

EUROPEAN PARLIAMENT



WORKING PARTY OF THE SECRETARIAT
TASK FORCE
ON THE INTERGOVERNMENTAL CONFERENCE

THE SECRETARIAT
JF/bo/249/96

Luxembourg, 30 September 1996

**SUMMARY OF THE POSITIONS OF THE MEMBER STATES AND THE EUROPEAN PARLIAMENT
ON THE 1996 INTERGOVERNMENTAL CONFERENCE***

Please find attached the fourth update of the tables summarizing the positions of the Member States on the various subjects on the agenda for the 1996 IGC. These tables are not exhaustive insofar as they represent only the official positions adopted to date by the governments of the Member States, by the European Parliament (in its resolutions of 17 May 1995 and 13 March 1996) and by the Commission (in its report of 28 February 1996). Nor are they definitive, given the current stage reached by the IGC. They have been drawn up by Parliament's Task Force on the 1996 IGC, exclusively on the basis of publicly available sources (memorandums, press reports, etc) which have already been utilized by the EP in its regular work (see Parliament's White Paper on the IGC, Vols. I and II, and the briefings on the IGC), and on the basis of the Parliamentary committee and plenary sitting hearings of the successive Presidents-in-Office of the Council.

Despite their provisional nature, these tables offer a reasonably reliable summary of the present situation as regards the IGC and should be of some value in improving understanding of the Conference.

The tables follow the order of subjects set out in the conclusions of the Presidency of the Turin European Council of 29 March 1996, supplemented by a number of other areas referred to in the resolutions of Parliament.

Task Force on the 1996 IGC

** This publication is not binding upon the European Parliament as an institution.*

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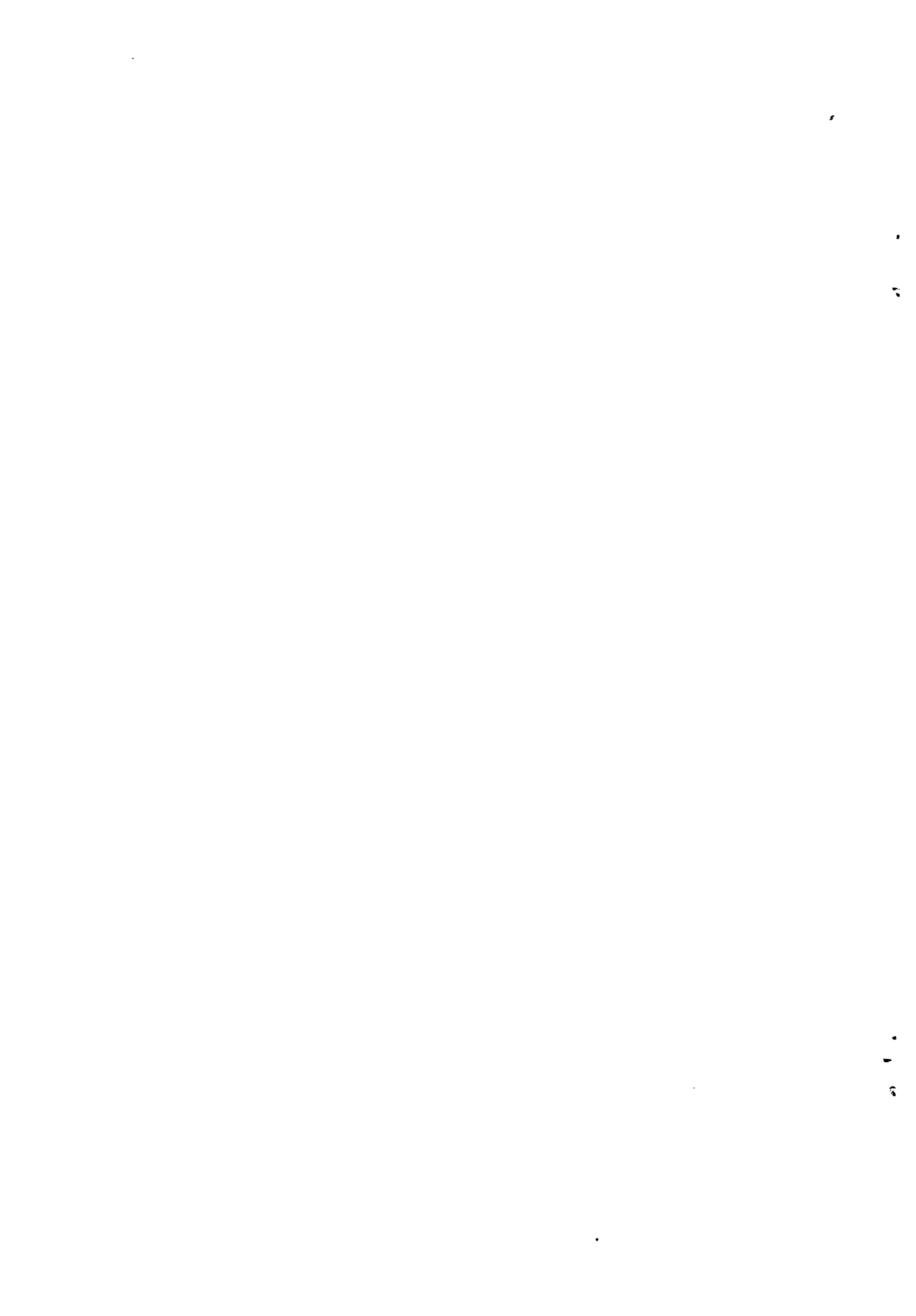
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CONTENTS

