a negative opinion from the Commission (Article 251(3) TEC); Commission's prerogatives*
- *Language rules (Article 290 TEC)*

3. Provisions allowing derogations from normal Treaty rules:

- *Not charging CFSP and JHA operational expenditure to the EC budget (Articles 28(3) and 41(3) TEU)*
- *Measures constituting a step back as regards the liberalisation of the movement of capital to or from third countries (Article 57 TEC)*
- *Measures constituting a step back as regards transport (Article 72 TEC)*

4. Provisions in respect of which the rule of unanimity ensures consistency between internal and external decisions:

- *Conclusion of international agreements unanimously in areas which have been the subject of a joint action adopted unanimously (Article 24 TEU)*
- *Conclusion of international agreements unanimously in areas in which unanimity is required for the adoption of internal rules (Article 300(2) TEC)*

2. French Presidency Proposal

The French Presidency has suggested that the following 46 Articles might be considered for transfer to QMV⁵⁴:

1. Appointment of CFSP special representatives (Article 23(2) TEU)
2. Conclusion of CFSP/JHA international agreements in areas in which internal decisions must be adopted by a qualified majority (Article 24 TEU)
3. Anti-discrimination measures (Article 13 TEC)
4. Provisions facilitating the exercise of the right of citizens of the Union to move and reside within the territory of the Member States (Article 18 TEC)
5. Measures required in the field of social security to provide freedom of movement (Article 42 TEC)

⁵⁴ CONFER 4776/00, 28 September 2000.

6. The taking-up of and pursuit of activities as self-employed persons
(Article 47(2) TEC)
7. Rules and arrangements with which Member States must comply when carrying out checks on persons at external borders
(Article 62(2)(a) TEC)
8. Rules on visas
(Article 62(2)(b)(ii) and (iv) TEC)
9. Measures setting out the conditions under which nationals of third countries shall have the freedom to travel during a period of no more than three months
(Article 62(3) TEC)
10. Measures on asylum
(Article 63(1)(a), (b), (c) and (d) TEC)
11. Measures on refugees and displaced persons
(Article 63(2)(a) and (b) TEC)
12. Measures on immigration policy
(Article 63(3)(a) and (b) TEC)
13. Measures in the field of judicial cooperation in civil matters having cross-border implications, and insofar as necessary for the proper functioning of the internal market
(Article 65(a), (b) and (c) TEC)
14. Measures to ensure cooperation between the relevant departments of the administrations of the Member States, and between those departments and the Commission, in the areas covered by Title IV
(Article 66 TEC)
15. Decisions adapting the provisions concerning the powers of the Court of Justice, in the areas covered by Title IV
(Article 67(5) TEC)
16. Derogations from the normal procedure when the application of the principles of the regulatory system for transport is liable to have a serious effect on the standard of living and employment in certain areas and on the operation of transport facilities
(Articles 71(2) and 80 TEC)
17. Certain tax measures which update or simplify existing Community rules or are for the sole purpose of preventing fraud, tax evasion and circumvention of existing rules
(Article 93(2) TEC)
18. Tax measures which have protection of the environment as their main objective
(Article 93(4) TEC)
19. Provisions necessary for mutual assistance and cooperation between tax authorities
(Article 93(5) TEC)
20. Measures in the event of severe difficulties in the supply of certain products
(Article 100(1) TEC)
21. Community financial assistance, under certain conditions, to a Member State which is in difficulties or is seriously threatened with severe difficulties caused by exceptional occurrences beyond its control
(Article 100(2) TEC)
22. Conclusion of international agreements on intellectual property and services (Article 133(1) and (5) TEC)
23. Arrangements for participation by the European Union in WTO proceedings
(draft new Protocol)
24. Minimum requirements in certain specific social areas
(Article 137(1) TEC)
25. Incentive measures, excluding any harmonisation of the laws and regulations of

