Working Group on European Integration

An Enlarged EU Requires Greater Facility of Decision-Making and More Democracy

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1. Before the accession of any further Member States, the EU of 15 must agree on a minimum package of reforms.
2. This minimum package should pursue two key aims:
   - firstly, to ensure that the EU remains capable of taking decisions;
   - secondly, to make the decision-making process more democratic.
3. The reforms should focus on a few crucial points. They should relate in particular to the three institutions - Council, Parliament and Commission - involved in the decision-making process.
4. In an enlarged EU it must be possible for all decisions in the Council to be taken by a majority.

   Decisions could be taken by varying majorities according to the subject area, e.g.:
   - for procedural matters: a simple majority of the votes cast by Member States;
   - for normal policy areas: the existing qualified majority, i.e. approx. 70% of the votes;
   - for particularly sensitive policy areas: a new, special qualified majority of approx. 80% of the votes.

   In order to smooth the transition from unanimity to a qualified majority, the introduction of the new rules could be preceded in particularly sensitive areas – such as the CFSP – by a transitional period lasting several years (e.g. 5, as is laid down in the Amsterdam Treaty for immigration and asylum policy).

   Notwithstanding these new provisions, the Member States would remain at liberty to seek a consensus wherever possible. However, without the sword of Damocles of a possible vote, a single Member State can hold up for as long as it likes decisions needing to be taken at EU level or force through its own preferred solution.

   The elimination of as many as possible of the remaining 50 or so areas where unanimity is required for EU decision-making is the most important reform of all – and at the same time the most difficult. All the Member States, whether large or small, will put up fierce resistance.

   It is therefore useful to rehearse once again the principal reasons for this absolutely vital reform:
   - no Member State demands unanimity in its own political decision-making procedures;
   - unanimity runs counter to the basic concept of democracy; it allows the minority unlimited scope for holding the majority to ransom;

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- unanimity has no place in a community that aspires to be more than a loose association of sovereign states;
- in the enlarged EU, where the individual partners' interests will diverge even more widely, it will become even harder to find judicious solutions on a consensual basis. The quality of political decision-making would suffer further setbacks unless the possibility of a majority decision were ever-present, thereby once again causing the EU to risk losing its acceptance among the population.

5. The reforms must help the EU to become more democratic. This calls for at least three measures on the legislative front:
   - a re-weighting of the votes/seats in the two legislative institutions, the Parliament and – to a lesser extent – the Council. The present distribution of votes/seats confers on small Member States much greater weight than their share of the population would merit;
   - this over-weighting should be eliminated in the Parliament's case because, being directly elected, the Parliament represents the emerging people of Europe. A certain over-weighting of the „small" Member States can be justified in the Council, where the national interests of the sovereign Member States are represented. This corresponds to normal constitutional practice in most federal states such as Germany or the USA;
   - the EP's right to full co-decision in respect of all EU legislative acts including the budget.
6. The Amsterdam Treaty („Protocol on the Institutions") raises for the first time the possibility of a re-weighting of votes in the Council in favour of the large states, in return for the renunciation of their existing right to nominate a second Commissioner.

   This must be put into effect. Such a re-weighting must not however be linked to the size or composition of the Commission.

   - The simplest formula for the re-weighting of votes in the Council would be one of „progressive proportionality". For example, all Member States with under 18 million inhabitants could be allocated one vote for every 1.5 million inhabitants or part thereof; from 18 to 45 million, one vote for every 3 million inhabitants; and for over 45 million, one vote for every 5 million inhabitants.

     Were there to be no change in the Council, it would mean that in an EU of 27 Germany would have 10 votes and the three smallest states in the future EU (Luxembourg, Cyprus and Malta) – which have fewer than 1.5 million inhabitants among them – would have 6 votes in the Council. Thus there would be an obvious lack of balance.
   - A re-weighting of seats in the EP is equally crucial to a democratic decision-making process. This fundamental principle must apply in future: the number of MEPs elected by a Member State must be calculated in proportion to its number of inhabitants. In a future EU of over 480 million inhabitants, where the number of seats in the EP is limited by the Amsterdam Treaty to 700, constituencies of approx. 0.7 million people (or the corresponding number of registered voters) would need to be established.

