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**BRIEFING  
ON**

**THE 1996 IGC AND THE EFFECTIVENESS OF THE UNION**

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**Or. FR**

These Briefings have been drafted by the Parliament Secretariat Task Force on the Intergovernmental Conference. Their purpose is to gather together, in an organized, summary form, the proposals and suggestions which the authorities in the Member States, the Union's institutions and specialist commentators have put forward on the issues likely to be on the IGC/96 agenda.

Briefings will be updated as negotiations proceed.

Already out:

1. The Court of Justice
2. The Commission
3. The Court of Auditors, ESC and COR
4. Differentiated integration
5. The common foreign and security policy
6. The role of the national parliaments
7. The hierarchy of Community acts
8. Codecision procedure
9. CJHA
10. European citizenship
11. WEU, security and defence
12. Public services
13. Social policy
14. The European Parliament
15. The European Council
16. The Council of the European Union
17. The budget and the IGC
18. The IGC and transparency
19. Subsidiarity and the allocation of powers
20. The Union's legal personality and external representation
21. Commitology
22. Fundamental rights
23. The IGC and the democratic nature of the Union
24. The coherence of the external action of the EU under the first (Community) and second (CFSP) pillars
25. The 1996 IGC and the effectiveness of the Union

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**BRIEFING  
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**I. SUMMARY**

Tackling the problems relating to the operation of the Institutions of the Union, often closely linked to the notions of democracy, transparency and cohesion, will be one of the main aims of the revision of the Treaty of Maastricht. 'They are in fact mutually connected: democracy withers if it does not operate effectively; and effectiveness is pointless without democracy. Otherwise democracy becomes nothing more than technocracy.'<sup>1</sup>

As far as the institutions are concerned, it is primarily the European Parliament, the Commission and the Council which are looking in detail at the lack of effectiveness and ways of improving it.

The lack of effectiveness is particularly apparent in the case of the second and third pillars, which are based on intergovernmental cooperation and where Community bodies are involved to only a limited extent. However the complex and slow procedures in first pillar matters have also been criticized.

The Reflection Group, according to its progress report<sup>2</sup>, considers that greater efficiency and even the simplification of legislation and the procedure for implementing it is vital to counter the alienation of citizens from the Union.

All the Member States agree that the Union must be made more effective. However, views differ on the areas in which greater effectiveness is required and on how it should be achieved. Most of the Member States nonetheless advocate extending qualified majority voting in the Council, particularly in the area of CFSP and even more so with regard to policy on justice and home affairs.

With regard to legislative procedures, most Member States feel that greater involvement of the European Parliament in the decision-making process must go hand in hand with a reduction in the number of procedures, namely codecision, assent and consultation. The codecision procedure and, in particular, conciliation, should be simplified.

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<sup>1</sup> Commission report on the operation of the Treaty on European Union (SEC(95)731 final, paragraph 5).

<sup>2</sup> Progress report from the chairman of the Reflection Group on the 1996 Intergovernmental Conference, SN 509/1/95 rev.1 of 7 September 1995.

## **II. THE AGENDA FOR THE CONFERENCE**

How to improve the effectiveness of the operation of the European Union, particularly with a view to its enlargement, is one of the main problems facing the 1996 ICG. Article B of the TEU thus calls for a general review of policies and forms of cooperation 'with the aim of ensuring the effectiveness of the mechanisms and institutions of the Community'.

The Brussels European Council of 10/11 December 1993 agreed that the 1996 ICG would also consider 'any measures deemed necessary to facilitate the work of the Institutions and guarantee their effective operation'.

The European Council meeting in Cannes (26/27 June 1995) established a number of priorities for the Reflection Group including the need 'to make the Institutions more efficient, democratic and open'.