- the Member States, in the cultural field
(Article 151(5) TEC)
26. Measures supporting the action of Member States in the industrial sphere
(Article 157(3) TEC)
27. Specific action for economic and social cohesion other than through the Structural Funds
(Article 159, third paragraph, TEC)
28. Rules applicable to the Structural Funds
(Article 161, first paragraph, TEC)
29. Creation of a Cohesion Fund
(Article 161, second paragraph TEC)
30. Clarification of the scope of the environmental provisions for which unanimity is required
(Article 175(2) TEC)
31. Economic, financial and technical cooperation with third countries
(new Article 181a TEC)
32. Association of the overseas countries and territories
(Article 187 TEC)
33. Approving the adoption of the Statute for Members of the European Parliament
(Article 190(5) TEC)
34. Appointment of the Secretary-General of the Council
(Article 207(2) TEC)
35. Appointment of the Deputy Secretary-General of the Council
(Article 207(2) TEC)
36. The Rules of Procedure of the Court of Justice
(Article 223, sixth paragraph, TEC)
37. The Rules of Procedure of the Court of First Instance
(Article 224, fourth paragraph, TEC)
38. Appointment of members of the Court of Auditors
(Article 247(3) TEC)
39. Approval of the Rules of Procedure of the Court of Auditors
(Article 247(3) TEC)
40. Establishment of decentralised agencies
(new Article 256a TEC)
41. Appointment of members of the Economic and Social Committee
(Article 259(1) TEC)
42. Appointment of members of the Committee of the Regions
(Article 263 TEC)
43. Financial Regulations and laying down of rules concerning the responsibility of financial controllers, authorising officers and accounting officers
(Article 279(1) TEC)
44. Changes to the list of the products which are connected with the production of or trade in arms, munitions and war material
(Article 296(2) TEC)
45. Association agreements covering areas in which internal rules must be adopted by a qualified majority.
(Article 300(2), first subparagraph, TEC)
46. Conclusion of mixed agreements
(new Article 300(8) TEC)

The Presidency also suggested that the following Articles, presently subject to unanimity, might be deleted:

47. Directives for the approximation of laws, regulations or administrative provisions of the Member States which directly affect the establishment or functioning of the common market (Article 94 TEC)

48. Possibility of assigning to the Commission tasks in connection with the implementation of common measures, particularly as regards social security for migrant workers (Article 144 TEC)

In an earlier submission the French Presidency identified five areas on which there was no agreement to move from unanimity to QMV⁵⁵. These were:

- Provisions on visas, asylum and immigration (Title IV of the TEC)
- Anti-discrimination measures (Article 13 TEC)
- Tax measures (Article 93 TEC)
- Measures concerning social security and social matters (Articles 42 and 137 TEC)
- Common commercial policy (Article 133 TEC and a (draft) new protocol)

⁵⁵ CONFER 4770, 14 September 2000.

Appendix II : Documents considered by the IGC

Document	Date
<u>Extension of qualified majority voting</u>	18/10/00
<u>Article 7 of the TEU</u>	18/10/00
<u>Weighting of votes in the Council</u>	05/10/00
<u>Article 7 of the TEU</u>	05/10/00
<u>Closer cooperation</u>	05/10/00
<u>Enhanced cooperation - Position paper from Germany and Italy</u>	04/10/00
<u>Qualified Majority Voting - Contribution from Ireland</u>	28/09/00
<u>Extension of qualified majority voting</u>	28/09/00
<u>Provisional work programme</u>	27/09/00
<u>The competence to accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed Rome 4 November 1950</u>	22/09/00
<u>Proposal from the Portuguese delegation - Court of Auditors</u>	21/09/00
<u>Amendments to the treaty with regard to the Court of Auditors, the Economic and Social Committee and the Committee of the Regions</u>	20/09/00
<u>Other institutions-Court of Auditors and European Anti-Fraud Office (OLAF)</u>	20/09/00
<u>The European Parliament</u>	20/09/00
<u>Extension of qualified majority voting</u>	14/09/00
<u>Extension of qualified majority voting</u>	14/09/00
<u>Proposed amendment to Article 42 of the TEU</u>	11/09/00
<u>Other subjects on which delegations have submitted proposals</u>	06/09/00
<u>Closer cooperation</u>	30/08/00
<u>Extension of qualified majority voting</u>	29/08/00
<u>Closer cooperation</u>	28/08/00
<u>A Basic Treaty for the European Union</u>	19/07/00
<u>Statute for European political parties</u>	19/07/00
<u>Closer cooperation</u>	18/07/00
<u>Internal organisation of the Commission</u>	18/07/00
<u>Enhanced cooperation in the second pillar</u>	14/07/00
<u>The Commission</u>	11/07/00
<u>Closer cooperation</u>	11/07/00
<u>Commercial policy and international agreements</u>	11/07/00
<u>Follow-up to the Feira European Council and organisation of work</u>	05/07/00
<u>Extension of qualified majority voting</u>	03/07/00
<u>Contribution from the Government of Poland</u>	03/07/00
<u>Weighting of votes</u>	03/07/00
<u>Provisional Work Programme</u>	22/06/00
<u>Reweighting Member States' votes in the Council of the European Union</u>	16/06/00
<u>Intergovernmental Conference on Institutional Reform</u>	14/06/00
<u>Draft amendments to Articles 7 and 46 of the TEU</u>	07/06/00
<u>Amendments to Treaties with regard to the ECJ and CFI – Presidency report</u>	31/05/00
<u>Concept of legislative act adopted by co-decision procedure in framework of hierarchy of Community legal acts and in the context of the forthcoming enlargement of the Union</u>	30/05/00
<u>Italian delegation - Size and composition of the European Commission</u>	26/05/00
<u>Size and composition of the European Commission</u>	26/05/00
<u>Weightings of votes in the Council</u>	24/05/00
<u>The Commission</u>	24/05/00
<u>Weightings of votes in the Council</u>	24/05/00
<u>Other amendments to be made to Treaties with regard to the institutions: EP, ECJ and CFI</u>	19/05/00
<u>Contribution from the CCBE for the Intergovernmental Conference</u>	18/05/00
<u>Other amendments to be made to the treaties with regard to: Court of Auditors; Economic and Social Committee; Committee of the Regions</u>	11/05/00