Page

1. A UNION CLOSER TO THE CITIZENS

1.1.	Citizenship and fundamental rights	
	A. Negotiations	1
	B. Other demands of the European Parliament	3
1.2.	The third pillar (CJHA)	4
1.3.	Employment	6
1.4.	The most remote regions and the overseas territories	7
1.5.	The environment	7
1.6.	Subsidiarity	8
1.7.	Transparency and simplification	9

2. THE INSTITUTIONS IN A MORE DEMOCRATIC AND EFFECTIVE UNION: THE FIRST PILLAR (THE COMMUNITY PILLAR)

2.1.	The European Parliament	
	A. Negotiations	10
	B. Other demands of the European Parliament	13
2.2.	The national parliaments	14
2.3.	The Council	15
2.4.	The Commission	17
2.5.	The Court of Justice	18
2.6.	The Court of Auditors	19
2.7.	Action against fraud	20
2.8.	Differentiated integration	21
2.9.	Other organs:	
	1) The Committee of the Regions	22
	2) The Economic and Social Committee	22
2.10.	Other matters:	
	A. Hierarchy of legislation	23
	B. Own resources and budgetary procedures	23
	C. The budget	24
	D. New policies	24
	E. EMU	25

3. REINFORCEMENT OF THE UNION'S CAPACITY FOR EXTERNAL ACTION: THE SECOND PILLAR

3.1.	The CFSP	26
3.2.	Defence policy and the WEU	29

1. A UNION CLOSER TO THE CITIZENS

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
1.1. CITIZENSHIP AND FUNDAMENTAL RIGHTS																	
A. NEGOTIATIONS																	
Treaty chapter on fundamental rights and human rights ¹	yes	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes	no	yes		no
accession to ECHR ²	yes	yes	yes			yes	yes	no	R	yes	yes		yes	yes	yes	yes	no
equality of treatment and non-discrimination clause ¹	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no
add social/economic rights ³	yes	yes	yes			yes	yes	yes		yes	yes	yes		yes			no
direct effect for Article 8a and full implementation of free movement of persons		yes				yes		no	no				yes			no	no
EU citizenship not to replace national citizenship ¹	yes	yes	yes	yes		yes	yes	yes		yes	yes		yes	yes		yes	
no unanimity for Article 8e (supplement citizens' rights) ⁴		yes	no		no	yes	no	no	no		no	no	yes		no	no	no
Council meetings on legislative matters to be public		yes	R	yes			no	no	yes			yes	no	yes	yes	yes	no
clause on women's equality ¹	yes	yes	yes				yes	yes		yes	yes	yes	yes		yes	yes	no
protection by ECJ ²	yes	yes	yes		yes			yes		yes	yes	yes		yes			

1 Majority trend in favour.

2 Following the ECJ's opinion, there is a general tendency to await developments (accession to ECHR) and another, alternative, tendency in favour of extending judicial control by the ECJ.

3 The social/economic rights concerned are fundamental social rights (see point 1.3); the right to public services; the right to a healthy environment; the right to cultural identity and the protection of religious traditions.

4 General tendency to favour retention of the status quo.

Yes: affirmative; no:negative; R: reservations; blank: no position; poss.: possibly negotiable/matter to be discussed.

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
CITIZENSHIP AND FUNDAMENTAL RIGHTS A. NEGOTIATIONS (cont.)																	
political control: suspension of certain rights of Member States ¹		yes	yes		yes	yes	yes	yes	yes		yes	yes	yes			yes	no
political control: exclusion from EU meetings of Member States		no	no			no	no						no			no	
right to information on EU matters ²	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes
develop political citizenship ³		yes				yes	yes	yes		yes	yes	yes	yes		yes	no	no
introduce list of fundamental rights	no	yes	yes		yes	yes	yes	yes		yes	no		yes	yes			no

¹ Strong support from Member States; details of implementation to be decided. Nonetheless, the decision to suspend should be taken by the European Council (and not simply by the Council).

² cf. point 1.7.

³ Debate has focused on strengthening European political parties and the right to vote; few hard facts as yet. The status of European associations and the extension of the right of petition to the EP have also been mentioned.

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
B. OTHER DEMANDS OF THE EUROPEAN PARLIAMENT																	
outlawing the death penalty and/or racist or xenophobic acts	yes	yes	yes		yes	yes	yes			yes	yes	yes	yes	yes	yes		no
political promotions for young people		yes														yes	no
recognition of cultural and linguistic diversity and protection of national minorities		yes	yes							yes	yes	yes		yes			no
promotion of the cultural dimension		yes	yes					no			yes	yes		yes			no
specific status and non-discrimination for resident third-country nationals	yes	yes	yes							yes							no
voluntary European peace corps *		yes				yes	yes	yes									R

* General trend is favourable. Discussion continues on budget and tasks.