## **III. SOURCES**

### **A. INSTITUTIONS OF THE UNION**

<b>1. EUROPEAN PARLIAMENT</b>
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- RESOLUTION ON THE FUNCTIONING OF THE TREATY ON EUROPEAN UNION WITH A VIEW TO THE 1996 INTERGOVERNMENTAL CONFERENCE (Doc. A4-0102/95 of 17 May 1995)

The concern to improve the effectiveness of the Union is expressed at several points in the resolution on the functioning of the Treaty; first of all in the recitals:

- 'B. whereas at the 1996 Intergovernmental Conference the European Union will have to face up to a three-fold institutional challenge: ...
  - the need to redefine the current decision-making processes, which have become excessively complex and cumbersome and often inefficient, ...
- C. whereas the major deficiencies under the Treaty on European Union are: ...
  - the lack of and failure to implement cohesive and effective common and foreign security and justice and home affairs policies, shortcomings that are so much the more evident since it is clear that many new Community provisions under the first pillar have worked well ...
- D. whereas the European Union should thus endeavour to achieve a general improvement in its executive, legislative, budgetary and control functions within a single institutional framework, in order for it to become more efficient, more responsive to its citizens, and better able to develop the necessary policies for the future ...'

In section I on the objectives and policies of the Union, Parliament calls for the Treaty to be simplified, i.e. to be made much clearer and more logical. It also calls for 'a more effective EU foreign policy'.

The resolution goes on to request 'effective action in the field of justice and home affairs'.

Paragraph 10 of the resolution suggests that 'there should be more effective policy-making in a number of other key fields'.

'The composition of the EU institutions will have to be reviewed at the 1996 Conference if the EU is to be further enlarged, and if the EU institutions are to function properly. For each institution, however, the criterion of efficiency will have to be balanced against the need to take account of the interests of both large and small Member States'.(19)

In section III on the decision-making mechanisms of the Union, the report advocates that there should only be three decision-making procedures, the codecision, assent and consultation procedures, and that the existing cooperation procedure should be abolished.(29)

This reduction in the number of procedures and the simplification of the codecision procedure (30) should result in more effective decision-making.

## 2. COMMISSION

### - REPORT ON THE OPERATION OF THE TREATY ON EUROPEAN UNION (SEC(95)735)

In the Commission's view, the work of the 1996 IGC should focus on two objectives:

- . 'The Union must act democratically, transparently and in a way people can understand;
- . the Union must act effectively, consistently and in solidarity.'

The Commission considers that democratic legitimacy has been strengthened, particularly by the increase in Parliament's legislative powers. 'But as decision-making has become more democratic, it has also become more complex to an almost unacceptable degree. The twenty or so procedures in use at present should be reduced to three - the assent procedure, a simplified codecision procedure, and consultation.'

'Simplification of decision-making in budgetary matters is also needed to ensure genuine interinstitutional cooperation.'

With regard to making the Community's institutional machinery more effective, 'in the Commission's view, this means paying special attention to the common foreign and security policy and justice and home affairs ... A genuine common foreign policy requires 'effective decision-making machinery; this cannot be achieved through systematic recourse to unanimity ...' The Commission considers that the coexistence of two different working methods - the Community approach and the intergovernmental approach, integration alongside cooperation - increases the complexity of the Union. In these circumstances, maintaining its effectiveness therefore implies ensuring consistency between the various pillars.'

In the area of the common foreign and security policy, the Commission sees better and earlier analysis of external developments over the long, medium and short-term as one prerequisite for effectiveness.

The Commission feels that cooperation in justice and home affairs 'has been ineffectual, and not only because of the lack of coherence in the institutional framework'. The unanimity requirement 'is probably the main reason why Title VI has proved ineffective'.

### 3. COUNCIL

#### - COUNCIL REPORT ON THE FUNCTIONING OF THE TREATY ON EUROPEAN UNION (5082/1/95 of 6 April 1995)

In part III of the report (institutional system), chapter A is devoted to the question of democracy and efficiency<sup>1</sup>. 'On the question of efficiency, the continued extension of qualified-majority voting is a positive factor. However, the juxtaposition of a large number of procedures sometimes makes it difficult for the functioning of the Union to be properly understood by the outside world. It is believed in some quarters that the lack of a real hierarchy of laws<sup>2</sup> is affecting the decision-making process.'(16)

For the Council, 'the possibility of qualified-majority voting is a factor helping to speed up the decision-making process, not only because it offers a way out of certain deadlock situations, but also because the prospect of being placed in a minority is often the spur to seeking the necessary compromises.'

Consequently, in the Council's view, qualified-majority voting is 'a factor for efficiency in the implementation of Community policies.' (19)

As regards the codecision procedure, and conciliation in particular, the Council recognizes that it has reinforced the role of the European Parliament but points out

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<sup>1</sup> See briefing No 23 The IGC and the democratic nature of the Union.