<u>Other amendments to be made to the Treaties with regard to the European institutions: EP</u>	10/05/00
<u>EXTERNAL ECONOMIC RELATIONS</u>	10/05/00
<u>Belgian delegation: Draft amendment to Article 7 of the TEU</u>	02/05/00
<u>Possible extension of QMV</u>	20/04/00
<u>Greek memorandum on reform of the judicial system of the European Union</u>	12/04/00
<u>Possible extension of qualified majority voting</u>	06/04/00
<u>Provisional Work Programme</u>	06/04/00
<u>IGC 2000: Contribution from the Government of Malta</u>	04/04/00
<u>Interim report on amendments to the Treaties regarding the ECJ and CFI</u>	31/03/00
<u>IGC 2000: Policy document of Federal Republic of Germany on the IGC on institutional reform</u>	30/03/00
<u>Contribution from the French delegation on reform of the judicial system of the European Union</u>	27/03/00
<u>IGC 2000: The Commission</u>	24/03/00
<u>IGC 2000: Weightings of votes in the Council</u>	24/03/00
<u>Reform of the Community courts</u>	10/03/00
<u>IGC 2000:Contribution from Finnish Government:Background and objectives in the IGC 2000</u>	07/03/00
<u>IGC 2000:Contribution from the Danish Government:Basis for negotiations</u>	07/03/00
<u>IGC 2000: Memorandum from Benelux</u>	07/03/00
<u>IGC 2000:Contribution from Dutch Government:an agenda for internal reforms in the EU</u>	06/03/00
<u>IGC 2000:Memorandum from Greek Government to the IGC on institutional reform of EU</u>	03/03/00
<u>2000 IGC: Italy's position</u>	03/03/00
<u>Contribution from the government of Hungary</u>	24/02/00
<u>Contribution from the government of Latvia</u>	24/02/00
<u>Contribution from the government of Lithuania</u>	24/02/00
<u>Contribution from the government of Slovenia</u>	24/02/00
<u>Contribution from the government of Estonia</u>	24/02/00
<u>Contribution from the government of Poland</u>	24/02/00
<u>Contribution from the government of Bulgaria</u>	24/02/00
<u>Contribution from the government of Turkey</u>	24/02/00
<u>Contribution from the government of the Czech Republic</u>	24/02/00
<u>Other amendments to the Treaties with regard to: the Court of Auditors; the Economic and Social Committee; the Committee of the Regions</u>	24/02/00
<u>Contribution from the government of Cyprus</u>	24/02/00
<u>Other amendments to be made to the Treaties with regard to the European institutions: European Parliament</u>	23/02/00
<u>Possible extension of qualified majority voting: Taxation provisions</u>	22/02/00
<u>Extension of qualified majority voting: Social provisions</u>	22/02/00
<u>Possible extension of qualified majority voting on the environment</u>	22/02/00
<u>Consideration of some areas covered by Community powers, which has in the past given rise to frequent use of the procedure laid down in Article 308</u>	22/02/00
<u>Possible extension of qualified majority voting - JHA field</u>	22/02/00
<u>Conference of Representatives of Member State governments</u>	21/02/00
<u>Basic principles of Austria's position</u>	15/02/00
<u>Provisional Work Programme</u>	11/02/00
<u>Resolution of the EP on the convening of the Intergovernmental Conference</u>	11/02/00
<u>Possible extension of qualified majority voting (QMV) – Introductory Note</u>	10/02/00
<u>Possible extension of QMV: Articles which could move to QMV as they stand</u>	10/02/00
<u>Contribution from the European Court of Auditors</u>	05/02/00
<u>Possible proposal for entering other items on the Conference agenda</u>	01/02/00
<u>Commission Opinion</u>	01/02/00
<u>Contribution from the government of Slovakia</u>	24/01/00 ⁵⁶

⁵⁶ From: <http://db.consilium.eu.int/cig/default.asp?lang=en>. (click Search, Show All Documents, OK)