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
1.2. THIRD PILLAR (CJHA)																	
total communitarization ¹	yes	yes	yes	no	yes					yes	yes	yes	yes				no
partial communitarization ¹						yes	yes	yes	yes				yes	yes	yes	yes	
no communitarization ¹				yes													yes
improve third pillar instruments ¹	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
improve Art. K.9 procedure ('passerelle') ¹	yes	yes	yes	yes		yes	yes			yes	yes	yes	yes	yes		yes	yes
communitarization of visa policy ²	yes	yes	yes		yes	yes	yes	yes/R	yes	yes	yes	yes	yes	yes	yes	yes	
communitarization of asylum policy ² (K.1,1)	yes	yes	yes	yes poss.	yes	yes	yes	yes/R	yes	yes	yes	yes	yes	yes	yes	yes	
communitarization of immigration policy (K.1,3) ²	yes	yes	yes	yes poss.	yes	yes	yes	yes/R	yes	yes	yes	yes	yes	yes	yes	yes	no
communitarization of rules on crossing of external frontiers (K.1,2) ²	yes	yes					yes				yes		yes	yes			
communitarization of action against international fraud (K.1,5)	yes	yes									yes		yes				
communitarization of anti-drugs action (K.1,4)	yes	yes	yes	yes				yes/R	yes		yes		yes	no			no
communitarization of legal cooperation in civil matters (K.1,6)	yes	yes			yes						yes		yes	no			

¹ The possible transfer of certain CJHA responsibilities to the Community pillar raises questions about the remaining areas of Third Pillar responsibility. Proposals under discussion involve the role of the EP; a multiannual programme; sharing initiatives with the Commission; QMV within Council for implementing decisions; use of instruments such as directives; establishing deadlines for the ratification of agreements by the Member States, etc.

² Majority trend in favour of communitarization.

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
1.2. THIRD PILLAR (CJHA) (cont.)																	
Community institutions and procedures for police cooperation (K.1,9)	no	yes			yes								yes	no			no
idem customs cooperation (K.1,8)	yes	yes	yes		yes						yes		yes				
idem cooperation in legal and criminal matters (K.1,7)	no	yes			yes								no	no			
reinforce anti-terrorist measures	yes	yes			yes		yes	yes					yes				yes
QMV (CJHA)	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes		no
extend Commission's right of initiative	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no
adoption of directives	yes	yes	yes				yes			yes	yes	yes	yes	yes			no
reinforce role of EP (codecision) ¹		yes															no
reinforce role of EP (consultation) ¹	yes		yes	yes	yes	yes	yes		yes	yes	yes	yes	yes	yes			no
reinforce role of ECJ	yes	yes	yes		yes	yes	yes			yes	yes	yes	yes	yes	yes		no
simplify 5-level structure	yes	yes	yes		yes	yes	yes	yes		yes	yes	yes	yes	yes		yes	yes
incorporate Schengen ²	yes	yes	yes				yes		yes	yes	yes	yes **	yes	yes		yes	
involve national parliaments	yes		yes	yes		yes	yes	yes *	yes	yes	yes	yes	yes	yes	yes	yes	yes

¹ See in connection with point 3.1(10). For certain Member States, the agreements obtained on CFSP could also serve as a basis for funding CJHA.

² cf. point 2.8, 'general flexibility clause'. Certain Member States fear that incorporation via this clause could destroy or reduce the Schengen acquis. Others (the UK) want an opt-out.

* Condition for communitarization of policies on visas, asylum, immigration and drugs.

** This incorporation could take place in three stages.

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
1.3 EMPLOYMENT																	
employment as a 'guiding principle' of EMU ¹		yes	yes	yes		yes	yes				yes				yes		no
reinforce the objectives of the EU ²	yes	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	no
coordinate efforts of governments and social partners	yes	yes	yes	yes		yes	yes			yes	yes	yes	yes	yes	yes	yes	no
include social protocol in Treaty ³	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no
new Treaty chapter - 'a Union for employment' ²	yes	yes	yes	yes	no	yes	yes*	no	yes	yes	yes	yes	yes		yes	yes	no**
inclusion in Treaty of 'conclusions of Essen, Cannes and Madrid summits' ⁴	yes	yes	yes				yes		yes	yes	yes	yes		yes			no
Commission measures and timetable for 'social Union'	yes	yes	yes	no							yes	yes					no
creation of a Committee for Employment	yes	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	no
incorporate principle of 'improvement of living and working conditions'	yes	yes	yes			yes					yes	yes	yes	yes	yes	yes	no
incorporate principles of Charter of Fundamental Social Rights	yes	yes				yes							yes				no

¹ There is common agreement that any action on employment must not interfere with the provisions for EMU. At the same time, there would appear to be a certain balance between these two major areas.

² Majority trend in favour, with reservations and even refusals on the part of certain 'large countries' (D, F and UK). The chapter on employment should provide for its inclusion amongst the objectives of the EU Treaty, and contain a multi-annual programme. It should have no budgetary repercussions nor give the Union binding powers.

³ Virtual unanimity (except UK).

⁴ In particular, the new chapter should explicitly set out the primary responsibility of the Member States regarding employment, and confirm the procedures for coordinating employment policies, as decided at Essen.

* Spain would not accept the introduction of articles which could directly and/or indirectly allow employment to be taken into account as an EMU criterion.

** Maintain status quo.

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
1.4 THE MOST REMOTE REGIONS AND THE OVERSEAS TERRITORIES																	
differentiated and specific treatment		yes				yes	yes	yes						yes			

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
1.5 THE ENVIRONMENT																	
include among the EU's objectives *	yes	yes	yes	yes	yes		yes		yes	yes	yes	yes	yes		yes	yes	
reinforce sustainable development *	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
possibility of stricter national rules (Art. 100a, 4)	yes	yes		yes		no	no	no	no	no	no		yes	no	yes	yes	no
abandon unanimity Art. 130s (QMV)	yes	yes	yes	yes	no/R	no	no			yes	no	yes	yes/R**	no	yes	yes	no
apply codecision procedure	yes	yes	no	yes	yes		yes		yes	yes	no	no	yes			yes	no
participation in implementation of common policies (Arts. 130u (1); 130a et 130b)*	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
integral part of all EU policies *	yes	yes	yes	yes	yes	yes			yes	yes	yes	yes	yes		yes	yes	
inclusion of title on animal welfare		yes						no					yes			yes	yes***

* General tendency in favour.