<sup>2</sup> See briefing No 7 on the hierarchy of Community acts.

the difficulties relating to the starting-up phase and the complexity of the procedure laid down in Article 189b.

In the case of the CFSP, the Council is aware that the results achieved so far have not satisfied everyone and that a large section of the general public 'question the effectiveness of the means offered by the Treaty ...'.

The Council concludes that 'monitoring of the implementation of the CFSP could be further systematized and made more effective, particularly through better use of the General Secretariat of the Council ...'.(68)

With regard to cooperation in the field of justice and home affairs, the Council regrets that 'the five-level structure - Council, Coreper, K.4 Committee, steering groups and working parties - has proved very cumbersome and has slowed down the decision-making process.'

#### **4. COURT OF JUSTICE**

- COURT OF JUSTICE REPORT ON CERTAIN ASPECTS OF THE APPLICATION OF THE TREATY ON EUROPEAN UNION (17 May 1995)
- CONTRIBUTION FROM THE COURT OF FIRST INSTANCE WITH A VIEW TO THE 1996 INTERGOVERNMENTAL CONFERENCE

The reports of the Court of Justice and the Court of First Instance contain various comments and/or proposals which are only indirectly related to the effectiveness of the Union in general. However, the reports raise questions of the effectiveness of judicial practice given the growing number of disputes and possible enlargement of the Union. In this context, a number of measures are proposed, for example the appointment of a assistant rapporteurs, the creation of specialist chambers and an increase in the number of judges.

#### **5. COURT OF AUDITORS**

- COURT OF AUDITORS REPORT TO THE REFLECTION GROUP ON THE OPERATION OF THE TREATY ON EUROPEAN UNION (May 1995)

To allow it to function more effectively, the Court of Auditors proposes that

- 'it should be possible for the Court to institute legal proceedings whenever it is prevented from carrying out its tasks satisfactorily (direct access to Community judges).



- the Court should have access to all the information required for its controls to safeguard the Union's financial interests.

It is therefore also asking for Article 188c(3) to be amended so that 'bodies which manage items of revenue and/or expenditure on behalf of the Community should be explicitly mentioned as bodies which must accept documentary controls and on-the-spot audits and should also communicate any document or information needed by the Court of Auditors to discharge its duties.'

With regard to action to combat fraud, the Court of Auditors points out that its effectiveness in this area 'is a direct function of the resources available to it and of the ease and degree of its access to all the data it needs ...'

## **6. COMMITTEE OF THE REGIONS**

- **OPINION OF THE COMMITTEE OF THE REGIONS ON THE REVISION OF THE TREATY ON EUROPEAN UNION (CdR 136/95)**

The Committee of the Regions sees the question of effectiveness in terms of subsidiarity, which is a basic principle of the Union. Subsidiarity is bound to strengthen 'efficiency since it presupposes that powers are exercised at the most appropriate level of government'.

The Committee therefore supports 'not only amendments designed to improve the functioning of the system, but also any changes aimed at adapting it to an enlarged Union'.

In its resolution, it says that the concrete regulation of the mechanisms in the Treaty 'needs to be improved if regional and local authorities are to play a more adequate, more effective role in the European Union;'

## **7. ECONOMIC AND SOCIAL COMMITTEE**

- **THE 1996 INTERGOVERNMENTAL CONFERENCE, THE ROLE OF THE ECONOMIC AND SOCIAL COMMITTEE (CES 273/95 fin.)**

For the Economic and Social Committee, efficiency is crucial for the future of the Union. 'Efficiency, rooted in a machinery which allows for decision-making which is fast, flexible and appropriate, together with solidarity and confidence, can give the integration process a new quality, as each of these aspects builds on the others.'

## **8. PROGRESS REPORT FROM THE CHAIRMAN OF THE REFLECTION GROUP ON THE 1996 INTERGOVERNMENTAL CONFERENCE**

(SN 509/1/95 REV 1)

To counteract citizens' alienation from the Union, the Reflection Group proposes 'a correct and systematic application of the principles of efficiency, democracy, transparency and solidarity to relations between the Unions' Institutions and between its Member States, and also between the Member States and the Institutions. Those principles should be put into practice through concrete measures, such as ... simplification (of texts and procedures) ... The machinery designed to preserve the Union's internal cohesion also needs to be adapted and strengthened, this step being particularly important with a view to the next enlargement.'

