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Introduction

The EU Institutions between Enlargement and the Constitution



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The year 2004 has been one of special importance for the European institutions. In addition to the election of a new Parliament and appointment of a new Commission, the institutions have been faced with the challenges posed by the accession of ten new Member States on 1 May, and have begun to look forward to the changes which may be introduced by the Treaty establishing a Constitution for Europe which was signed on 29 October. This special issue of *Eipascope* therefore looks at the EU institutions 'between enlargement and the Constitution'. The introductory article highlights the different dimensions of institutional change which are involved and the different kinds of question which are posed regarding the institutional development of the Union. The five contributions then look at the Council, the European Parliament, the European Commission and the Court of Justice, as well as the institutional dimensions of external action. They ask whether the preparations for enlargement have been sufficient and what the impact of enlargement may now prove to be, as well as looking at what the newly-signed Constitution may mean for the institutions' practical work and political role in the future.

Much has happened in 2004 to draw attention to the European institutions, and to make people ask questions about both their political roles in the evolving European system and their practical abilities to manage European business in the future.

On 1 May ten new Member States joined the Union. How will the Council manage business with 25 delegations around the table? Will a College of 25 Commissioners be able to function efficiently? Will the Court be able to manage an enlarged workload? Will the increase in the numbers both of members and of political parties represented affect the political coherence of the Parliament? How will all the institutions manage the near-doubling of the number of official languages from 11 to 20 – with even more to come in the next few years?

In June a new Parliament was elected. These first elections in the enlarged Union proved to be rather disappointing. Far from contributing to an increase in overall electoral participation, the response of most of the new Member States ensured continuation of the trend by which average turnout across the Community/Union has fallen with each successive elections. Yet by the autumn the talk was more of the Parliament's 'coming of age', as the President-designate of the new Commission was forced on 27 October to withdraw his proposed team in the face of opposition to several candidates. Does this mark a major change in the roles of the Parliament and the Commission? Is this the beginning of a new stage in European public debate?

This situation somewhat clouded the atmosphere in Rome on 29 October when the 25 governments met to sign the Treaty establishing a Constitution for Europe which had finally been agreed in June. Is this essentially

an ordering exercise aimed at bringing greater consistency, efficiency and transparency into a system which had become unmanageably – and even undemocratically – complex? Or, with its proposals for a 'Minister for Foreign Affairs' and 'European Laws', does this mark a qualitative transformation of the Union in the direction of a more state-like political system? And, in all events, what will the changes mean for the practical work of the institutions and their interaction with European citizens?

Even as the Constitutional Treaty was signed, however, it did not seem certain that Europe will in fact ever find out what it means, given the significant possibility of rejection in at least one of the referendums which are scheduled to take place in the two-year period which has been allowed for ratification. Some parts, however, may come into effect anyway. Indeed, one of the most important changes proposed – the creation of a common External Action Service – began to be prepared as soon as the Treaty was signed, while the European Defence Agency foreseen in the Constitution was already established in 2004.

Different Dimensions of Institutional Change

With so much going on, it may be hard to see clearly what is happening in the broader perspective of the longer-term development of European integration. What kind of political system is emerging? What kinds of issue remain to be addressed if that system and its institutions are to have the necessary effectiveness and legitimacy to manage the Union in the face of the ever more complex realities posed by an ever wider Europe.

It may be helpful to step back briefly and to 'un-

bundle' the situation. The ways in which the European institutions have changed since the creation of the Communities can be seen in the light of four concepts and processes:

- political design,
- institutional reform,
- governance, and
- capacity-building.

These concepts overlap and are not mutually exclusive. Somewhat different issues and questions are highlighted, however, in each of these complementary perspectives on the institutional development of the Union.

Political design

The first dimension is one of political negotiation over different institutional arrangements inasmuch as these are seen to embody different preferences as to the political nature (or 'finalité politique') of the 'European project'.

All Member States agreed at Laeken in 2001 that it was now appropriate to define a set of basic principles and rules which could explicitly be presented to citizens as the 'Constitution' of the Union. However, there may not be a common understanding of the political meaning of a 'constitutional' treaty for Europe. In this sense, the Convention and the IGC are only the latest episode in a permanent political debate which unfolds between two poles, over what formal model of political organization is desired for Europe – usually in terms of alternative forms of unions between states.

At one end, where the fact of a 'Constitution' is given maximum political significance, there are *federalist* designs for some kind of 'United States of Europe'. In its simplest form, this is a bicameral parliamentary system. The legislative branch at European level is made up of a territorially-based Council and a directly-elected Parliament; the Commission serves as the executive; and the Court is the independent judiciary. This is the model of a 'European Political Community' which was briefly considered in the early 1950s; more or less reiterated in the European Parliament's Draft Treaty on European Union in 1984; and explicitly proposed more recently by, for example, the Belgian Prime Minister in 2001.

At the other end, there are constitutional designs of a more *confederal* nature. The basic elements include a more limited and instrumental approach to the pooling of sovereignty, and the attribution of a leading role to the Council and European Council. This design has most clearly been expressed in French, starting with General de Gaulle's 'Europe des Patries', moving through Jacques Chirac's 'Europe unie des États', and perhaps best captured in the more recent formula of a 'Fédération des États-Nations'. Tony Blair's formulation in Warsaw in 2000 – 'a Europe of free, independent, sovereign nations who choose to pool that sovereignty in pursuit of their own interests and the common good' – in fact seems to make the same point.

Does the Constitution fundamentally change the political nature of the institutions? Article I-6 does, for

the first time, state in primary law the simple federal fact that 'The Constitution and law adopted by the institutions of the Union in exercising competences conferred on it shall have primacy over the law of the Member States.' Article I-20 does suggest that Union laws are passed by two legislative 'chambers' and carried out by an executive accountable to them:

The European Parliament shall, jointly with the Council, exercise legislative and budgetary functions. It shall exercise functions of political control and consultation as laid down in the Constitution. It shall elect the President of the Commission.

And the Court of Justice takes on many formal characteristics of a Constitutional Court of the Union.

Yet things are not quite so simple. When it comes to decision-making, there are multiple exceptions to the use of codecision. Member States retain the right of veto in several key areas.¹ Unanimity is still required for modification of the Constitution. And the vague political definition given in the very first article seems to acknowledge the prudence of leaving the Union as an 'unidentified political object':

Reflecting the will of the citizens and States of Europe to build a common future, this Constitution establishes the European Union, on which the Member States confer competences to attain objectives they have in common. The Union shall coordinate the policies by which the Member States aim to achieve these objectives, and shall exercise on a Community basis the competences they confer on it.²

The key question in this perspective is whether there is a minimum level of political and public consensus with regard to the political meaning of the institutions to ensure stability of the integration process. So, will this formula prove to be sufficient? Or will it unravel as the ratification process witnesses pressures and campaigns both from those disappointed by the terms of the 'constitutional' settlement, and from those who see it as going too far in the direction of a genuinely closer political union.

Institutional reform

'Institutional Reform' is the term used in recent decades to refer to the adaptation of the institutions' competences, composition and functioning in response to perceived 'deficits', often associated with enlargement. The possible responses to these problems may be shaped by ideological preferences regarding political design, but the starting point is generally the existence of functional challenges.

These partly relate to the *efficiency* of decision-making, the 'ease' with which binding decisions can be reached. Problems in this respect are seen to be exacerbated as successive enlargements increase the number and diversity of Member States, while new areas in which the Union pursues common goals are characterized by ever greater complexity and sensitivity.

Integrationists tend to urge a greater pooling of sovereignty through majority voting and/or the delegation of powers to autonomous institutions. More 'Euro-hesitant' actors tend to question whether, if there are such deep differences, it is in fact appropriate to make the adoption of generally-binding decisions easier, even against national preferences; at most one should seek other forms of cooperation which are not so binding or uniform in their impact.

Efficiency concerns are evidently not the same as – and can even enter into tension with – concerns over institutional *legitimacy*, meaning a general acceptance of the basic 'rightfulness' of the authorities which generate norms, on the part of those who are bound by them. Quite different specific elements may be involved when it comes to the European institutions. And here again, ideological preferences naturally shape how the problems and their possible solutions are perceived. In the perspective of 'institutional reform', as opposed to 'governance', there are two key concepts.

The first is 'fairness' in relation to the representation and relative power of participating countries in the common institutions. Citizens will be less inclined to accept rules adopted by bodies in which they feel that they or their governments (or any other form of recognized representative association) are not represented according to principles which are seen to be appropriate and just. This point has been sharpest and most painful with regard to the weighting of votes in the Council. The system which applied in EU 15 came, among other things, to be seen as 'unfair' by Germany and The Netherlands, whose much greater demographic weight vis-à-vis France and Belgium respectively was not reflected in the parity of Council votes. The voting arrangements reached at Nice were not seen as fully 'fair' either, Spain and Poland having 27 votes compared to Germany's 29 despite having only half the population. Hence, the renewed arguments in the following Intergovernmental Conference which held up final agreement of the Constitutional Treaty until June 2004. To a lesser extent it has been an issue for the Parliament. There was a whiff of discrimination at Nice against 'new' Member States, two of which were not initially allocated the same number of seats as 'old' Member States with almost identical populations (and one still has not), thus visibly violating the basic principle of equal representation of citizens at each level of population size.³

A second is 'accountability', usually understood as the need for the European institutions, which adopt binding rules and spend public money, to be answerable to citizens through elected bodies. If a decision is taken at European level, especially if majority voting is involved, then there has to be an elected European body capable of directly channelling citizens' concerns and exercising political control on their behalf. This has been the main functional logic behind the successive increases in the powers of the European Parliament – the traditional approach to dealing with the 'democratic deficit'. It is interesting, however, that Article I-46 of the Constitution explicitly mentions not only the direct

election of Parliament, but also the democratic accountability of the governments meeting in the Council to their citizens and national parliaments. Moreover, national parliaments are given other roles in the Constitution, notably with regard to controlling respect for the principles of subsidiarity.