** cf. point 2.3 Council.

*** Add protocol to Treaty, without however extending Community powers.

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
1.6 SUBSIDIARITY																	
modify Art. 3b*	no	no	no	no	yes*	no	no	no	no	no	no	no	yes	no	no	no	yes*
incorporate Edinburgh declaration as protocol*	no	no	R	no	yes	R	no	no	poss.	yes	yes	yes	yes	R	yes	no	yes
control of principle with COSAC	no	no		R	no	no	no	yes	no		no	no	no	no		no	no
control of principle by national parliaments		no		R	no	no	R	yes	no		yes		yes			no	yes
retain Art. 235		yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes		yes
catalogue of powers in Treaty		no	no		yes	R	no				no		no	no	R		
regional rights in Treaty		no	yes			R	no						yes				
'sunset clauses' ***	no	no	no	no	yes	no	no		no	no	no	no	no	no	yes	poss.	yes

* These two countries have proposed protocols adding amendments to the Birmingham Declaration and the Edinburgh Conclusions. However there is unanimity (except Austria) that Article 3B should not be changed, and a majority in favour of adding to the Treaty a protocol in the Birmingham and Edinburgh terms (exclusively in order to clarify implementation).

** For Commission proposals not adopted after 'x' years and/or certain types of legislation 'x' years after adoption

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
1.7 TRANSPARENCY AND SIMPLIFICATION																	
transparency as a principle of the EU*	yes	yes	yes	yes		yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	yes
opening up and reform of Council procedures *		yes	R	yes		yes	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	no
simplification of the Treaties	yes	yes	yes	yes	yes	yes	yes	R	yes	yes	yes	yes	yes	yes	yes	yes	yes
access to Council documents**	yes	yes	yes	yes			R	no	no	yes	yes	yes	yes	yes	yes	yes	yes
consolidation of the Treaties***	yes	yes	yes	yes	R	yes	yes	R	yes	yes	yes	yes	yes	R	yes		no

* A number of Member States would limit application of transparency exclusively to the First Pillar. However there is a general trend in favour of introducing transparency and openness as EU principles.

** A possibility of including the principle of access to institutional documents in the Treaty appears to be inevitable; implementing measures would be left up to the internal rules of the institutions and bodies themselves.

*** Discussions are concentrating on amalgamating the three Community Treaties with or without the TEU. A possible amalgamation of the three Community Treaties with the TEU (minus the CFSP and CJHA provisions) has been abandoned. Specific details of the integration of the ECSC and Euratom Treaties and the distinction between general/material provisions have still to be worked out.

**2. THE INSTITUTIONS IN A MORE DEMOCRATIC AND EFFECTIVE UNION
FIRST PILLAR (COMMUNITY PILLAR)**

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.1. EUROPEAN PARLIAMENT A. NEGOTIATIONS																	
reduce procedures to three ¹	yes	yes	yes	yes	yes	yes	yes	yes/R	yes	yes	yes	yes	yes	yes	yes	yes	no
number of MEPs: 700	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	R		
distribution of seats: present formula				yes		yes		yes			yes		yes	yes	yes	yes	
distribution of seats: in line with population			yes		yes		yes	yes	yes	yes		yes					
uniform electoral procedure: fix deadline		yes	yes	no			yes	no	no	yes	yes					no	no
uniform electoral procedure: strengthened majority voting			yes	no		no	yes	no	no	no	no			no		no	no
uniform electoral procedure: enshrine principle in Treaty	yes					yes	yes	no	no	no				no	yes	no	no
uniform electoral procedure: national procedures						no	no	no	no	no	no			no		no	yes
extend codecision: case-by-case				yes				R*							yes	yes	no
extend codecision to cases of: OMV by Council			yes		yes			no		yes	yes	yes			yes/R		no

¹ Unanimous tendency (except UK) in favour of reducing procedures to three, which would involve abolishing the cooperation procedure, with the probable exception of EMU and the Social Protocol.

* France appears to be in favour of maintaining the cooperation procedure (especially for EMU and the CAP) and of a very slight extension of the scope of co-decision in a few specific instances only.

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.1. EUROPEAN PARLIAMENT																	
A. NEGOTIATIONS (cont.)																	
extend codecision: existing cases covered by cooperation procedure	yes **						yes	no*	yes				yes	yes			no
extend codecision: all legislative acts	yes **	yes				yes		no									no
codecision: retain status quo								yes									yes
codecision: adoption of joint texts approved at 2nd reading ¹	yes	yes	no		no	yes	no		no	no	no	no	no			yes	no
codecision: suppression of stage of EP's 'intention to reject' ²	yes	yes	yes		yes	yes	yes		yes	yes	yes	yes	yes	yes		yes	
eliminate 3rd reading if no agreement ³	yes	yes	no		no	yes	no	no	yes	yes	no	yes		no		no	no
consultation: minimum time limit				no		yes		no		yes							
consultation: maximum time limit				no		yes		yes		yes			yes	yes	yes		
consultation: obligation to reconconsult EP										yes	no		yes	yes	yes		

¹ Majority tendency favours simplifying second reading (with strong German opposition).

² There is already agreement to suppress the 'intention to reject' stage.

³ Majority tendency in favour of retaining third reading.

⁴ Unanimous agreement that precise deadlines should be imposed on the EP.