     Under the present distribution of seats, Luxembourg elects 6 MEPs for a population of only 400,000; Cyprus and Malta, with similar populations, would lay claim to an equivalent number of MEPs. This would be disproportionate to the number of seats held by the larger Member States.

The over-weighting of the small Member States is becoming increasingly unacceptable in democratic terms now that the Parliament is acquiring full legislative competence. Such an over-weighting misrepresents the „will“ of the European people and conflicts with the democratic principle of „uniform“ elections: at present a Luxembourg citizen indirectly possesses 10 times as many votes in the EP as a German voter.

In order to ensure that, even in small Member States, the most important political groups are represented in the EP, each Member State could be guaranteed a minimum number of seats (e.g. two).

- In the enlarged EU not only the Council but also the EP should be endowed with the full right of co-decision for all legislative acts.

  The Amsterdam Treaty rules out the full right of co-decision for the EP in two areas of major political and budgetary significance, in particular agricultural and structural policy. Here the EP is merely consulted on a voluntary basis. This democratic deficit must be corrected, since these two areas account for the bulk of the EU's legislative activity and 80% of total budgetary expenditure.

7. The number of Members of the Commission must no longer increase in step with the number of Member States. No Member State should have an automatic claim to a Commissioner in future.

   The number of Commissioners should no longer be laid down in the Treaty in future. In no Member State does the constitution stipulate how many members a national government may have.

   It is enough if the Treaty establishes a set of minimum rules for the number, regional origin and appointment of Members of the Commission:

   - the number of Commissioners is determined by the scale of the tasks conferred on the Commission by the Treaty;
   - the composition of the Commission must reflect the regional diversity of the Union. Therefore, as already stipulated in Article 157 ECT, it may not include more than two Members having the same nationality;
   - the nominee for President of the Commission selects the other Members of the Commission in consideration of their professional qualifications, after consultation of the governments of the Member States and the parties represented in the EP. The President can under certain, yet to be determined conditions dismiss individual commissioners.
   - the Commission is subject to a vote of approval by the EP, as provided for in the Treaty.

   It will be difficult to have such a proposal accepted: for some, it endows the Commission with too much political legitimacy and hence power in the European concert; others will criticise it because it prevents them from exerting influence over the Commission through „their representative“.

   Despite such concerns, a limitation on the number of Members of the Commission is indispensable to enable the enlarged EU to function properly:

   - In a Union organised in accordance with the principle of subsidiarity, there is only a restricted number of tasks for the executive at EU level. Even now it is extremely difficult to allocate sufficiently meaningful duties to all 20 Members of the Commission. A Commission with 27 Members and a correspondingly augmented „regiment“ of approx. 150 „national“ political advisers (six per Commissioner) would be nightmarish. In the long term it can be in no-one's

interest to have a Commission which functions badly and is not fully dedicated to the European cause.

- The inflation in the number of departments which would inevitably result from an increased number of Commissioners would lead to greater frictional loss within the Commission; at the same time it would reinforce the Commission's tendency to become involved in spheres where there is no compelling need for action at European level. Anyone who fears excessive European interference in national affairs must favour a small number of Commissioners.
- It would be dangerous to establish the rule of „one Commissioner per Member State". A country's Commissioner could all too easily become the mouthpiece of „his" Member State. The „nationalisation" of the Commission, already evident for some years, would thereby be reinforced.
- It is therefore logical to allow the President full responsibility for selecting his „team".

8. There remains the question of amendments to the Treaty.

   All Treaty amendments (including enlargements to incorporate new Members) are currently decided unanimously by the Member States. In most countries this is done through a ratifying decision in their national Parliaments, preceded in some countries by a referendum.

   This is an extremely cumbersome process, which even now in the EU of 15 takes about two years. In an enlarged EU the ever more sharply diverging interests will make Treaty amendments virtually impossible if unanimity among the Member States is required – prior to which the EP must have given its approval by an absolute majority of MEPs.

   In the enlarged EU, therefore, amendments to the Treaty should also be decided and implemented by a majority.

9. The minimum programme of institutional reforms outlined above would ensure that the enlarged Union remains able to function. It would be irresponsible, and could cause lasting and even unrepairable damage to Europe, if the next enlargement were to go ahead without a thorough overhaul of the institutional structures and procedures.

   The Union urgently needs an in-depth debate about the effectiveness of its institutions and procedures, so that decisions on the necessary reforms can be taken by the end of 2002 at the latest.