

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

Brussels, 7 March 2000

CONFER 4721/00

LIMITE

INFORMATION NOTE

Subject: IGC 2000: Memorandum from Benelux

Delegations will find attached a memorandum from Benelux with regard to the Intergovernmental Conference and the institutional reforms.

BENELUX MEMORANDUM

WITH REGARD TO THE IGC AND THE INSTITUTIONAL REFORMS

1. On the eve of the European Council of Helsinki (10–11 December 1999), the Benelux countries wish to give their opinion on the extension of the Intergovernmental Conference (IGC) that has to implement the necessary institutional reforms so that efficiency, strength, democracy and transparency of the Union remain intact, also after the extension. The team extension/deepening is more than ever a topicality.
2. The coming IGC will no doubt be the last intergovernmental conference before the first entry of new countries. The distinction made in the Protocol of Amsterdam, between a limited and a more radical reform, seems to be largely out of date because of the dynamics of the entry process. Therefore, the Benelux countries are in favour of just one IGC covering both articles of the Protocol. Two IGC's threaten to slow down the extension and to deprive the deepening for a too long time of a solid base. That is the reason why the Benelux countries want the IGC to deal with more than the so-called "left overs" of Amsterdam. The new agenda items should always concern the institutions of the Union, in view of the extension. The IGC, that has to be finished end of the year 2000, should preserve the political equilibrium between the institutions and maintain the present division of competence.
3. Consequently, in addition to the "left overs" of Amsterdam (dimension and composition of the Commission, reconsideration of the votes in the Council, extension of the application of voting by qualified majority), the IGC should be charged with:
 - reinforcing the authority and the role of the President of the Commission, notably concerning the individual responsibility of the members of the Commission, but also as to the internal functioning of the Commission;
 - taking dispositions to guarantee, after the extension, the efficiency of the Court of Justice, the Court of Auditors and the Committee of the Regions, notably as to their dimension and organisation;
 - extending co-decision and deciding upon the future division of seats in the European Parliament, considering the upper limit of 700 members of Parliament written down in the Treaty;
 - examining the application conditions for a reinforced collaboration;
 - examining the results of the duties concerning the European defence dimension as far as it would appear necessary to incorporate them in the Treaties.Furthermore, the IGC shall have to devote its attention to the examination the proposals to divide the Treaties in two parts.

4. The Benelux countries plead for more flexible application conditions for the existing reinforced collaboration, and for an extension of its application field to the second pillar. The purpose in doing this, may not be that a group of countries should be given the opportunity to dissociate themselves from the community work built up as a Union, but to have the opportunity to act as pioneers in pushing forward this community work in a first phase, and thus to guarantee the momentum of the Union's further development. So, the Benelux countries esteem that the possibility of a veto by only one Member State should be abandoned, because the interests of the non participants are guaranteed, among other things, thanks to the Commission's key role. In addition to that, the Benelux countries think that a reinforced collaboration in an extended Union should also be possible with the same number of member states as is the case today.
5. The Benelux countries esteem that the expiration date of end 2000 agreed on in the European Council of Cologne for the conclusions of the IGC, should be strictly observed so that the Union will be able to meet its commitment to be ready to receive new members. The Benelux countries support the Commission when it states that the institutional reforms have to come into force in 2002, in order to enable the Union to decide in time on the entry of candidate countries meeting all the necessary criteria.
6. The Benelux countries back the principle saying that even in the extended Union, every Member State should be represented by one Commissioner. In order to guarantee an efficient functioning of an enlarged Commission, it seems to be indicated to reinforce the President's authority and to consolidate the institution's autonomy. In this way, the Commission President should receive additional competence as to the internal organisation and functioning of the Commission. The Treaties should state as well that the Commission President may dismiss the individual Commission members and that he has a large autonomy in this matter. It fits well to examine the modalities of collective or individual dismissal and as corollary, the dissolution of the European Parliament in the framework of the interinstitutional equilibrium.
7. Concerning the vote consideration in the Council, the Benelux countries declare themselves open to discuss the formulas mentioned in the Protocol of the Treaty of Amsterdam: a reconsideration of the votes or a double majority (or a combination of both). Irrespective of the chosen formula, the Benelux countries are of the opinion that it is essentially a matter of taking into account the global balanced between the bigger and smaller countries when revising the relative weight of the Member States, in order to guarantee this balance in the framework of the extension, with, as much as possible, equal differentiation application to similar situations, as well as the representativeness of the decisions.

8. It is obvious that in an extended union, the decision making by qualified majority has to be applied to the largest possible extent. The Benelux countries consider that the passage from unanimity to qualified majority will contribute to the further development and the good functioning of the internal market and the Economic and Monetary Union. The definition of the policy fields within the first pillar, which have to be considered for qualified majority voting, has thus to be viewed in this light. On the other hand, the basic regulations regarding, among other things, the aims, principles, general policy lines and the Union's institutional framework, as well as the citizen's rights, should remain amenable to unanimity for the time being. Furthermore, the Benelux countries consider that it would be indicated to think about the sense of unanimity in the appointment articles, as well as about the accelerated use of the so-called "passerelles" in the Treaty of Amsterdam.

Attention should be paid as well to the extension of the European Parliament's codecision of consultation as an addition to a larger application of qualified majority voting.

9. The Benelux countries esteem that the coming IGC should also be seized to treat the effects of the extension on the efficiency and thus the dimension and organisation of the Court of Justice, the Court of Auditors and the Committee of the Regions. In doing so, it will be possible to give the appropriate attention to the reform proposals coming from, among others, the concerned institutions themselves.
10. However this is unrelated to the Union's extension, the Benelux countries esteem that the IGC can be used to modify or to complete the Treaty if this should turn out to be necessary in the context of the duties in process concerning the development of a common European security and defence policy.

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