Both the efficiency and the legitimacy concerns of 'institutional reform' refer predominantly to official structures and relationships. On the one hand, the key question is whether the institutions can adapt their internal structures and working methods, in the context of enlargement, to produce the results needed to make Union action possible, whether this means Commission proposals, Council decisions, Parliament positions or Court judgements. On the other, the issue is whether formal criteria of legitimacy are seen to be satisfied. Do the European Parliament and the national parliaments (and, within the national systems, regional authorities) consider that they are given sufficient institutional powers to give input and scrutinize output? What is often missing from such pictures, however, is the relationship between the institutions and citizens, and the whole question of the participation of actors of civil society.

Governance

A third dimension, indeed, which is associated with the concept of 'governance', reflects precisely the understanding that the functioning (and the quality) of a system cannot only be seen in terms of the formal structures of authority but also needs to take into account the interaction between these and the actors of civil society. The issues at stake here do not concern the kind of formal political model which is created, and they go beyond the question of efficiency and formal accountability. They relate to the democratic quality of the whole system of actors and relationships involved.

In the EU context, the term has a more specific connotation, namely the discussions which started in and around parts of the European Commission in the mid-1990s, based, among other things, on the belief that institutional reform was not going to be sufficient to overcome the lack of public support which was so evident in the wake of the Maastricht ratification problems. Indeed, this point is still clearly made at the start of the resulting White Paper on Governance in 2001 when it states that, despite the successes of European integration and its formal democratic basis – the 'double democratic mandate' of directly-elected European Parliament and Council representing the elected governments of the Member States – 'many Europeans feel alienated from the Union's work.'⁴ The evolution of the institutions therefore needs to be seen in the broader perspective of 'principles of good governance', identified in the White Paper as openness, participation, accountability, effectiveness and coherence.

More provocatively, the October 2000 Work Programme for the White Paper even suggested (somewhat to the annoyance of the European Parliament) that participation in fact constitutes a second source of

legitimacy for the Union:

'democracy in Europe is based on two twin pillars – the accountability of executives to European and national legislative bodies and the effective involvement of citizens in devising and implementing decisions that affect them'.⁵

Interestingly, the Constitution seems to echo this to some extent. The chapter on 'The Democratic Life of the Union' is not limited to the article on representative democracy. This is followed first by an article dedicated to 'The principle of participatory democracy'. This makes explicit reference to the importance of the Commission's consultations with 'parties concerned' and of dialogue between all institutions with 'representative associations and civil society', as well as introducing the possibility for one million citizens to ask the Commission to submit a legislative proposal. The chapter then includes an article on 'The social partners and autonomous social dialogue'.

From a 'governance' perspective on institutional development, then, key questions concern the relationship between the European institutions and European citizens and social actors. In addition to accountability, direct or indirect, the main issues include the ways in which citizens and social actors may come to participate actively in the integration process and to support the institutions as actors within the multi-level European system.

Capacity-Building

A fourth dimension of change concerns the resources and internal management of the institutions, and their consequent ability to handle the growing demands which are placed upon them in practical terms.

This is not only a question of decision-making procedures in any of the institutions, but of their general capacity to manage European business efficiently. These challenges are not new or only due to enlargement. However, the successive expansions of Union membership inevitably exacerbate the problems. The unprecedented scale of the 2004 enlargement means that this dimension is all the more important this time.

It should also be added that these challenges do not apply only to the European institutions. In the EU system, implementation of policies depends fundamentally on the Member States, and the record in recent years among 'old' Member States has been far from satisfactory. The new Member States have been subject to a high degree of pressure – and have received a great deal of support – to ensure that they will be able to implement Community rules. However, the European institutions, particularly the Commission, have a fundamental role to play. In this sense, the 'capacity' challenge is double – to ensure adequate resources and management capacity within the institution itself, and also to oversee and support implementation capacities within the Member States.

The European Institutions in 2004

This special issue of *Eipascope* looks at the European institutions in 2004, 'between enlargement and the Constitution'. That is, in the light of the analytical perspectives outlined above, the contributions ask whether the preparations for enlargement have been sufficient and what the impact of enlargement may now prove to be, as well as looking at what the newly-signed Constitution may mean for their practical work and political role.

The Council

Most public attention in the last few years concerning the Council has concentrated on two sensitive issues of institutional reform.

The first is *qualified-majority voting* (QMV). On the one hand, the debate has concerned the scope of application. In an ever bigger Union, how far can Member States expect to retain the right of veto if the EU is to avoid paralysis in key areas for the future? On the other, how should one revise the system for determining a qualified majority so as to ensure efficiency, fairness and comprehensibility? The Nice Summit agreed on a new system, which came into force on 1 November 2004. This provides for a re-weighting of votes (ranging from 29 for each of the largest four countries down to three for Malta) and three criteria for adoption of decisions. A qualified majority needs at least 232 votes out of the total of 321. The votes must be cast by a numerical majority of Member States. And any Member State may request verification that a winning coalition of votes represents at least 62% of the EU population.

The European Convention proposed replacing these arrangements by a system of dual majority. Weighted votes would disappear. A qualified majority would require a simple majority of states representing 60% of the population. The Constitution in the end has adopted a somewhat modified system of dual majority. The basic principle is that a qualified majority requires 55% of the Member States and 65% of the total population, with the additional condition that a blocking minority must consist of at least four Member States. Yet further conditions are to apply until at least 2014.

The second has been the *Presidency* of the Council. The traditional system of six-monthly rotation has been defended by some as a symbol of the equality of states, criticized by others as a source of discontinuity. At the same time, there has been discussion of the adequacy of the 'troika' arrangements for external representation of the Union which have existed since the entry into force of the Amsterdam Treaty. In the end, the Constitution provides for three different arrangements. There is to be a President of the European Council, elected for two and one-half years, renewable once. External relations will come under a Union Minister for Foreign Affairs, who will be nominated for five years, and chair a Foreign Affairs Council as well as serve as Vice-President for External Relations in the Commission. The remaining presidency functions will continue to be carried out by

a rotating six-monthly presidency, within a sequence based on pre-determined groups of three countries. These groups may establish special forms of coordination between themselves.

Important as both these issues are, however, the Council's main concern in the immediate future is how to manage the practical problems which enlargement has brought to a head, in terms of structures, resources and working methods.

The article by **Nicole Bayer** in this issue thus focuses on these fundamental but less widely-discussed dimensions of Council business, and offers a preliminary assessment of the adequacy of the solutions which have been proposed so far.

The European Parliament

The European Parliament is the institution which seems, at least in formal terms, to have been most strengthened by developments in 2004. The Constitutional Treaty continues the trend by which the Parliament has received stronger powers in every successive reform. The Parliament's role in decision-making is again strengthened, with codecision to become the norm for legislative acts.

*'European laws and framework laws shall be adopted, on the basis of proposals from the Commission, jointly by the European Parliament and the Council under the ordinary legislative procedure... If the two institutions cannot reach agreement on an act, it shall not be adopted.'*⁶

The Constitution also provides for a change in the way in which the Commission's accountability to Parliament is conceptualized. The Treaty currently provides for the Parliament to give its approval first to the person who is nominated by the Council, and subsequently to the Commission 'as a body'. In the European Convention, there was much discussion about proposals to link the Commission – or at least its President, who gives that institution 'political guidance' – more explicitly to the majority in Parliament. Some argued that the President should be elected from among candidates proposed by the Political Groups either by Parliament itself, or perhaps by Europe-wide election. The Constitution finally included the following compromise:

*'Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members.'*⁷

The Parliament's growing powers – as well as an apparent increase in the party-political dimensions of the debates – were dramatically demonstrated at the end of October when, in the face of opposition within the Parliament to several nominees, the President-designate of the Commission, José Manuel Barroso, was led to ask

for a postponement of the Parliament's scheduled vote of approval and consequently to modify his proposed College of Commissioners.

In this context, the question naturally arises as to the possible impacts of enlargement on the European Parliament at this time of mounting political responsibilities. The article by **Edward Best** and **Francis Jacobs** in this issue thus discusses three aspects of this question: the possible impact on Parliament's *efficiency*, in terms of its internal structures and working methods; on its *coherence*, in the sense of its Groups' ability, together with European political parties, to be seen to present clear policy choices at European level; and on its *legitimacy*, in terms of its public support.

The European Commission

The European Commission, for its part, faces enormous responsibilities in the enlarged Union, for which it needs sufficient resources, support and credibility.