* France appears to support retaining the cooperation procedure (especially for EMU and the CAP) and a very limited enlargement of co-decision in a few specific instances only.

** General tendency in favour of extending co-decision (except UK) but differences as to scope. Nonetheless, the Commission proposals with regard to co-decision appear to satisfy many Member States as a point of departure (except UK and France).

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.1. EUROPEAN PARLIAMENT																	
A. NEGOTIATIONS (cont)																	
assent procedure: status quo ¹				yes			yes	yes							yes		yes
assent procedure: own resources	yes	yes		no	no	yes			yes	yes	no	no	no	no	no	no	no
assent procedure: for international agreements (Art. 228) ²	yes	yes	yes			yes					yes	yes	yes	yes		yes	no
assent procedure: revision of Treaties	yes	yes	yes		yes	yes			yes	yes	no		no	no			no
assent procedure for Art. 235		yes				yes							yes				no
genuine EP right of initiative	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no
commitology: modus vivendi for role of EP and insertion in Treaty	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes		yes	yes	yes	
commitology: right of a posteriori control for EP	yes	yes				yes		no	yes	yes	yes					yes	

¹ Majority tendency in favour at this stage.

² A number of Member States are already in favour of assent. If the agreements are provisionally applied, the prerogatives of the EP and the national parliaments would be preserved, and the EP would have to be consulted before a decision were taken on the suspension of an agreement because of failure to respect human rights.

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
B. OTHER DEMANDS OF THE EUROPEAN PARLIAMENT																	
reinforce role of EP in EU appointments (ECJ and Court of Auditors)		yes				yes											no
reinforce position of EP vis-à-vis ECJ*		yes			yes	yes											no
participation of EP in decision on its seat		yes						no									
Commission response to EP's own-initiative proposals (Art. 138b)		yes				yes			yes								

* Cf. point 2.5 (extending conditions for bringing actions).

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.2. NATIONAL PARLIAMENTS																	
reinforce role of national parliaments*	yes	yes		yes	no	yes	no	yes**	no	no	no	no	yes	yes	yes	yes	yes
Commission white papers /proposals to be forwarded systematically*	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
national parliaments' deadlines before Council decision*								yes		yes							yes
Commissioners to be heard by national parliaments	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
prior information on Council meetings*	yes	yes	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
enhance role of COSAC***	no	no	yes	yes/R	yes		no	yes	no		no		yes	yes			
institutionalize COSAC in Treaty***	no	no	no	no	no		no	yes	no	no	no	no	no				no
second chamber of national parliaments**	no	no	no	no	no	no	no	yes	no	no	no	no	no	no	no	no	no
high consultative council of national MPs	no	no	no	no	no	no	no	yes	no	no	no	no	no	no	no	no	no
insert role of 'assizes' in Treaty***			no	no			no	yes		no	no	no	no				no

* Unanimous trend in favour of keeping national parliaments better informed.

** Virtually unanimous opposition (except France) to setting up new institutions and bodies.

*** General agreement on the appropriateness of the EP and the national parliaments deciding on improving an informal COSAC, without setting up a new body.

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.3. Council																	
retain six-month presidencies: status quo	yes	no	yes	no	yes	yes		no	yes	yes	yes	no	yes	yes	yes	yes	yes
extension of QMV ¹	yes	yes	yes	yes	yes	yes	yes	yes [*]	yes	yes	yes	yes	yes	yes	yes	yes	no**
extension QMV for codecision ¹	yes	yes	yes	no	no	yes		no	no	yes	yes	yes	no	yes	yes/R	yes	no
transition from unanimity to QMV: en bloc ¹			yes					yes		yes	yes						no**
idem: establish certain criteria ¹					yes	yes		R	yes			yes		yes			no**
idem: case by case ¹				yes		yes	yes						yes		yes	yes	no**
revision of Treaty: status quo				yes		yes	yes		yes		yes		yes	yes	yes	yes	
adoption of Treaty by qualified majority				no		no	no		no	R	no		no	no	no	no	
entry into force of Treaty: Member States minus 1 or 2					yes							no					

¹ A political agreement at the highest level (European Council), probably at the last minute, appears to be inevitable. This political agreement will probably form part of a package, alongside other particularly delicate institutional issues (make-up of the institutions/weighting of votes/QMV threshold/ etc.).

² The idea of 'burden of proof' proposed by the Commission (each Member State would have to justify upholding unanimity) has been well received.

* subject to reweighting of votes
 ** Status quo

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.3 Council (cont.)																	
unanimity for sensitive areas	yes*	yes**	yes (1)	yes (2)	yes (3)	yes (4)	yes (5)	yes (6)	yes (7)	yes (8)	yes (9)	yes (10)	yes (11)	yes (12)	yes (13)	yes (14)	yes (15)
double majority Member States/population***	yes	no		yes	yes	no	yes	yes	no	yes	no	yes	no	no	R	no	yes
revision of weighting of votes***	yes	yes	no		yes	no	yes	yes	no/poss.	yes	no	no	no	no/poss.	no	no	yes
lower QMV threshold (71%)***	no	yes	yes/R			no	no	no	no		no	no	no	no	no	no	no
introduce 'super-qualified' majorities (higher QMV threshold)	yes	yes	yes		no					yes	yes	yes	yes	yes			

- (1) Amendment of Treaty; language regime and accessions to the EU.
(2) CFSP; EMU; defence policy; CJHA.
(3) Defence; own resources; military action taken by WEU
(4) 'Constitutional' matters; accession; defence; vital interests.; Art. 235
(5) Article N; Article O; own resources; Article 235; taxation; environment; Structural Funds; international agreements; vital interests in CFSP area; defence.
(6) CFSP (guidelines); vital interests; changes to institutions..
(7) CFSP (guidelines).
(8) 'Constitutional' provisions; CFSP guidelines.
(9) Treaty revisions; European citizenship; accessions; taxation; own resources.
(10) Vital interests in CFSP area; taxation; own resources; reform of Treaties; language regime; accession.
(11) Water resources and soil use; regional planning; choice of energy sources; own resources; vital interests; defence.; revision of the Treaties.
(12) Treaty revisions; structure of the EU; own resources; taxation; CFSP.
(13) Vital interests; defence.
(14) Vital interests in CFSP area and defence; in general, only supports introducing QMV for certain areas.
(15) The UK opposes any extension of QMV.

