

**CONFERENCE
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GOVERNMENTS
OF THE MEMBER STATES**

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LIMITE

TRANSMISSION NOTE

Subject: IGC 2000: Contribution from the government of the Czech Republic

Delegations will find attached for information a contribution from the government of the Czech Republic.

Unofficial translation

**Minister of Foreign Affairs
of the Czech Republic**

Prague, 28 January 2000

I would like to thank you for your letter of January 10, 2000. I greatly appreciate the fact that even prior to the opening of the Intergovernmental Conference on the institutional reform of the EU (IGC), the Portuguese Presidency has been implementing the European Council's conclusions arrived at Helsinki, concerning the regular informing of candidate countries on the progress achieved at the IGC and the enabling of those countries to present their opinions on the issues under discussion.

With regard to the technical aspects of the implementation of the Helsinki conclusions, may I recall that during the last revision IGC which led to the Amsterdam Treaty, the Conference Presidency, among its other activities, provided the associated countries with all the Conference documents through the General Secretariat of the Council of the EU. These documents included those presented by the Presidency, national governments and the EU's institutions. I am certain that this practice will also be pursued by the Portuguese Presidency and that the automatic forwarding of all categories of documents to the candidate countries, to the same extent and at the same time as to the Member States, will greatly enhance – together with personal contacts – those countries' acquaintance with the activities of the IGC.

Presented hereunder are several preliminary observations concerning the IGC on institutional reform, to be convened on February 14, 2000.

In taking into account the considerable duration of the last IGC (in the course of which the Union's other initiatives and activities were scaled down) and the fact that the resultant Amsterdam Treaty has been in force less than one year and thus has not yet demonstrated its possibilities in practice, I consider logical the decision adopted by the European Council in Cologne and Helsinki, i.e. to focus on the institutional matters that were deliberated in Amsterdam but were not revised: "The Conference will examine the size and composition of the Commission, the weighting of votes in the Council and the possible extension of qualified majority voting in the Council, as well as any other necessary amendments to the Treaties arising as regards the European institutions in connection with the above issues and in implementing the Treaty of Amsterdam".

The Helsinki conclusions enable the Conference's Presidency to propose to the European Council additional issues for the IGC agenda. However with regard to my above observations on the Amsterdam Conference and Treaty, it seems to me that no further priority issues are yet ready for a conclusive debate at this year's IGC. Naturally, I base these opinions on the assumption that the work on the development of the Common European Security and Defence Policy (CESDP) will continue outside the institutional IGC, and that only at the conclusion of this work the amendments previously agreed with respect to the CESDP could be formally reflected, by way of the IGC, in the Treaties.

As concerns the Treaties it is my view that the institutional revisions need not result in far reaching changes of the Treaties (e.g. as in the case of certain changes in the size and composition of the European Commission, no amendments to the Treaty are necessary and such changes can be implemented on the basis of the Council's unanimous decision). I am convinced that the ratification

of the revised Treaty within the Member States would entail very few problems and would require very little time.

The above-mentioned concept of the IGC and the revisions of the Treaties, including the planned conclusion of the IGC during this year, may well reflect the opinions of most of the Member States citizens during this period following the only recently concluded lengthy IGC and the Treaties extensive revisions, which have not yet been fully implemented in practice.

I was pleased to note that among the Member States a consensus has been growing concerning the need for each Member State to nominate one of its nationals to the European Commission. The developments thus far have shown that this is a fundamental precondition for guaranteeing the Commission's natural prestige vis-à-vis the Member States general public. This is valid both generally and especially with respect to the Commission's decisions which may appear unpopular in certain countries of the Union. In this connection, I wish to reemphasize the need to respect the citizens sentiments.

Since at present no Presidency documents can exist that would summarize realistic options for concrete solutions, I need not go into any details.

This is true particularly of the two remaining subjects: namely, the weighting of votes in the Council and the possible extension of a qualified majority voting in the Council. I presume that with respect to the weighting of votes in the Council, a number of realistic proposals for solutions will be put forward during the coming IGC, as was the case during the Amsterdam Conference.

At this year's IGC, too, the Presidency will probably submit a list of provisions of the basic Treaties which require unanimity for the purposes of the Council's decision-making and a list of provisions, where a great majority of the Member States is ready to launch discussion on the possible transition to decision-making by a qualified majority. Once this procedure is embarked upon, it will be more feasible to make further specific observations. Nevertheless even at this stage I wish to endorse the endeavours for broader decision-making by a qualified majority. On the other hand, the experience of the Amsterdam IGC only confirm how sensitive and exhausted this issue already is. Whereas at the time of the Amsterdam Conference there were in the Treaties some sixty provisions which required unanimity, less than one third of them were debated, while a transition to decision-making by a qualified majority was decided on for only a very few of them. I am afraid that even this year there can be no great optimism regarding this issue and that raising ungrounded expectations could be counterproductive. In my opinion, the success of the next Conference should be measured by arriving at consensus on subjects where progress can be realistically expected. The establishing of unrealizable goals could *a priori* condemn the Conference to failure, which would be impermissible as far as the Europeans are concerned.

As I have mentioned above, I consider the three institutional issues identified by the European Council, most recently in Helsinki, as the most essential subjects for the IGC, providing sufficient content for its agenda. This is all the more true as much as, until now, it has not yet been possible to fully implement the Amsterdam Treaty. The same applies to the issue of the so-called flexibility, or closer (enhanced) cooperation. Since the Treaty came into force, there has been no apparent initiative on the part of the Member States in any sphere, which would eventually address this concept. Therefore the idea of incorporating the issue of closer cooperation into this year's IGC does not seem to be emerging through any natural pressure; nor does it seem well-founded. However, should an academic discussion of this concept take place parallel to the IGC, I would endorse the provisions on closer cooperation of the Treaty on the EU. The preconditions for closer cooperation comprised in Article 43 were recently incorporated into the Treaty on the EU by the

Member States as a consensus minimum, which enables closer cooperation while offering protection against the dissolution of European structure that has been carefully constructed for nearly half a century.

I hope that these observations will to some extent assist you in your most demanding and significant work in your position as President, I wish you and your colleagues much success in your endeavours.

Please, accept the assurances of my highest consideration.

Jan Kavan

His Excellency
Mr Jaime G a m a
Minister of Foreign Affairs
of the Portuguese Republic
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