Debates have tended to focus on the size and composition of the Commission. Should every Member State be entitled to have a national in the College of Commissioners? One side has argued that there should be fewer Commissioners than there are Member States. This, it is argued, would make the Commission more efficient as well as more 'independent', and on both grounds make it better able to fulfil its European mission. The other side responds that the problems of efficiency are exaggerated, since it is not so difficult to organize 25 or 30 people; that independence need not be compromised by the presence of nationals from all Member States, while that presence can help ensure that the Commission is felt to fulfil its mission of guaranteeing balanced attention to the interests of all parties, big or small; and that legitimacy is better served for everyone by maintaining a national link. The Constitution proposes a compromise. The first Commission to be appointed after entry into force of the Constitution will consist of one Commissioner per Member State. The next Commission – supposedly that taking office in 2014 – will have only two-thirds the number of Member States. It remains to be seen whether this intention will eventually be carried out.

Public attention has also concentrated on the efficiency and the sound financial management of the Commission. The Commission has indeed been engaged in a process of internal reform since the 1990s, much sharpened by the fall of the Santer Commission and the subsequent initiatives taken by the Prodi Commission.

Thomas Christiansen and **Mark Gray** therefore discuss the background to these reforms and evaluate the results achieved by 2004. They consider some of the main practical implications posed by enlargement for the Commission. They also look at the institution's position in the evolving political system, and the tensions created by the Commission's increasing reliance on the European Parliament, on the one hand, and the importance of its maintaining strong links with national governments, on the other. They conclude by looking at the challenges facing the Barroso Commission.

La Cour de justice européenne

In preparation for enlargement, the Treaty of Nice introduced a number of changes concerning the internal organisation of the Court of Justice, as well as the distribution of competences between the Court of Justice and the Court of First Instance.

The Constitutional Treaty foresees even broader changes in the structure of the Court, and gives it some formal characteristics of a Constitutional Court of the Union.

The article by **Véronique Bertoli-Chappelart** and **Stéphane Arnaud** asks whether the changes proposed at Nice will be sufficient to deal with the challenges of enlargement for Court business, and looks at some of the remaining questions which have to be answered with regard to the real meaning of its new 'constitutional' roles.

The Institutional Dimensions of External Action

One of the most prominent issues underlying the ongoing institutional debates has been the feeling that European Union has failed to live up to its potential as an international actor – and that it has indeed notably failed on many occasions even to act as a single actor. It is a continuing hope that institutional changes can help not only to talk with a single voice but to bring about a real convergence of interests. The proposals of the Constitutional Treaty are important in this respect. The Union is to have legal personality, thus ending (at least formally) the division between Community competences and intergovernmental pillars. A Union Minister for Foreign Affairs will replace the current 'troika' for external representation of the Union, made up of the country holding the rotating Presidency of the Council (perhaps accompanied by the incoming Presidency), the High Representative for the Common Foreign and Security and Policy, and the External Relations Commissioner. As noted above, the proposals

for a common External Action Service are not only one of the most potentially significant changes included in the Constitution but are already beginning to be set in motion. The design of this service will have major implications for the Council and the Commission. There are also important political concerns, notably with regard to the role of the European Parliament. The final article, by **Simon Duke**, therefore looks at the evolving role of the institutions with regard to external relations.

NOTES

- ¹ Unanimity applies in most of the Common Foreign and Security Policy; police cooperation and judicial cooperation in criminal matters; certain kinds of international agreements; key financial decisions (determination of own resources, multi-annual financial framework, basic provisions on structural funds and cohesion fund), certain aspects of taxation and social security and a considerable variety of other specific issues.
- ² Treaty establishing a Constitution for Europe (TCE) Article I-1. CIG 87/04 of 6 August 2004, emphasis added.
- ³ The principle of 'degressive proportionality' which is explicitly mentioned in the Constitution, means that smaller populations are relatively over-represented compared to larger populations. At each level of population, however, there should be the same 'rate' of representation.
- ⁴ Commission of the European Communities, 'European Governance: A White Paper', COM (2001) 428, Brussels, 25 July 2001. p.7.
- ⁵ Commission of the European Communities, 'White Paper on European Governance: "Enhancing democracy in the European Union". Work Programme', SEC (2000) 1547/7, Brussels, 11 October 2000. p.4.
- ⁶ TCE Art. I -34 (1).
- ⁷ TCE Art. I - 27 (1), emphasis added. □

The Council

EU 25 – Creating a New Design for the Council



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Abstract

The enlargement of the European Union to 25 Member States is having a particularly strong impact on the work of the Council. It has made it all the more important to streamline and better coordinate the Council's configurations and preparatory bodies. The increase from 11 to 20 official languages poses unprecedented practical challenges, and it remains to be seen whether the new linguistic regime will make it possible to cope. New guidelines for the presidency and delegations have been adopted concerning preparation and management of meetings. Other innovations are being explored under the Dutch Presidency. The first months of experience in EU 25 suggest that continuing efforts will be required to ensure that Council business can be managed efficiently and effectively in the coming years.

The Council of the European Union has visibly changed in the Union of 25 Member States. Indeed, its increased diversity can be seen as soon as one enters the newly-decorated cafeteria on floor 50 of the Council's headquarters in the Justus Lipsius building in Brussels, where every Member State contributed to the 'new look' by selecting one particular chair each.¹ Diversity in culture, tradition and history is expressed via different materials, design and style of chairs: all different, yet all serving the same purpose – one Council, with 25 different faces.

The enlargement to 25 Member States has not only increased diversity, however. It has also brought to a head various practical challenges for the management of Council business which had already begun to emerge in EU 15 in view of the ever-increasing scope of EU activities and the political development of the institutional system, notably the creation and extension of the codecision procedure.

Although public attention has focused on the difficult discussions over voting arrangements, the real problems for the Council are to be found elsewhere. The key practical questions which have to be faced include the following:

- How should the Council structure itself in order to ensure coordination and coherence between sectors?
- How will the Council manage the limited resources available for the organisation of meetings?
- How can one plan and manage meetings efficiently with 25 national delegations?

This article addresses these questions in the light of experience in the Council up to October 2004, and offers a preliminary evaluation of some of the solutions which have been proposed to deal with them.

1. Streamlining, Coordination and Coherence

Council configurations

Even though the Council is a single institution for legal purposes, in practice it meets in different configurations. The proliferation of these configurations has led to repeated initiatives in recent years to streamline the Council's work and ensure greater coordination.

Originally, in the European Coal and Steel Community, only the Foreign Ministers came together in the Council. Subsequently, other ministers started meeting within the institutional framework, constantly increasing the number of sectoral Councils. The Foreign Ministers continued to play a more important role than the other ministers, in view of the fact that they were made responsible also for general affairs, and therefore in charge not only of for external relations but also of the overall coordination of the work of the Council. It soon became clear, however, that the number of formations needed to be limited to improve coherence of the work of the Council. Hence, they were reduced from over twenty in the 1990s to 16 in the year 2000 (following the European Council in Helsinki 1999). At the European Council in Seville in 2002, this number was further reduced to nine configurations, later annexed to the new Rules of Procedure.²

Before fixing this list, long discussions took place about the idea of separating the General Affairs Council from the External Relations Council. It was widely argued that it made sense to distinguish clearly the coordination tasks from the foreign policy tasks, since these are two completely different areas of action. This idea, however, was resisted by many Ministers of Foreign Affairs. In the end the General Affairs and External Relations Council (GAERC) was left as a single

Table 1: Council Configurations after the European Council in Seville 2002

General Affairs and External Relations (GAERC) (incl. ESDP and development policy)

Economic and Financial Affairs (ECOFIN) (incl. budget)

Justice and Home Affairs (incl. civil protection)

Employment, Social Policy, Health and Consumer Affairs

Competitiveness (Internal Market, Industry and Research) (incl. tourism)

Transport, Telecommunications and Energy

Agriculture and Fisheries

Environment

Education, Youth and Culture (incl. audiovisual affairs)

formation, even though in practice it meets separately with separate agendas and it is up to Member States to decide which Minister or Secretary of State should be sent to deal with General Affairs items.³ The Constitution foresees a definitive splitting of the two functions by creating two different configurations.

At the same time, certain other Council configurations have started to assume strong coordinating powers. This has most notably been the case of the Economic and Financial Affairs (ECOFIN) Council. Moreover, new kinds of horizontal function are being developed. A new 'Competitiveness' Council was created at Seville, responsible for internal market, industry and research. This had the aim not only of reducing the number of configurations, but also of giving more political weight to the policy areas concerned and thus building a counterweight to the powerful ECOFIN. Moreover, the European Council has explicitly called on the Competitiveness Council to exercise the 'horizontal' function of building 'competitiveness' concerns into all EU policies. These moves may also have improved coherence of the Council work, but may have negative impacts on efficiency and practical organisation. In a statement concerning Annex I of the Rules of Procedure it is stated that 'The Presidency will organise Council agendas by grouping together related agenda items, in order to facilitate attendance by the relevant national representatives (...).'⁴ Given the completely different organisation and distribution of competences within Member States this is not an easy task. Hence, for practical reasons, some of the parts of merged Councils continue to exist in their own little sub-Council configuration, for example in the area of research, where Councils are held with only research items on the agenda, while still being called 'Competitiveness Council'.