With regard to the institutional system, the Reflection Group affirms that 'ways must be found of increasing citizens' confidence in the European Institutions, the reform of which must be subjected to the test of more democracy, more efficiency, more solidarity and more transparency . . . '.

On the question of decision-taking mechanisms, most of the Reflection Group feel that for decisions on secondary legislation, 'the enlarged Union would appear to require the extension or even the generalization of the qualified majority, for reasons of efficiency, in order to prevent the paralysis of the enlarged Union when taking decisions; '.

According to the report, the problem of efficiency also arises in relation to the weighting of votes for the purposes of qualified majorities. 'Bearing in mind that in democratic societies efficiency is inseparable from legitimacy, and that an efficient decision is not the one which is the easiest to adopt but the one that receives the most support from citizens, some members point to the growing imbalance between the population and its representation in votes by qualified majority ... in the view of those members, 'such a situation undermines the efficiency of decisions and is unacceptable in the context of future enlargement. In their view, the system should be corrected so that greater account is taken of population by means of new weightings for votes, ... '.

With regard to Title VI, i.e. justice and home affairs, 'a large majority feels that the provisions of this title are inappropriate. They see its operation as clearly defective ... and that objectives ... and a timetable for achieving them are lacking ... a true institutional driving mechanism is lacking.'

### **B. GOVERNMENTS OF THE MEMBER STATES**

The following section covers only those statements or positions adopted which refer expressly to the problems of effectiveness. No account has been taken of the

opinions delivered in this context on other topics<sup>1</sup>, although these may be linked to the problem of effectiveness.

## 1. GERMANY

On 21 February 1995, Klaus Kinkel, German Foreign Minister, set out the Federal Government's priorities for the Intergovernmental Conference. 'The operation of the European Community, initially designed for only six Member States, needs to be adapted, in institutional and procedural terms, to a Union of fifteen Member States. For 1996, the weighting of votes of the Member States, the composition of the Commission and the rights of the EP will have to be discussed when the conference examines ways of improving effectiveness.'<sup>2</sup>

The following day, Mr Kinkel called on the European Union to adopt majority decision-making within the Council of Ministers as soon as possible.<sup>3</sup>

The concern to make the Union more effective can also be seen in the basic positions adopted by the Länder calling for 'simplification of decision-making in the Union by introducing fewer standard procedures and uniform rules'.<sup>4</sup>

This view is also shared by the parties in the government coalition. The CDU/CSU manifesto of 1.9.1994 for the Bundestag calls for strengthening of the Union's capacity to act. It also wants the new institutions to be more democratic and more effective and adequately to combine consistency and stability with the flexibility and elasticity inherent in such a large Union.

On the question of the CFSP in particular, in the CDU/CSU opinion<sup>5</sup> the 1996 IGC will have to fulfil a number of conditions if it is to achieve greater effectiveness in this area. In particular, the decision-making procedure will have to be improved and institutional and organizational arrangements adjusted. It suggests the setting-up of

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<sup>1</sup> See hierarchy of Community acts (Briefing No 7), the co-decision procedure (briefing No 8), transparency (briefing No 18), commitology (Briefing No 21), subsidiarity and the allocation of powers (Briefing No 19), the simplification of the Treaties (study by Professor R. Bieber of 25.9.1995).

<sup>2</sup> Summarized in English and French in 'Agence Europe', 22.2.1995.

<sup>3</sup> VWD Europa, 20.2.1995, p. 5

<sup>4</sup> Conclusion of the Conference of Foreign Affairs Ministers of 16.2.1995, submitted on 3.3.1995 to Commissioner Oreja.

<sup>5</sup> Discussion document of 13.6.1995: 'strengthening the European Union's capacity to act in the area of the CSFP'.

a permanent body to analyse, plan and formulate proposals and to monitor the implementation of Council decisions on the CFSP.