* (Commission): 'double qualified' majority for sensitive areas and unanimity only for 'constitutional' areas (preamble; fundamental principles; objectives of the EU and operation of the institutions).

** (EP): amendment of Treaty; Art. 235; enlargement; own resources; uniform electoral system

*** no: status quo. These subjects have hardly been discussed.

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.4. COMMISSION																	
reduce number of Commissioners	yes	yes	yes	no	yes	yes	yes	yes	no	yes	no	yes	poss.	no	no	no	yes
at least one Commissioner per Member State	yes	yes	yes	yes		yes	yes		yes	no	yes	yes	yes	yes	yes	yes	no
only one Commissioner per Member State			yes	yes	no	yes	no	no	yes	no	yes		yes	yes	yes	yes	no
number of Commissioners different from number of Member States					yes		yes	yes		yes							
Commissioners appointed by Commission President with agreement of Member States	yes	yes	yes	no		no			yes	yes		yes	yes	no	no	no	
Commission President elected by EP from list drawn up by European Council	yes	yes	no	no	yes	yes	no	no	yes	yes	no	yes	yes	yes	no	no	no
status quo: approval of Commissioners by EP		yes			yes		yes		yes	yes	yes	yes					
right of EP to censure individual Commissioners		yes	no	no	no			no	no	no	no	yes		no	no	no	no
maintenance of right of initiative	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	no
strengthening of Commission's executive powers	yes	yes	no		no		no	no		no	no	no		no	no	no	no
commitology: simplification	yes	yes	yes	yes		yes	yes		yes	yes	yes		yes	yes	yes	yes	
commitology: status quo					yes												yes

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.5. ECJ																	
number of judges = number of Member States			yes		R	yes	no		no	yes	yes	yes	yes	yes	yes		yes
creation of two separate chambers			no		yes		no		no		yes	yes	yes				yes
longer term of office (9 years)	yes	yes			yes	yes	yes			yes			yes	yes			yes
strengthen role on CFSP, CJHA, Schengen matters	yes	yes	yes			yes	yes			yes	yes	yes	yes	yes	no		no
more flexible internal procedures	yes	yes					yes			yes		yes				yes	yes
extend conditions for bringing actions **		yes	R		yes	yes	yes				no	yes		no	no		no
limit retrospective effects of judgments***	no	no	no		yes		no	yes	no		no			no	R		yes
limit liability of Member States	no	no	no		R		no		no		no			no	R		yes
possibility of internal appeal against ECJ decisions	no	no			no										no		yes
control of ECJ by Council	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	yes

* The Court of Justice, for its part, would like to leave most of the amendments concerning it (number of chambers, possible internal appeals, etc.) to internal regulation, rather than introduce a whole series of revisions to the Treaty. In general, the Member States are divided with regard to the make-up, the powers, and the operation of the Court.

** There is a certain trend in favour with regard to the EP and the Court of Auditors, but against, as far as the ESC and Committee of the Regions are concerned.

*** Opposition to this hypothesis is extremely strong.

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.6. COURT OF AUDITORS																	
increase number of members		no	no		yes		yes		no		no	no	no	no	no		no
extend powers to all political bodies					yes		yes					yes/R		yes/R			
extend powers to EDF/CFSP/CJAH		yes															
judicial powers and/or right of appeal to ECJ*		yes					yes		no	no	yes	yes	yes				no
obligation of cooperation between national administrations and audit boards with Court of Auditors	yes	yes	yes		yes		yes				yes	yes	yes	no	yes	yes	yes

* Cf. point 2.5. (extend conditions for bringing actions)

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.7. ACTION AGAINST FRAUD																	
Community sanctions imposed by a democratic procedure (codecision + QMV)		yes	yes														
revision of Article 209a: sanctions by Member States and legal basis	yes	yes	yes				yes										
strengthened controls by Court of Auditors		yes	yes				yes			yes	yes		yes	yes	yes	yes	
EP's remarks attached to discharge decisions to be binding		yes															
EP involvement in anti-fraud administrative controls		yes	no	yes	yes	yes	yes		yes	yes	no	yes	yes	yes	no	yes	yes
direct anti-fraud powers for Commission		yes	yes		no				yes		yes	yes		yes	no		

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.8. DIFFERENTIATED INTEGRATION																	
Europe à la carte	no	no	no			no	no		no	no	no	no	no	no	no	no	yes
preservation of acquis communautaire	yes	yes	yes		yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	
single institutional framework	yes	yes	yes		yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	
differentiated integration as a last resource and subject to the Reflection Group's (and/or similar) conditions	yes	yes	yes		yes	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	
general flexibility clause	poss.	R'	yes	yes**	yes	no	no	yes	no	R***	yes	yes	no		R	R	

- * no = for first pillar and qualified majority decisions / yes = for 2nd and 3rd pillars, with conditions.
 ** yes = for first pillar + transitional measures for enlargement.
 *** yes = for first pillar (exceptionally) and with conditions for the 2nd and 3rd pillars..