Council preparatory bodies

Similar efforts have taken place to create greater coherence among the committees and working parties which serve as the Council's preparatory bodies. After increasing over the years to around 250, the number of different Council preparatory bodies has now been significantly reduced to about 160.⁵ This reduction went hand in hand with a near doubling of the average number of days that a Council working party meets during a presidency.

At the same time, however, more and more 'high-level groups' have been created. These are often seen as a possible complication for the coordination role of the Permanent Representatives Committee (Coreper), and sometimes seem to be without an added value. The problem is that their creation is mainly due to the political wish of one sectoral Council to underline the importance of a certain policy area, but without following any kind of coordinated strategy, either on national or on EU level.

The role of Coreper

The importance of the role of Coreper within the Council system has always been recognised, and its co-ordination role has been continuously strengthened, although the two parts of Coreper – Coreper I (the Deputy Permanent Representatives) and Coreper II (the Permanent Representatives) – have undergone slightly different developments.

The role of Coreper I has been strengthened particularly by the codecision procedure, in which it plays the leading role in negotiations with the European Parliament. 'First- and second-reading agreements' are mainly negotiated via the respective working group and Coreper I, and Coreper I usually constitutes the Council

delegation for conciliation meetings.⁶ This has also considerably increased the workload of Coreper I, which more and more regularly meets twice a week (on Wednesdays and Fridays).

As for Coreper II, the establishment of the Political and Security Committee (PSC) has been seen by some as a slight loss of influence, but Coreper II was compensated for that by the strengthening of its role (and the role of the GAERC) concerning the preparations of European Council meetings.⁷ The overall workload of Coreper II has considerably grown as well, given the increase of dossiers in the area of Justice and Home Affairs.

This means that Coreper must be 'used' within the system with much more care and better preparation. The new Annex IV to the Council Rules of Procedure thus states that a dossier shall be referred to Coreper only when considerable progress has been achieved. The key to a successful Coreper meeting is a good preparation via the Antici and Mertens Groups,⁸ on the one hand, and good quality working documents from the General Secretariat of the Council on the other. For the future one may also consider making more use of the Antici and Mertens groups, conferring on them more 'special tasks' in the preparation process and thereby alleviating the workload of Coreper itself. Annex IV suggests, for example, that any other business points for Council meetings should not necessarily be announced in the Coreper meeting itself, but during the preparations for that Coreper meeting, thereby pointing to the Antici and Mertens Groups. In the meantime it has become a practice that these groups spend quite some time in discussing a Council agenda in order to keep the relevant discussions in Coreper as short and as focused as possible. This approach can only be successful if national administrations acknowledge this function and provide the necessary briefing and information to their Antici and Mertens representatives in time.

Programming of presidencies – more continuity

It is often claimed that the six-monthly rotation of the Council presidency causes the institution's agenda and work programme to be not very consistent and coherent, which in turn makes practical work all the more complicated. In reality, however, the room for manoeuvre available to presidencies in the area of agenda-setting has become very small, given that the topics are more and more predetermined by the 'rolling agenda' which is handed over from one presidency to the next. In addition, at least in areas of Community competence, the presidency can only work on the basis of a Commission proposal for all new legislative initiatives. Without such a proposal, the presidency can only launch political initiatives with no legal value, for example by adopting atypical acts like 'Council conclusions' (which

are precisely the kind of acts which should be avoided even more in the future so as to focus the work of the Council on legislative issues and not waste precious time and resources on the adoption of acts which are only the expression of political will with no further implications).

The role of the presidency today is more one of setting priorities within the existing programme rather than thinking of new initiatives to be added. The Seville

European Council tried to address the continuing problems regarding coherence. It established a three-year working programme for the six presidencies concerned, and provided that each year the two presidencies involved have to establish an annual operational

programme of Council activities for the following year, thus moving from the rather short-term approach of a six-month presidency programme to more long-term planning of the work of the Council. The first of these three-year programmes for the period of 2004-2006 was presented in December 2003, where the first annual programme – that of the Irish and Dutch presidencies – was also presented after discussion in the General Affairs and External Relations Council. In December 2004, the second annual programme for the Council will be presented by Luxembourg and the UK. Together with the planning cycle of the Commission, this sets a quite clear framework for each presidency and is further improving the coherence of the work of the Council.

2. Limited Resources Linked to the Question of Languages

The most obvious, and also the most difficult, practical challenge for the Council is the near doubling of the number of official languages from 11 to 20. The institutions started to prepare for this some time ago, adapting the technical facilities in the meeting rooms on the one hand and organising recruitment of new staff (translators and interpreters) on the other. There are presently two rooms in the Council building with interpretation facilities for a full '20-20'⁹ language regime, and additional meeting facilities are under construction. The main problem, however, concerns the number of translators and interpreters needed to handle the new languages. It will take some time for the linguistic divisions and available interpreters to be brought up to their full complement. This is having a serious impact on the speed and the amount of translations that can be carried out by the Council Secretariat and limits the number of interpreters available for meetings.¹⁰

Already at the Helsinki European Council in 1999, it was stated that 'new imaginative and pragmatic solutions are needed on these issues, while respecting the basic principles, if the Council is to continue to

In reality, the room for manoeuvre available to presidencies in the area of agenda-setting has become very small.

operate effectively.’¹¹ Following a presidency report to the Copenhagen European Council in December 2002, the Council was invited to look into possible solutions and put a new system in place.

Concerning translation, the Council Secretariat took the decision that only so-called ‘core documents’ will be translated into all the languages. These are, in the first place, all documents for Council meetings (including Council agendas, A-item notes, opinions of the Legal Service, documents for adoption or discussion and others), as well as documents produced at so-called ‘milestone stages’, which means working documents (draft legislation) which are presented at an ‘important stage’ in the working party and when the file is referred to Coreper. In practice this means that many working documents which are discussed on the working group level will be available in only a limited number of languages.¹²

Even for these core documents, however, resources are limited. Hence, the presidency is asked to establish clear priorities. Council activities need to be carefully planned by the presidency and the General Secretariat, respecting the deadlines set out in the rules of procedure, but always leaving some space and capacities for urgent last minute requests.

Concerning interpretation, something very remarkable has happened – the simple fact that it was even discussed. In the past, the issue of languages has been virtually taboo for most Member States. Given the shared – and obviously urgent – goal of enabling the Council to work efficiently, Member States did work out new arrangements, since it was obvious that a full language regime (20-20) for all meetings would simply be impossible to implement. These foresee different interpretation regimes for different kinds of meetings, ensuring full interpretation only for a limited number of meetings (European Councils, ministerial Council meetings, Conciliation committees and a list of 20 preparatory bodies). The number of working parties which would meet without any interpretation was doubled from about 25 to about 50. For all the other meetings a system of ‘interpretation on request’ applies. A lump sum is foreseen for each language in the Council budget. If this is exceeded, the Member States in question will have to cover the interpretation costs themselves.

This means in practice that the resources to organise meetings have become quite limited. The presidency, which is responsible for the planning of meetings, therefore has to invest a lot of time and energy in thorough planning and preparations, and to set clear

priorities. The diversified system, with different arrangements applying for different kinds of meetings, leaves the presidency much less flexibility. If a meeting of the environment group, for example, needs to be cancelled, the room, the interpretation team cannot automatically

be used for another working group, since their language needs might be different. It also means that the meetings taking place will need to be even more efficient in getting their work done.

It is quite likely that, given the possible difficulties in organising formal meetings, informal consultations will become even more important than in the past. This means that the presidency and the Council Secretariat will have to make an extra effort to ensure transparency, and to avoid Member States feeling excluded from certain consultations and thus creating a negative atmosphere for the formal negotiations.

It remains to be seen whether Member States will be open to even greater flexibility on the language issue if it appears that the efficiency of the Council work and progress in European integration as a whole may be threatened by the linguistic arrangements.

3. Managing Meetings and Achieving Results

The increased number of delegations around the table, and the limited time and resources available for meetings, mean that efficient management of meetings is now all the more important. To this end, a Code of Conduct was worked out and then integrated into the new Rules of Procedure of the Council as Annex IV, called ‘Working methods for an enlarged Council’. These set out some general guidelines for the presidency and for delegations concerning how to prepare and conduct meetings. In Article 20 of the Rules of Procedure, the presidency is asked to ensure compliance with these provisions.

Five main ideas underlying the specific provisions can be identified:

- more written contributions,
- grouping of like-minded Member States,
- greater discipline from delegations in meetings (under the guidance of the presidency),
- making efficient use of Coreper, and
- a strong and active role of the presidency during and between meetings.

Concerning the first two points, delegations are asked to put forward their position in writing before meetings. These should include, if appropriate, specific drafting suggestions. They may either be presented by

one delegation or, where possible, jointly by like-minded delegations. The idea of submitting joint position papers from several delegations on a regular basis seems to be rather difficult to implement. Even in the case of ‘similar’ positions, Member States

may diverge at a certain stage during the negotiations, given the different backgrounds that lead to any particular position. It is also suggested that those like-minded Member States should nominate one speaker, who takes the floor in the meeting – also on ministerial

The idea of submitting joint position papers from several delegations on a regular basis seems to be rather difficult to implement.

level – on their behalf. Judging from experience up to October 2004, in particular concerning Council meetings, it is mainly the new Member States which make an effort to comply with these provisions. They are responsible for by far the greatest share of the written contributions received, and they also try to apply the concept of ‘group speakers’. The ‘old’ Member States seem to be more hesitant in this respect. This practice also poses quite a new challenge for national coordination systems. Coalition-building has always been an important point, and is usually the key to successful negotiations, but it is quite a different matter to put a ‘joint’ position in writing, or to agree on a ‘group speaker’, rather than just forming part of a more or less ‘loose coalition’.