In the case of the third pillar, the CDU/CSU<sup>1</sup> is in favour of gradually bringing certain justice and home affairs matters within a Community framework to overcome the inefficiency and slowness of the current intergovernmental cooperation procedures. Furthermore, all matters coming under Article K.1 must be put on a more solid institutional footing. The principle of reciprocal administrative and judicial assistance between the national authorities and the courts of the Member States is the best way of ensuring closer integration. The European Commission should also gradually be given rights of initiative to ensure that sub-national interests can be better-defined. Subsequently, in specific areas such as asylum policy, there should be a gradual transition from intergovernmental cooperation to a Community approach within the Council, which would act by a majority in accordance with Article 148 of the Treaty. As there is no such Community approach at present, the European Parliament must have a general right to be consulted in advance in all areas covered by Article K.1 of the Treaty. Given the absence of penal law or penal procedures at Union level, the document calls for the introduction of an integrated mechanism for combating crime. The CDU/CSU thus proposes an approximation and harmonization of the definition of what constitutes a criminal offence and of the procedure applicable to serious international crimes such as terrorism, the spread of arms, the trade in human beings and money laundering. On the question of the police, the document advocates giving Europol powers enabling it to act more effectively and to become a real European CID.

The two papers on the second and third pillars have been approved by the CDU/CSU governing bodies and are part of a document on guidelines for European matters with a view to the 1996 IGC which was submitted to the Federal Congress of the Christian Democratic Party in October 1995. The document also discusses the powers of the European Parliament. The EP's powers are to be extended so that in future Parliament becomes a co-legislative body with the same powers as the Council. Legislative procedures would be reduced in number, simplified and made more transparent; the Parliament/Council codecision procedure would be improved and simplified.

## 2. AUSTRIA

In the GUIDELINES CONCERNING THE PROBABLE TOPICS FOR THE 1996 IGC, recently published by the Austrian Government, strengthening the Union's capacity to act and its effectiveness in the areas of the CFSP and Justice and Home Affairs is seen as one of the major challenges of institutional reform. Another important challenge with a view to enlargement of the Union, as the Austrian Government sees it, is consolidating and strengthening the effectiveness of implementation of Community economic, social and environmental policies.

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<sup>1</sup> Discussion document of 13.6.1995 on a European constitutional state.

In the case of the CFSP, it is proposed to improve planning and analysis capacity by setting up a planning unit made up of members of the general secretariat of the Council, the Commission and the Member States.

With regard to cooperation in justice and home affairs, Austria proposes drawing up a consistent work programme and creating institutional momentum for the third pillar. To make work structures clearer and simpler, the Austrian Government advocates doing away with at least one level, i.e. abolishing the steering groups or merging the K.4 Committee with COREPER.

### **3. BELGIUM**

The policy note from the government to Parliament concerning the 1996 IGC was approved by the Belgian Council of Ministers on 28 July 1995.

Under the heading 'A prosperous and sustainable Europe', the Belgian Government comes out in favour of extending qualified majority voting in the Council to fiscal, environmental and social matters. It is also important that the Union's decision-making capacity should be strengthened to enable it to contribute more effectively to economic growth, strengthening, competitiveness and promoting jobs. As regards matters which would continue to come under the third pillar, and intergovernmental cooperation in the area in the area of justice and home affairs, the Belgian Government will advocate more efficient methods based as far as possible on the Community procedures for the first pillar.

With regard to making the CFSP more effective, the Belgian Government is in favour of decisions having to be taken by qualified majority.

In the section on a transparent and effective Union, the Belgian Government points out the need to improve the way in which the European Parliament currently functions. The government is in favour of simplifying existing parliamentary procedures of which there are far too many ..., the general application of the European Parliament's right of codecision by extending its scope to all instances where decisions are taken by qualified majority.

The Belgian Government is convinced that the general application of qualified majority decision-making is the best way of improving decision-making and ensuring more effective functioning of the Union as a whole.

### **4. DENMARK**

To date, no official document has been published setting out the views of the Danish Government on the 1996 IGC. In May 1995 a Danish Government committee submitted to the Folketing a report which basically summarizes the existing situation but does not put forward any concrete proposals.

## **5. SPAIN**

In March 1995, the Spanish Government published a document entitled 'The 1996 Intergovernmental Conference, a basis for reflection'. Building on the conclusions of the European Council in Corfu that institutional reform must meet the need for greater effectiveness, the Spanish Government indicates that it sees effectiveness as covering the following issues:

- a move from unanimity to qualified majority,
- institutionalizing the second and third pillars to a greater extent,
- the organization of Council presidencies,
- the number of Commissioners,
- application of the principle of subsidiarity and a possible review of Article 235,
- the number of MEPs,
- the hierarchy of Community acts,
- the principle of adequate resources,
- simplification of codecision procedures,
- the language question,
- the decentralization of policy management,
- and the setting-up of agencies.

