

Nearing Compromise as Convention goes into Final Week?

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Following two rounds of meetings between Giscard d'Estaing and the two vice-presidents Amato and Dehaene with the convention in its 4 constituent groups (government representatives, national MPs, MEPs and Commissioners) on 4 and 6 June, the convention is edging towards a final compromise on the central institutional issues, with most emphasising the need for a consensus text without options.

The meetings took place without the benefit of a fully revised text, with oral presentations being made on Friday morning to the 4 groups on the proposals for compromise - a final draft text being promised by the 7th at the latest. As ever the Chairman and praesidium keeping great control of the debate and compromises through the absence of a text.

Key Issues

Chair of the European Council

The establishment of a semi-permanent Chair of the European Council has been broadly accepted as part of the final compromise but with outstanding debates to come on how to define and limit the powers of this role. Some textual changes have been made to limit, but rather softly, the potential overlap in the international roles of the 3 key posts of the Chair, Commission President and EU foreign minister.

The potential for confusion and serious turf-fighting due to this new European Council post remain. The text will allow that this post can be compatible with holding posts in other EU institutions so allowing at some distant point in the future the argument for double-hatting the Commission and Council Presidents. The Commission will also draft the multi-annual strategic agenda and prepare European Council summits with the General Affairs Council. This is important damage limitation but does not undo the difficulties that the new European Council post will create. Arguments continue over the chair of the GAC.

Election of the Commission President

The EP meeting on the compromise proposals has broadly accepted the praesidium proposals for a very weak 'election' formula for the Commission President. In the national MPs meeting, some asked for the election procedure to be reversed so that the EP put forward the candidate, not the European Council. Giscard claimed that he was not against this but that no one had put forward a proposal for a procedure to nominate candidates - this seems a little disingenuous since such procedures would not be difficult to draft. The MEPS appear to hope or believe that they can take the phrase 'taking account of the

results of the European elections' as meaning that they can run their election campaigns having nominated their preferred candidate. Indeed the Greens have already apparently nominated Daniel Cohn-Bendit as their candidate. The question will be whether the European Council is then prepared to rubber stamp the choice of the largest party - or indeed to propose any of the political parties' candidates. If the European Council did not this would not only lead to a crisis with the EP but would also lead voters to question what they were told during the election campaigns.

The lack of clarity here and the fact that the Council will put forward only one candidate for now look highly problematic and not the clear step forward in legitimising the Commission President that was needed.

Debate continues too over the lower limit of 4 MEPs per country and that may go up in the final deal next week.

Size of the Commission

Limiting the size of the Commission to 15 full members constituting the college with equal rotation from 2009 is a welcome step. But it will be a 2-tier Commission with all member states having at least an associate commissioner. The role of the associate Commissioners is unclear - they will not participate in the college - and there must be a real risk here of intergovernmentalising the Commission and encouraging especially associate commissioners to act as lobbyists for their own country's interests.

General Affairs and Legislative Council

Here lies one of the biggest issues left to resolve with the praesidium aiming to deal with objections to the idea of a legislative council by merging it with the GAC. The question of the chair of the GAC is also unresolved, with Benelux still arguing for the Commission to chair it but with Giscard and some larger member states firmly opposed. For other Council formations it will be a rotating chair of at least one year in length (apart from the Foreign minister chairing the foreign affairs Council), giving some small element of rotation to the smaller countries in lieu of the rotating presidency.

The GAC in legislative mode will meet at a different time to its executive mode and would be in public. Crucial questions remain here as to whether the full legislative process will be in public or whether in practice sectoral councils will have closed discussions until close to decision.

Double-Majority Voting

A double majority voting system (of member states and 60 per cent of population) from 2009 is a major step forward if it goes through, though it remains to be seen if Spain in particular will continue to oppose.

With the larger member states sticking firmly to the idea of a permanent chair or president of the European Council some will argue that the emerging deal is the best that could be done. But overlap between the two Presidents and with the foreign minister (where open questions remain too on his accountability) will be an area of likely malfunctioning. The failure to balance the new Chair with a clear and genuine election procedure for the Commission president is perhaps the most glaring imbalance and problem. Whether the EP can nonetheless politicise the process in practice remains to be seen in some years hence. At the same time, the new Chair will have less legitimacy than the Commission president, being appointed behind closed doors by European leaders.