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.9. OTHER BODIES:																	
1) COMMITTEE OF THE REGIONS																	
status: as at present									yes	yes							
administrative and budgetary independence from ESC		yes	yes	yes			yes				yes	yes	yes	yes	yes		
status of Institution			yes					no					yes				
purely consultative role		yes			yes		yes	yes					yes	yes	yes		
consultation by EP and ESC on same basis as by Council and Commission		yes	yes				yes						yes	yes			
reinforced role in policies concerning its sphere		yes	yes					yes			yes		yes				
access to ECJ in general*			yes				yes		no	no		no	yes	no			
access to ECJ on subsidiarity matters**			no				no			no		no	yes				

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2) THE ECONOMIC AND SOCIAL COMMITTEE																	
status: as at present			yes		yes				yes	yes		yes					
status: greater autonomy							yes							yes	yes		yes
status of Institution													yes				
access to ECJ*							no		no	no	no	yes	yes	no			
greater consultative role		R					yes		R		R		yes				

* Cf. point 2.5. (extend conditions for bringing action)

** The ECJ has reservations as to the appropriateness of a Protocol on Subsidiarity

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
2.10. OTHER MATTERS:																	
A. HIERARCHY OF LEGISLATION																	
need for a new classification*		yes	yes			yes	no					yes	no		no	yes	no
greater powers for Commission, subject to controls		yes	yes				yes										no
role for EP in administrative control of implementation of Community law		yes	no	yes		yes	yes				no	yes	yes	no	no	yes	no

* Discussions in this connection tend to focus on the quality of legislation; however, France has even mentioned depriving directives of any direct effect, with UK support.

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
B. OWN RESOURCES AND BUDGETARY PROCEDURES*																	
fifth resource		yes															
multiannual programmes in Treaty		yes															
carry over budgetary matters		no	yes		yes	no	yes				yes	yes	yes		yes		yes
simplification of budgetary procedures*	yes	yes			yes	yes	yes			yes	yes		yes		yes		
codecision of EP on budgetary matters*	yes	yes	yes	no	no		no	no		yes	no	no	no	no	no	no	no
greater role for EP*	yes	yes	yes	no	no	yes	no	no	yes	yes	no	no	no	yes	no	yes	no
assent of EP for budget revenue		yes		no	no	yes		no	yes		no	no	no		no	no	no

* Majority tendency in favour of the status quo for the time being. With regard to budgetary questions concerning the CFSP and the CJAH cf. points 3.1.(10) and 1.2.(1).

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
C. THE BUDGET																	
eliminate distinction between compulsory/non-compulsory expenditure; unified budget*		yes	yes	no	no	yes			no	yes	yes		no			no	
greater budgetary discipline		yes	yes		yes		yes			yes	yes	yes				yes	yes

* Majority trend in favour of the status quo for the time being.

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
D. NEW POLICIES																	
energy	yes	yes	no	no	no	yes	no	no	no	yes	no	no		yes	no	no	no
tourism	R	yes	no	no	no	yes	no	no	yes	yes	no	no		yes	no	no	no
civil protection	R	yes	no	no	yes	yes	no	no	yes	yes	no	no		yes	no	no	no
maintain unanimity for Art. 235		yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
enlarged role for EP		yes						no	yes				yes	yes	no		
Treaty provisions on sport		yes	yes								yes						
reinforce consumer protection		yes		yes	no		yes	no		yes	yes		yes		yes	yes	
separate title on fisheries		yes															yes
harmonize certain forms of taxation (QMV)		yes	yes				no				no	no					
European public service charter in Treaty	yes	yes	yes				yes	yes									
reinforce role of economic and social cohesion		yes				yes	yes	yes*	yes					yes			

* By introducing a 'European Charter of Public Services' in the Treaty.

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
E. EMU																	
discuss at IGC*	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no
reinforce economic coordination		yes		yes										yes			

* With regard to procedure, with the exception of France (cf. 2.1.) a certain number of countries are in favour of retaining the cooperation procedure. Moreover, there is unanimous agreement on leaving EMU entirely untouched.

**3. REINFORCEMENT OF THE UNION'S CAPACITY FOR EXTERNAL ACTION:
THE SECOND PILLAR**

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
3.1. THE CFSP																	
move towards integration into Community pillar ¹	yes	yes	yes	no	yes	yes	yes	no	no	yes	yes	yes	yes	no			no
power of initiative for Commission ²	yes	yes	yes		yes	yes		yes		yes	yes	yes	yes	yes	no		no
central planning and proposal unit ³	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
QMV* as general rule on CFSP matters ⁴	yes	yes	yes	no	yes	no	no	no	no	yes	yes	yes	yes	no	no	no	no
unanimity as general rule for CFSP guidelines ⁵				yes		yes	yes	yes	yes					yes	yes	yes	yes
QMV (CFSP implementation) ⁶	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes		yes		

¹ Progressive development with regard to the institutions and procedures on the basis of the political will of the Member States is widely accepted, which indicates the lack of any real ambitions on the part of several Member States in this connection.

² Cf. 7.

³ General support, with various formulae: CFSP Commissioner/Council Secretary-General for CFSP; Commission/Member States; Council Secretary-General for CFSP; a new troika-presidency/Mr CFSP/Commission; political committee, etc.