The presidency is asked to advance work between meetings by carrying out oral or written consultations of some or all delegations on specific points, always reporting back on the results. The presidency is to give delegations all information needed by them for properly preparing the next meeting, to set out its intentions during the meetings on the different agenda points, and ‘give as much focus as possible to discussion’. A presidency which is not able to show a certain amount of leadership concerning the managing of the meetings may be seen as very friendly and pleasant, but at the end of the day will be criticised for having wasted precious time. It is also up to the presidency to remind delegations of time-saving behaviour during the meetings – such as limited speaking time or not repeating positions already stated – and itself to comply with the provisions foreseen for that purpose, such as not having full table rounds.

A particular challenge will be how to keep ministerial Council meetings sufficiently interesting for ministers to want to attend, and to ensure that real political discussions take place at this level, rather than letting ministers engage in simple drafting exercises. It seems to be a general tendency in all sectoral Council meetings in particular, that real political discussions have become less common. This trend could be accentuated by the enlargement, with 25 ministers now sitting around the table and more than 100 people in the meeting room itself.

The idea of having so-called ‘lead speakers’ on certain agenda items (mainly those for general ‘orientation debate’) is currently being tested by the Dutch presidency and must be seen as ‘work in progress’. The fact that everyone who wants is appointed often leads to there being up to 10 or more lead speakers on one point, while not avoiding that other ministers may also want to take the floor. It is also unclear whether these lead speakers will concentrate on their own national position, present general ideas linked to the topic or

operate as ‘group speakers’ taking the floor on behalf of several Member States as outlined before. The future will show if this concept can be further improved and if it can contribute to more efficient Council meetings.

The ECOFIN Council provides one example of how business can be conducted in a different, and quite efficient, way. For certain agenda items, the chair of the Economic and Financial Committee or another key actor introduces the agenda item, outlining the two or three main outstanding political points, and addressing direct questions to the ministers. This normally ensures a focused debate in which ministers do not only read out their prepared speaking notes, but enter into real discussions and negotiations. A similar function could be played more strongly by the presidency – for example also giving the floor to the Coreper I or Coreper II chairman for introducing agenda items, if appropriate – or by the Commission in other Council configurations.

If formal meetings do not remain attractive for ministers, more and more political discussions may be shifted to the informal level: informal ministerial meetings, lunches or dinners during Council meetings or even informal bi- or multilateral consultations between certain Member States. One of the main advantages

of all these informal meetings is that there quite simply are less people around the table and that the atmosphere is completely different. Ministers feel more comfortable to discuss the real political problems among themselves, not in the presence of hundred

officials around the table, as is the case during formal Council meetings. It also has the advantage that they can ‘freely’ discuss the political issues without having to refer to the specific wording in a formal document. On the other hand, this also entails some risks. First, the danger of ‘misunderstandings’ grows with the degree of informality of negotiations. The task of the Presidency (and Coreper) of putting the agreement into concrete wording in a document can become quite challenging. Second, informal consultations with only a limited number of delegations may make other ministers feel left out, which could in turn lead to strong opposition from these Member States for purely procedural reasons.

The last point to be mentioned here is the issue of qualified-majority voting. In the past, the tradition has always been to aim at consensus, even if it was a decision to be taken by qualified majority, and as far as possible to avoid Member States being outvoted. This general strategy has been very successful and is an expression of that ‘special EU spirit’. The future will show whether it will be possible to continue with this tradition. In all events, the presidency will have to be even better at judging the atmosphere in a meeting, deciding whether a dossier is ripe for conclusion and if a compromise is in the air.

A particular challenge will be how to keep ministerial Council meetings sufficiently interesting for ministers to want to attend.

Concluding Remarks

The Council in the enlarged Union faces major challenges. At the moment it is quite difficult to judge the impact of the changes and to assess whether the responses which have been proposed so far will be sufficient to deal with them efficiently.

Meetings, in particular those of the Council and Coreper, do not presently last longer than they did in EU 25 and work is progressing. Yet this must be seen in the light of the quite special situation prevailing in the autumn of 2004. In particular, the workload surrounding Community legislation is considerably reduced at present, compared to what would be usual at this time of year. This is mainly due to the facts that a large number of first and second reading agreements were reached before May 2004, that the new European Parliament started work only after the summer and that a new Commission was only scheduled to take office on 1 November – a date which has now been further delayed. But from the experience gained so far, it is the level of the Council of Ministers where most emphasis will have to be given concerning further reforms rather than the preparatory bodies. There seems to be little doubt that delays are to be foreseen within the decision-making procedure because of languages (translation of documents). This is something that will improve over time, once the recruitment of the full number of necessary translators and interpreters has been concluded. It remains to be seen, however, whether further reforms may need to be envisaged.

Dealing with these challenges requires, in the first place, better planning, preparation, programming and prioritisation on the part of the presidency and the Council Secretariat. The suggested reforms demand discipline and commitment from each and every delegation around the table if they are to be successful. Some first, important, steps have already been taken. However, reforming the Council's working methods

and adapting to the changes affecting the conduct of Council business, will be a continuing process.

The next presidencies, together with the Council Secretariat and the other delegations and institutions involved, will have to evaluate the impact of the different measures which are being implemented in order to ensure that the successful ones provide the greatest possible results, while continuing to develop creative ideas and approaches for the future.

NOTES

- ¹ The refurbishing of the cafeteria was an initiative organised and financed by the Dutch presidency.
- ² Council Decision of 22 March 2004 adopting the Council's Rules of Procedure, Annex I. Official Journal of the European Union, L 106 of 15 April 2004.
- ³ *ibid.*, Art. 2 and Annex I.
- ⁴ *ibid.* Annex I.
- ⁵ Doc. 11931/04 of the Council of the European Union.
- ⁶ The Member State holding the presidency is represented on ministerial level.
- ⁷ Introduction of the so called "draft annotated agenda" to prepare the Presidency Conclusions of European Councils, mainly discussed and drafted in Coreper II.
- ⁸ The Antici Group is composed of officials from each Permanent Representation and the Commission tasked with preparing the work of Coreper II. The Mertens Group does the same for Coreper I.
- ⁹ 20-20 meaning that all the 20 official languages can be spoken in and listened to.
- ¹⁰ For interpretation at meetings within the Council framework interpreters of DG SCIC (Commission) are used.
- ¹¹ Presidency Conclusions of the European Council of Helsinki, December 1999, Annex III: 'An effective Council for an enlarged Union – guidelines for reform'.
- ¹² The Commission proposal is available in all the official languages. □

The European Parliament

Ready for the Future? The Impact of Enlargement on the European Parliament



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Abstract

The European Parliament which was elected in June 2004 consists of 732 members representing 163 political parties from 25 countries. This ever larger chamber is being called upon to play an ever stronger role in the EU political system. Will this unprecedented enlargement affect the Parliament's ability to live up to these political expectations? So far, its political balance has not been radically altered and the overall increase in numbers seems to have been digested without too much difficulty, although questions remain as to the impact of all the new languages on the EP's working methods, especially after further enlargements. On the other hand the turnout at the 2004 elections reflected the continuing weakness of popular interest in the Parliament, especially in the new Member States. In preparation for the 2009 elections, new efforts will have to be made to bridge this gap not just by the Parliament showing that it can make good use of its new powers but also, where possible, by strengthening multi-level political parties and inter-parliamentary relations, as well as by increasing public understanding of the role of the European Parliament.

Introduction

The first European elections in the Union of 25 were held on 10-13 June 2004. As a result, the European Parliament has become the world's largest democratically-elected parliamentary chamber, having grown from 198 members before the first direct elections in 1979 to the present total of 732, bringing together representatives of over 100 different political parties from across a continent.

The following week, on 18 June, the 25 governments agreed on a new Constitution for Europe. Assuming the Constitution is ratified, the EP's legislative and budgetary powers will be further reinforced, with, in particular, 'codecision', by which Parliament and Council must agree on laws on the basis of a Commission proposal, being further extended and becoming the 'ordinary legislative procedure' for European laws affecting some half a billion people.

Little more one month later, the Parliament's powers regarding appointments began to be demonstrated. On 22 July, the European Parliament exercised its right to approve the person nominated by Council as next Commission President, José Manuel Barroso. In September and October it held hearings for the proposed members of the Commission. Indeed, this role received a very high degree of public attention. In the face of widespread opposition within the Parliament, in particular to the candidate proposed as Commissioner for Justice, Freedom and Security – the Italian nominee, Rocco Buttiglione – Mr Barroso did not at first alter the composition of the proposed College. In the end, however, he decided to ask for a postponement of the Parliament's planned vote of approval on 27 October. The new Commission could thus not take office on 1 November.

In this context, the question naturally arises as to the possible impacts of enlargement on the European Parliament at this time of mounting political responsibilities.