## **6. FINLAND**

The Finnish Government's report of 14 February 1995 to the Finnish Parliament on the guidelines for Finland's European policy calls for simplification of Union legislation and more effective Union action in the areas of research and development, education and vocational training.

With regard to Finland's position on the CFSP, the Prime Minister, Paavo Lipponen, has indicated a wish for closer and more effective cooperation, while maintaining its intergovernmental character.

## **7. FRANCE**

The French Government has still not published an official document on the 1996 IGC.

However, during the presidential election campaign, the present Head of State, Jacques Chirac, expressed support for a more effective system of decision-making.

The French Foreign Minister, Michel Barnier, told the newspaper 'Libération' at the end of June 1995 that he shared some of the views of the German CDU and, in particular, that strengthening the capacity to act of the CFSP should be the main item on the agenda for the 1996 IGC.

In an interview with 'Le Figaro' on 10 July 1995 the Minister reaffirmed his support for retaining unanimity for CFSP and retaining its intergovernmental nature and proposed strengthening the Council Secretariat to make intergovernmental cooperation more effective.

## **8. GREECE**

According to the conclusions of the Greek Government Interministerial Committee of 7 June 1995 concerning Greece's approach to and positions on the 1996 IGC, there do not appear to be any major problems regarding the effectiveness of the Union. By rejecting the formula of a two-speed Europe, Greece in any case takes the view that all Member States should participate equally in the institutions of the Union. According to the Interministerial Committee, equal participation does not at this stage prevent the European institutions from operating more effectively.

## **9. IRELAND**

The Irish Government is currently drafting a White Paper on external policy and the 1996 IGC. Irish views on the 1996 IGC have been set out in two important statements by the Foreign Minister, Mr Spring, on 22 May 1995 and by the Secretary of State for European Affairs and member of the Reflection Group, Mr G. Mitchell on 6 June 1995. Both welcomed the proposals to make the Council more effective but did not appear convinced of the need to change the current system of weighting of votes on the basis of the population of a Member State. On the other hand, Ireland would like the legislative procedures in the European Union to be reduced in number and simplified.

On the question of the CFSP, Ireland is in favour of more effective instruments for research, analysis and planning.

## **10. ITALY**

The Italian Government's note of 23 February 1995 on the guidelines for its external policy conclude that the number of Commissioners should be reduced and the Presidency of the European Commission strengthened to give the Union a clearer profile in its external relations and to make it more effective internally.

In a second note of 23 May 1995, devoted specifically to the IGC and the revision of the Treaty of Maastricht, the Italian Government proposes restricting significantly the number of Council decisions taken unanimously. The extension of majority voting should go hand-in-hand with measures to take greater account of the population of the Member States in voting procedures.

With regard to cooperation in the areas of justice and home affairs, the Italian Government will be putting forward proposals to simplify joint decisions, to make

legal instruments more binding, to introduce decision-making arrangements specific to the Community institutions and to go beyond the current limits on impetus and initiatives.

The simplification of Union decision-making procedures is also seen as one of the objectives of the 1996 IGC, according to the joint statement of 15 July 1995 by the foreign ministers of Italy and Germany. In the area of justice and home affairs, the statement proposes greater use of Community procedures, particularly in the area of asylum, granting visas and immigration and simplifying the procedure for adopting decisions and extending the rights and capacity of the Commission.

With a view to making the common foreign and security policy more effective and raising its profile, the statement establishes the objective of strengthening the European Union's capacity to take decisions and action by the use of majority voting in certain areas. At the same time, the Union's capacity for analysis and planning should be developed.

## 11. LUXEMBOURG

THE LUXEMBOURG GOVERNMENT'S MEMORANDUM OF 30 JUNE 1995 ON THE 1996 IGC raises the question of the effectiveness of the Union in several chapters. In paragraph 5, which discusses a more effective external and security policy, the Luxembourg Government notes that improvements are needed to make the CFSP effective and make the Union's external action more consistent overall. It calls for the use of majority voting to be extended and is also in favour of involving the Commission to a greater extent in certain areas of the CFSP, particularly joint actions supervised by the Council where it would bring benefits in terms of efficiency.