⁴ Support specifying the advantage of not making distinctions between basic decisions and decisions to implement.

⁵ While questioning their usefulness, formulae involving 'constructive abstention' have a large number of supporters, as does the limiting of appeals to 'vital interests'.

⁶ Cf. 4.

* Cf. 1.3 (CJHA); 2.3 (Council); and 3.2 (defence policy).

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
3.1 THE CFSP (cont.)																	
representation of Commission in cooperation with Council ¹	yes	yes	yes								yes	yes	yes				
representation of Council ¹					yes	yes	yes		yes					yes	yes	yes	yes*
representation by 'Mr X'/senior representative ²	no	no	no	yes	no	no	yes	yes	no	yes	no	no	no	yes	no		yes*
'new specific function' ('face and voice' of EU) ³	R	yes			yes			yes		yes			poss.	yes		yes	yes
CFSP to be funded from EC budget ⁴	yes	yes	yes		no	yes	yes	no		yes	yes	yes	yes	yes	yes	yes	no
international legal personality for the EU ⁵	yes	yes	R**	R**		yes	yes	R**		yes		R**	yes		yes		R**
regrouping of the various aspects of the external policies ⁶	yes	yes					yes			yes			yes		yes		

1 Clear-cut division between those in favour of extending the Commission's role (including the EP) and the supporters of leaving CFSP management and responsibility to the Council (majority of Member States).

2 Very strong opposition to this proposal on the part of numerous Member States.

3 Tendency to strengthen the role of the Troika.

4 Majority support for CFSP operational funding from the Community budget on the basis of the three following conditions: funding by the Member States in exceptional cases; preservation of the Council's prerogatives in the CFSP arena (adoption of positions); respect for the financial perspective. For certain Member States, CFSP costs ought to form part of compulsory expenditure.

5 At present, the pragmatic approach seems to be inevitable, while the political and technical debate continues on this EP request.

6 A certain inconsistency exists between the desire for a common EU voice for CFSP and the rejection of a similar approach to external economic relations.

* Member of Council staff, of the same rank as Secretary-General and answerable only to the Council.

** Uphold the status quo and develop a pragmatic approach.

Subject\Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	UK
3.1. THE CFSP (cont.)																	
introduction of codecision (esp. Art. 113 - common commercial policy)*	yes	yes	R		no		no	no			R	R					no
communitarization of EDF		yes															
diplomatic representation of the EU*	yes	yes					yes							yes			
parliamentary control by EP and national parliaments*		yes	yes	yes	yes	yes	yes	yes***		yes	yes	yes					
EP to be consulted on joint positions and joint actions****		yes	yes	yes	yes	yes	yes			yes	yes	yes		yes			no

* Cf. point 2.1. for assent on international agreements (Art. 228). Other questions such as non-consultation of the EP (Art. 113) and the rights of the EP when an international agreement is suspended (consultation) are also under discussion. The extension to Article 113 proposed by the Commission is rejected by several Member States, which prefer the 'code of conduct' system. In general, the majority tendency is opposed to extending Community powers in the field of external economic relations.

** In a different connection, several Member States appear to be in favour of allowing the Union to speak with a single voice within international economic organizations, even in areas which do not come under exclusive Community powers. The final position will be agreed within the Council on a Commission initiative.

*** The EP will be informed of the progress of the negotiations by the High Representative, Mr CFSP.

**** The EP, while preserving its budgetary powers, is not asking for co-decision on these matters.

Subject/Insts. + MS	COM	EP	B	DK	D	GR	E	F	IRL	I	LUX	NL	A	P	SF	S	U7K
3.2. DEFENCE POLICY AND THE WEU																	
gradual integration into the EU ¹	yes	yes	yes	no	yes	yes	yes	yes	no	yes	yes	yes	no	no	no	no	no
incorporation of 'Petersberg missions' ²	yes	yes	yes	yes	yes	yes	yes	yes	R	yes	yes	yes	yes	yes	yes	yes	no
military actions to be agreed by a majority of EU Member States ³	yes	yes	yes	yes	yes	no	yes	yes	no	yes	yes	yes	no		no	no	no
political and financial solidarity ⁴	yes	yes	yes	yes	yes	yes	yes	yes		yes	yes	yes	no				
deletion of Art. 223 and introduction of common policy on armaments ⁵	R	yes	yes		yes			yes		yes	yes	yes			no	no	
common defence policy for the protection of the EU's and the Member States' frontiers and the Member States' territorial integrity ⁶	yes	yes	yes		yes	yes	yes	yes	no	yes	yes	yes		no	no	no	no
the WEU as the European pillar of NATO ⁷	yes	yes	yes		yes	yes	yes	yes		yes	yes	yes		yes			yes

¹ Majority trend in favour of integration but with no agreement as to timetable. Possible 'opting-in' protocol under discussion.

² Principle accepted almost unanimously. The 'crisis management' which would involve the use of combat forces is being contested by certain neutral countries.

³ No agreement on the decision-making process (Cf. 3.1.(4) and (5)).

⁴ Discussions are concentrating on the advantage of introducing this clause into the CFSP provisions or as a general clause within the EU Treaty. Cf. 2.8.

⁵ General trend is to leave Art. 223 unamended; there is debate between the advocates of arms control and those supporting building up the European armaments industry.

⁶ The idea of a joint defence policy is making progress, even among the neutral and non-aligned states, with the exception of Art. 5 of the WEU Treaty (opinions are divided as to the guarantee on territorial integrity).

⁷ Issues such as EU/WEU/NATO and the use of NATO infrastructure by the WEU remain open.