This paper discusses three aspects of this question, looking at the position of the Parliament as of October 2004: the possible impact on Parliament's *efficiency*, in terms of its internal structures and working methods; on its *coherence*, in the sense of its Groups' ability, together with European political parties, to be seen to present clear policy choices at European level; and on its *legitimacy*, in terms of its public support.

1. Efficiency

The first set of questions concern the possible impact of enlargement on the practical work of the Parliament.

Impacts on size and structures

The most obvious direct effect of enlargement has been the increase in the EP's numbers from 626 to 732. This has had the important consequence of reducing the size of the national delegations from 13 of the 15 'old' Member States, with only the largest (Germany at 99) and smallest (Luxembourg at 6) remaining at their pre-2004 figure. For the larger Member States the difference may not seem so great, but for some of the smaller Member States the impact has been of more obvious significance. Irish governments, for example, have tended to put greater emphasis on their representation in the Commission and in the Council because they considered that they had more weight there than within the European Parliament.

Another such impact has been the great increase in the number of political parties represented in the Parliament. After the 2004 elections there were 114 parties and lists from the old Member States (although

20 of these from Italy alone), but there were 49 parties and lists from the new Member States, a very high figure considering the small population of most of these countries, but reflecting their often fluid political systems.

A further important consequence has been on voting thresholds. Most importantly the absolute majority required for certain types of votes, such as rejection or amendment of EU codecision legislation in second reading, has gone up from 314 to 367.

Another significant change is that the size of Parliament-Council conciliation delegations has gone up from 30 to 50, with 25 on either side rather than 15 as before enlargement. It is too early to tell what this will mean for the practical management of conciliation, but this will probably lead to an even greater reliance on informal meetings and 'dialogues' between small numbers of representatives from each institution.

A less direct impact has been the increase in the number of committees. It was agreed already in January 2004 to increase the number of standing committees from 17 to 20. The average size has thus been held at 43 (42, including the sub-committees), almost exactly the same as the figure of 42.3 in 2002-2004. Moreover, new openings have been created for chairmen and other office-holders from the new Member States.

Impacts on turnover of the MEPs

Turnover among MEPs has been very high in recent elections, with well under 50% of outgoing members being re-elected in both 1994 and 1999. Enlargement has necessarily meant that the overall proportion of new MEPs has, at almost 60%, been even higher than usual. A striking figure is that under 50 of the 162 members from the new Member States had previously been among the Observers from those countries who had been deputed by their national parliaments to follow the work of the EP in the months before formal enlargement. There is clearly thus a higher number than usual of newly-elected members for whom EU business is new in general. Inasmuch as new members naturally require time to settle in, this will undoubtedly have some impact in the short term, with those of long experience of the Parliament and its procedures coming disproportionately from just a few countries, notably Germany and the United Kingdom.

Impacts on working methods

Enlargement is clearly having a significant impact on the working methods of all the EU institutions, but the exact nature of these impacts will vary. In some respects there may well be fewer impacts on the Parliament. While in the Council, the traditional 'tour de table' has come under new pressure, the impact on speaking patterns

within the EP is less great. In plenary, speaking time is generally pre-planned and in committee normally follows a more spontaneous 'catch the eye system', so that not everyone tries to speak. Whereas some of the new members have been quick to take the floor ('is it surprising, when we were silenced for 50 years?') was the explanation given to a co-author by one MEP from a new Member State), debates do not appear to be becoming significantly longer.

On the other hand, the day-to-day impacts of the new languages are greater than for any of the other institutions. There are a number of reasons why this should be

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so. Unlike the Commission and the working groups of the Council, where career civil servants usually work in a restricted number of languages, the European Parliament consists of elected politicians for whom the ability to speak foreign languages, while highly

useful, cannot be a prerequisite for their election. Moreover, if they are to work on and amend legislative texts, they must have the right to do so in their native language. Finally, maintenance of a Member State's identity and culture is heavily dependent on its language and the European Parliament, with its representational role, cannot compromise too far on this point. In any conflict between 'efficiency' and 'democracy' there are thus compelling arguments for the latter to prevail within the European Parliament.

The problems associated with this, however, are becoming more acute. The number of working languages has gone up from 11 to 20 and the number of potential language combinations from 110 to 380. As far as interpretation is concerned, a number of pragmatic solutions are being tried, such as use of pivot languages (particularly English, but also others such as French or German), and the placing of interpreters from lesser-used languages in the major language booths (thus breaking the old rule that interpreters should essentially interpret into their own language). For the first time many interpreters do not always know even which language is being spoken. There are a number of major disadvantages to all this, with greater constraints on the holding of meetings, with some languages not being available at such meetings, and with quality sometimes suffering.

The problems are perhaps even more serious as regards translation. The backlog of untranslated texts has become much greater (even such key legislative proposals as the REACH proposal on chemicals have not yet been translated in the new EU languages); the gap between the adoption of Council common positions on legislation and their transmission as fully translated common positions to the Parliament has gone up to an estimated average of around six months; and the time required for having Parliament texts (draft reports, amendments, etc) translated is being extended, with

further knock-on effects on Parliament's working timetable. The gap between committee adoption and plenary adoption of texts is becoming longer, and there are greater delays in the production of routine texts, such as committee minutes, in all languages.

The EP has been exploring a variety of ways to mitigate these problems. Interpretation is restricted for certain meetings, with attempts being made to have a better match of supply and demand. Thus, for example, if a language like Estonian is not being used routinely in a committee it will not be provided, even if an Estonian member subsequently decides to attend a particular meeting. Such measures, summed up by the phrase 'controlled multilingualism', can help to some extent, but major problems are likely to remain, and even to be accentuated in the future, as further new languages (Romanian, Bulgarian, Croatian, Turkish, etc) are introduced and as pressure grows for certain regional languages, such as Catalan, to be used as well.

Implications of further EU enlargements

The 2004 enlargement has been by far the largest ever faced by the Union. Nevertheless the EU is being given little, if any, respite, with the enlargement process continuing. The consequences for the Parliament are most obvious in the cases of Bulgaria and Romania. The negotiations with them will continue to be closely monitored by the Parliament. In a short period they may start sending Observers from their national parliaments, and within the term of office of the present Parliament (the current target date is 2007) it is planned that they should join the EU, 53 new MEPs bringing in (35 from Romania and 18 from Bulgaria), along with two more languages. The overall size of the Parliament would go up to 785 until the next EP elections in 2009. After 2009 the EP would again be downsized to 736, with all but six countries having yet again to reduce the size of their national delegations. If the Constitution will have entered into force by then, however, there will be a new total figure of 750 members, with a maximum of 96 for the biggest countries and a minimum of six.

Successful negotiations with Croatia would again alter these calculations. In the longer time the biggest impacts, however, would come as a result of Turkish accession. Quite apart from all other considerations, the impacts on EP structure would be vast, with Turkey likely to be entitled to more MEPs than any other country but Germany. If the remaining Balkan countries, Ukraine and others also came in, the EP would be faced even more starkly with the invidious choice of becoming an even larger Parliament, or else of sharply cutting back

the size of most national delegations, with many of the smaller countries, in particular, running the risk of feeling insufficiently represented within the Parliament.

To sum up, the 2004 enlargement, as far as numbers are concerned, should not have a strong adverse effect on the Parliament's basic functioning. The basic structures have been adapted to the new numbers. In the short term, one may expect a certain slowing-down of business as the large numbers of new MEPs, especially those who are also from new Member States, settle in. The main question is whether the increase in languages can be managed without causing excessive delays, especially after further enlargement.

2. Political Balance and Political Coherence

The second set of questions concerns the political coherence of the European Parliament, understood here as both the cohesion of the Political Groups in their voting behaviour and the degree to which their positions are seen as offering distinct policy options at European level. It is too early to judge what impact this enlargement will have – and this is a complex subject which goes beyond the scope of this article. Nevertheless, some preliminary observations are possible.

Impact on the political balance within the EP

Table 1 shows the political balance in the European Parliament as it was in the 1999-2004 term² and as it was agreed on 20 July following the 2004 elections.

The share of the two largest groups in the end remained more or less the same. In fact it actually decreased slightly from 65.2% of the old Parliament to 63.9% today, in spite of some prior predictions that it could increase significantly and as seemed to be indicated by the fact that so many of the observers from the new Member States joined the two largest groups. In the event, some of these parties, notably the Socialists in Poland, did badly in the June 2004 elections, and this was reflected in the final result.

Moreover, both groups had been represented in all Member States. The EPP have maintained this status, with 69 MEPs from all ten new Member States. This is, however, no longer the case for the Socialists, who only have 31 MEPs from just eight of the new Member States and no members at all from Cyprus or Latvia.