In paragraph 6, which is concerned with strengthening cooperation in the areas of justice and home affairs, the memorandum criticises the five-level working structure which slows down decision-making considerably. It therefore calls for a reduction in the number of levels through which proposals have to go, with a view to speeding up the decision-making process.

The Luxembourg government also proposes application of the rules set out in Article 100c, which provides among other things for Commission initiatives and qualified majority decision-making .... in so far as it will enable substantial progress to be made.

With regard to the European Parliament, the Luxembourg Government proposes a reform on two fronts involving simplifying procedures, particularly the codecision procedure, and reducing the number of procedures.

The Government also indicates its readiness to review the Treaty provisions on budgetary procedures in order to make them more effective.



## 12. NETHERLANDS

The Netherlands Government has submitted several documents covering, inter alia, the effectiveness of the European Union and ways of improving it.

In the MEMORANDUM ON THE ENLARGEMENT OF THE UNION: POSSIBILITIES AND OBSTACLES, submitted to the two chambers of parliament on 14 November 1994 and debated in plenary on 14 February 1995, the government states that, with a view to future enlargement of the Union, far reaching institutional reform is required to enable the Community institutions to act more effectively and more decisively. It therefore proposes a deepening of the Union to maintain its capacity to act effectively both internally and externally.

On 30 March 1995 a second memorandum on COOPERATION IN THE FIELD OF EXTERNAL POLICY, SECURITY AND DEFENCE: STRONGER EXTERNAL ACTION BY THE EUROPEAN UNION was submitted to the Chamber of Deputies by the Netherlands Government. In it the Government deplores the ineffectiveness or non-existence of the CFSP and submits a series of proposals designed to make CFSP more effective and to remedy the weaknesses in the system, namely the capacity for analysis, decision-making and funding. The capacity for analysis, for example, could be improved by strengthening the unit responsible for the CFSP within the general secretariat of the Council or by creating a special structure separate from the Secretariat, and by greater involvement of the Commission in implementing the CFSP. On the question of decision-making, the Netherlands Government supports greater use of qualified majority voting.

A third memorandum on EUROPEAN COOPERATION IN THE FIELD OF JUSTICE AND HOME AFFAIRS was submitted by the Netherlands Government on 23 May 1995. It focuses on two central issues, namely the effectiveness of cooperation and maintaining the rule of law.

The Netherlands Government attributes the disappointing results of cooperation in the area of justice and home affairs to certain structural weaknesses, particularly the unanimity rule and the cumbersome decision-making procedures.

To increase effectiveness, the Netherlands Government proposes:

- a multiannual programme
- strengthening the Commission's right of initiative, particularly in penal matters, customs cooperation and cooperation between police forces,
- rationalizing the decision-making process, to facilitate the work of the Coordinating Committee provided for in Article K.4 of the Treaty.

### 13. PORTUGAL

No official document on the 1996 IGC has yet been published. Unofficially, the position of the Portuguese Government can be inferred from an interview which the former Prime Minister Mr Cavaco Silva gave to the 'Publico' newspaper on 4 June 1995. Mr Cavaco Silva advocated strengthening the instruments of judicial and police cooperation to make it more effective and indicated his readiness to accept qualified majority voting in the Council in certain circumstances. With regard to the European Parliament, he hoped reform of the Treaties would result in simplification and rationalization of the codecision procedure and the extension of the powers of the European Parliament to areas where the Council acts by majority vote.

### 14. UNITED KINGDOM

THE MEMORANDUM ON ISSUES CONCERNING EUROPEAN SECURITY AT THE 1996 IGC, published on 2 March 1995, is the only official document produced by the United Kingdom on reform of the Treaty on European Union.

While maintaining the principle that decisions should be taken solely at intergovernmental level, i.e. without participation by the European Parliament or the Commission, the British Government is in favour of a clearer and more efficient decision-making procedure for security and defence matters. It is not specified how the British Government intends to achieve this. It is opposed to creating new institutions and to the WEU being incorporated into the European Union; on the contrary, in the British view, the WEU should be developed on the basis of the existing Treaty and should become the vehicle for European defence cooperation.

On the question of institutional reform, the Prime Minister, John Major, in a speech given on 30 January 1995 to the Royal Institute for International Relations in Brussels, said he was in favour of reducing the number of Commissioners to increase efficiency.

### 15. SWEDEN

The Swedish Government has still not published its position on the 1995 IGC but has indicated that Sweden will do so before the end of 1995.

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