The largest increase in membership has been in the Liberal Group, whose share of the total has risen from 8.5% to 12%. Most of this increase is due to having made new recruits from outside the traditional liberal parties

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Table 1: The Evolution of the Political Balance in the European Parliament

		1999-2004		2004-2009	
	Political Group	Seats	% total	Seats	% total
Christian Democrats/ Conservatives	EPP-ED	232	37.1	268	36.6
Socialists	PES	176	28.1	200	27.3
Liberals	ALDE	<i>ELDR</i> 53	8.5	<i>ALDE</i> 88	12.0
Greens plus	Greens/EFA	44	7.0	42	5.7
Left	GUE/NGL	49	7.8	41	5.6
'Sceptics' ⁵	IND/DEM	<i>EDD</i> 18	2.9	<i>IND/DEM</i> 32	4.4
Other	UEN ⁶	23	3.7	27	3.7
Other	NI	31	5.0	34	4.6
	Total	626		732	

EPP-ED	Group of the European People's Party (Christian Democrats) and European Democrats
PES	Socialist Group in the European Parliament
ALDE	Group of the Alliance of Liberals and Democrats for Europe
ELDR	Group of the European Liberal, Democratic and Reform Party
Greens/EFA	Group of the Greens/European Free Alliance
GUE/NGL	Confederal Group of the European United Left - Nordic Green Left
IND/DEM	Independence and Democracy Group
EDD	Europe of Democracies and Diversities Group
UEN	Union for Europe of the Nations Group
NI	Non-attached Members

in the old Member States (notably in France and in Italy), and this has been reflected in the slight change in the Group's name. However it also has nineteen members from eight of the ten new Member States (the exceptions being in the Czech Republic and in Slovakia), with the Group doing particularly well in Lithuania, where it has seven seats and over half of all Lithuanian MEPs.

Predictions that the Green/EFA Group would fare badly as a result of enlargement have been confirmed, with only one (EFA rather than Green) member from Latvia, and with no representative in any of the other new Member States. The Green/EFA Group, however, has just managed to become the fourth largest group in the Parliament, in considerable measure because of its good result in Germany.

The GUE/NGL Group has gone from fourth to fifth in size, and is also unrepresented in seven of the ten new Member States, the exceptions being Cyprus, Estonia and the Czech Republic.

Finally, enlargement has made a significant contri-

butio to the two smallest groups in the Parliament. The former Europe of Democracies and Diversities (EDD) Group has been renamed as the Independence and Democracy Group (IND/DEM). Essentially consisting of Eurosceptics it has grown from 2.9% to 4.4%, with its two largest delegations being the eleven members from the United Kingdom Independence Party (UKIP), and the ten members from the League of Polish Families. The biggest proportionate impact of enlargement, however, has been on Parliament's smallest Group, the UEN, whose Italian and Irish core have been bolstered by recruits from several of the new Member States, including seven Poles, four Latvians (the single largest group of Latvian MEPs) and two Lithuanians. These 13 members thus make up almost half the total membership of the Group. It is simply too early, however, to tell what kind of impact the changed composition of these latter groups may have on the work of Parliament.

Besides these comments on the changed internal balance within the EP political groups a few words

should be added about the overall political balance among the groups. The most striking feature is that the two largest groups, in spite of the slight drop in their overall share that was noted above, again entered into an agreement to divide up the Parliament Presidency between themselves over the 2004-2009 term of office. This had become standard practice before 1999, but in the 1999-2004 Parliament the 'grand coalition' had broken down, and been replaced by a deal over the Presidency between the EPP and Liberal Groups.

A second important element is that the Liberal Group, while much smaller than the two largest groups, is now much bigger than the other groups. More than ever it is in a key position as an arbiter of many swing votes within the Parliament.

Finally there has been some speculation over the impact of the success of Eurosceptic parties in a number of EU countries, notably UKIP in the United Kingdom. In practice their success was an uneven one and in Denmark, for example, they lost support. The overall impact on the European Parliament political balance was thus limited. The IND/DEM Group has certainly gained considerably in size, but the consequences of this on the workings of the Parliament are not yet evident.

Impacts on political coherence

It also remains to be seen what enlargement may mean for the further evolution of the political groups – and of European political parties – in providing clear options for European politics.

There has been a fairly high degree of cohesion, at least among the largest groups. Looking at voting records from 1979 to 2001, Hix, Kreppel and Noury conclude that the Socialists, EPP and Liberals acted as 'relatively cohesive party organizations' with average scores on an agreement index of 0.84 in the first term to 0.89 in the fifth. This may be lower than in European domestic parliaments where the executive relies on a majority in parliament, but is higher than in the United States, where there is a separation of powers. Moreover, the general trend has been upwards.³

Yet there are still many issues on which MEPs will vote in a particular way corresponding to national, regional or sectoral interest rather than political group affiliation. There are also considerable divergences within most political groups regarding the depth and direction of European integration, and often over other policy preferences at European level.

It is too early to gauge the impacts of enlargement on all this. Many of the new MEPs seem strongly committed to further European integration, but there are a number of Eurosceptics among them as well. On economic policies, the new members include both strong liberals and others more nostalgic for the old certainties. On foreign-policy issues such as attitudes to the Iraq invasion, the policy differences have been well flagged-up. It has also been predicted that enlargement may bring about other shifts in parliamentary priorities with, for example, greater interest being shown in cohesion

issues than, say environmental questions. One difference which is already clear is that there are a higher percentage of social conservatives among the new MEPs than among those from the old Member States.

A final issue that is worth mentioning is the potential impact of the embryonic European political parties, the effects of enlargement upon them and the extent to which they will contribute to provide clear and consistent European policy choices for European citizens. These parties include the Christian Democrats and other centre-right parties in the *European People's Party* (EPP), socialists in the *Party of European Socialists* (PES), liberals in the *European Liberal, Democratic and Reform Party* (ELDR), the *European Green Party* that was founded to succeed the European Federation of Green Parties in February 2004 and the *European Free Alliance* (EFA), which is made up of 'representatives of stateless nations' and which constituted itself as a European Political Party in March 2004. To differing degrees all of these parties have been impacted by enlargement, and have gained a considerable number of parties as full members or observers.

The importance of these parties has been reinforced by the recent adoption of Regulation 2004/2003 on the regulations governing political parties at European level and the rules regarding their funding, which became operational after the 2004 European elections. In the longer term this could help to strengthen their potential role as mobilizers of European public opinion, and contribute to the development of Europe-wide rather than individual national policies. In the shorter term, however, this is still far from being the case, not least because the European political parties that have been created do not correspond in most cases to the political groups within the European Parliament. In some cases their membership is different (for example the EPP-ED includes not just the EPP parties but also the more 'Euro-hesitant' parties in its ED wing, such as the British and Czech Conservatives). The ALDE Group and the ELDR Party also do not coincide. The Greens/EFA Group contains parties from two separate European political parties. Moreover several EP groups, such as the GUE, IND/DEM and UEN Groups have no equivalent European political parties, and indeed in some cases this would be contrary to their core beliefs. For the moment, therefore, the political groups within the European Parliament have the more important role, but it will be interesting to see the extent to which the European political parties succeed in increasing their influence over the next few years.

3. Legitimacy

Impacts on turnout at the 2004 EP elections

The 2004 European elections had a disappointing overall turnout of only 45.7%. The turnout rate was often low in the old Member States, although it did increase in certain countries, and in overall terms was only slightly lower than in 1999. The most striking aspect, however, was just how little interest there was in most new Member States. Turnout was below the EU average except in

Malta (82% – where there has been a high level of interest, not only positive but also negative, and there is a tradition of very strong participation in elections), Cyprus (71% – where EU membership is a matter of top national concern, and voting is obligatory) and, if only just, in Lithuania (48%). Moreover in five of the ten, turnout was below 30%, including Poland with 21% and Slovakia with an all-time record anywhere of 17%.

Far from contributing to an increase in overall electoral participation – as might have been expected, given their apparent enthusiasm for EU membership – the response of most the new Member States thus ensured continuation of the trend by which average turnout across the Community/Union has fallen with each successive elections. Some commentators have suggested that the falling turnout rate in European elections is open to misinterpretation, inasmuch as there has been a more general disenchantment with politics in general. Turnout, it is suggested, is lower in all elections, not just in those to the European Parliament. Yet turnout in the 2004 European elections was lower than turnout in the latest national elections in every single country of the 25 except Luxembourg. This ‘Euro Gap’ (i.e. the *difference* between the two turnout rates) was a full 53% in Slovakia; over 40% in Sweden, Austria and The Netherlands; and 30% or more in Denmark, Hungary, Estonia, the Czech Republic, Latvia and Slovenia.⁴

Given the growing importance of Parliament’s formal role in the evolving European political system, this low level of popular interest in the institution, especially in the new Member States, is a matter for serious concern, especially at a time when citizens are being invited to ratify a new Constitution.

Concluding Remarks

The EP has grown greatly in power in recent years, and now has a much stronger position than it used to have within the inter-institutional triangle that it forms with the Council and Commission. Its power of legislative codecision has been extended, its budgetary powers are very considerable and its powers of control and over EU appointments have also been reinforced. It will now have to demonstrate that it can make the best use of these new powers by further improving its procedures within the legislative process, by devoting more resources to monitoring the implementation of EU law, and by making a major contribution to the adoption of Europe’s medium-term financial perspectives. In addition, the EU draft Constitution, if eventually ratified, would further consolidate the EP’s legislative and budgetary

powers, and the EP will have to show that it can live up to these new responsibilities as well. The EP will also have to face up to the great challenge that lies ahead in better communicating the nature of its role and powers to Europe’s citizens, so that it can seek to reverse the trend to lower turnout by the time of the next European Parliament elections in 2009, and thus help to reinforce its future legitimacy.

A number of other related developments would help to reinforce this process, including the potential consolidation of multi-level political *parties*, the establishment of closer relations between the European Parliament and the national *parliaments*, and strengthening the connection with European *people*. This latter is vital as the Parliament is often not perceived as being relevant to citizens’ most pressing concerns. Both the new Parliament and the new Commission have already indicated that a high priority will be attached to a continued improvement of transparency and communications. This is certainly essential if the institutions are to achieve, as they must, a degree of public understanding and support which is more commensurate with their existing powers and their future role at the heart of a constitutionalized European political system.

Given the growing importance of Parliament’s formal role in the evolving European political system, this low level of popular interest in the institution, especially in the new Member States, is a matter for serious concern.

NOTES

- ¹ Francis Jacobs’ contribution is made in a personal rather than an institutional capacity.
- ² These figures refer to the EP of 626 Members, not the 785-member body which formally existed between the June 2004 elections and the July plenary which inaugurated the 6th term. The precise figures varied slightly during the term. Those given here are from February 2004.
- ³ Simon Hix, Amie Kreppel and Abdul Noury, ‘The Party System in the European Parliament: Collusive or Competitive’, *Journal of Common Market Studies* 41:2 (2003): 309-331.
- ⁴ International IDEA, ‘Elections in the European Union – A Comparative Overview’. The UK Electoral Commission, European Parliamentary Elections Seminar, Cardiff, July 2004.
- ⁵ This group in fact includes parties with fairly different attitudes towards European integration itself.
- ⁶ The UEN includes a variety of parties and is a successor to the former Gaullist grouping. □

The European Commission

The European Commission in a Period of Change: A New Administration for a New European Union?



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Abstract

Over the past five years, the European Commission has undergone what are probably the most significant reforms since its inception. The article provides a brief review and assessment of these administrative reforms, before looking at the political changes and challenges arising from the processes of constitutionalisation and enlargement. The entry of ten new Member States in particular has created additional pressures and demands, but also provides new opportunities to review and revise the workings of the Commission to enable it to adapt to an enlarged Union. This article sets out to examine the position of the Commission at this important juncture. It looks at the ongoing process of internal reforms in the European Commission and assesses their impact on the institution, considers the process of treaty reform and its implications for the Commission, and then reviews the wider impact of enlargement on the Commission and on the European Union as a whole. By way of conclusion, we assess the current and future challenges facing the incoming Commission under its new President Barroso.

Introduction

Over the past five years, the European Commission has undergone what are probably the most significant reforms since its inception. This is remarkable, given the expansion of tasks and size that the Commission had experienced over the previous decades. It took the crisis of 1999, when the Commission took the decision to resign rather than face an inevitable censure by the European Parliament, to suddenly thrust reform to the top of the political agenda. Given the implicit recognition at the time that the Prodi Commission would be judged on its ability to reform the Commission, it is legitimate now, at the end of its term, to question the extent to which this objective has been achieved. Beyond the long-standing need to reform the Commission and take account of its greater size and wider competences, Commission reform is also, and perhaps even more so, a response to the recent round of enlargement. The entry of ten new Member States has created additional pressures and demands, but also new opportunities to review and revise the workings of the Commission to enable it to adapt to an enlarged Union.

This article sets out to examine the position of the Commission at this important juncture. It will first look at the ongoing process of internal reforms in the European Commission and assess their impact on the institution. Second, it will consider the process of treaty reform and its implications on the Commission. Third, the wider impact of enlargement on the European Union is reviewed, with particular emphasis on the way in which this process affects the position of the Commission. By way of conclusion, we assess the current and future challenges facing the Barroso Commission.

The Kinnock Reforms

When the Prodi Commission approached the issue of reform, many of the key problems identified in the Spierenberg report of 1979 – such as size of the Commission, political influence of the Cabinets and legitimacy – were still relevant in 1999. An over-simplistic assessment was that the Commission system seemed to be based on a French centralised administration, a German control system and an Italian model of trade unions.

The case for modernization of the Commission arose primarily from the fact that, whilst Europe and the Union had altered hugely in four decades, the Commission's organisational systems had hardly changed. The reason for this was not difficult to see. Policy advance and application were necessarily the greatest preoccupations of an institution that was explicitly created for those purposes, and the Commission – as the motor of European integration – has attempted to fulfil those functions. The emphasis had essentially been on the concept of 'Administration de mission'. Further impetus to reform came from two external factors. The first was the expansion in the scale and scope of the Commission's tasks. As an example, at the beginning of the 1990's there was an explosion of direct management of funds in the field of external economic assistance. The second reason for change was that the EU was approaching its largest and most complex enlargement. The strains on the functioning of the Commission as an organisation, and the new demands being made on the institution, made fundamental overhaul essential.

In March 2000 the Commission adopted a Reform Strategy White Paper which set out three related themes of change:

- The complete modernization of financial management and control (establishment of a specialist Internal Audit service and audit capacities in each Directorate General);
- Introduction of Strategic Planning and Programming using Activity Based Management and Budgeting to achieve a more efficient and transparent annual focus on the main operational priorities and their operational consequences;
- Modernization of personnel policy and a new Human Resources strategy (e.g. new staff regulations including an appraisal system, new linear career structure and increased budget for training and management training).

A constant stream of proposals over the last four years included the adoption of a global package of reforms to staff policy and career structure in December 2001 and January 2002, followed by the successful reform of the new staff regulations which came into force on 1 May 2004. These proposals have been portrayed as the most comprehensive programme of modernisation in the Commission's 45-year history. They are seen as a comprehensive strategy of integrated change, which encompasses all aspects of the Commission's structure, systems of working and administrative methods.

Overall, it cannot be doubted that the complete modernisation of financial management and control has been largely successful in achieving its aims. More remains to be done on simplification of procedures, but the financial management of the institution has improved markedly over the last five years.

The second block of reforms, with the introduction of strategic planning and programming, has been a partial success, but a question mark remains over its long-term viability. This process has led to a more strategic approach within the Commission, which in turn has helped to develop a more effective inter-institutional planning mechanism. The reality remains, however, that the Commission has failed in its efforts to concentrate on a small number of political priorities. The attempt to identify 'negative priorities' which should be removed from the work programme has produced limited results due to the reluctance of individual Directorates General. The Commission must also do more to ensure that the College of Commissioners looks forward strategically, rather than being bogged down with day-to-day decisions.

Modernization of personnel policy was always going to be the most difficult area to succeed in. On 22 March 2004, the Council adopted the Commission's proposals on the modernization of the Staff Regulations. These reforms cover all aspects of careers and working conditions of EU officials and other staff, from recruitment to

retirement. At the heart of the system is a new career structure centred on two categories of staff: Administrators and Assistants. The new Staff Regulations, among other things, update pension provisions by raising the pensionable age and pension contributions; rationalize various allowances; improve the mechanisms for the reporting of wrongdoing; sustain merit based remuneration; and modernize the working environment of staff. It is estimated that the reforms will generate cost savings of up to 100 million a year over the next decade. This in itself has led to the suggestion that the new Staff Regulations discriminate against those officials, especially from the new Member States, who joined after 1 May 2004.

The problem seems to be that, although most of the reforms have been implemented, they have tended to focus on accountability and control mechanisms rather than on a reform-based approach bringing the staff with them. Indeed, the internal reform process is widely seen to have sapped the morale of officials throughout the Commission. One of the main concerns amongst staff seems to be that many of the – otherwise welcome – reforms have added additional tasks to an increasingly heavy workload, and the reform process has developed numerous evaluation mechanisms without simplifying

procedures or providing a clearer sense of the demands being placed on the unit or the individual concerned. The many changes resulting from the reforms have also induced a higher degree of uncertainty over the future location of staff, with the distraction that that creates both for the work of units and for individual officials. In a nutshell, the Kinnock reforms imply

long-term benefits with prospects for a more efficient operation of the Commission internally, but have also created rather high short-term costs, and thus temporarily added to, rather than solved, the Commission's problems.

The problem seems to be that the reforms have tended to focus on accountability and control mechanisms rather than on a reform-based approach bringing the staff with them.

The Changing Politics of the European Commission

A lack of clarity about the Commission's role clearly remains. It emanates from the conflicting functions the Commission performs. The Treaties confer on the Commission functions of legislative initiator, administrator, policy manager in an ever-increasing number of areas, legal watchdog, mediator, power broker, negotiator, and external representative. In terms of its overall vocation, these tasks underline a potential role as a proto-government within a federal Europe. Commission President Prodi made no secret of his desire to see the European Commission regarded as a European government, and the Constitutional Treaty does recognise its function as the executive of the Union. However, political leadership will need to be shared even more in the future with the

Council, given the plans for a European Council President who is bound to be a rival to the Commission President in terms of the representation of the Union vis-à-vis citizens, Member States and third countries.

More than ever the Commission therefore finds itself caught in the forcefield of the institutional triangle, with an ever-closer relationship with the Council on the one hand, but with ever-greater dependence on the European Parliament on the other.

The Commission has always drawn its legitimacy from a number of different sources – the support it receives from the Member States who appoint its members, its accountability towards the European Parliament and the efficiency of its management of the Union's affairs. Such multiple sources of legitimacy place contradictory demands on the Commission, and the institution has been struggling in recent years to cope with these.

Greater politicisation – which was an accepted, if not desired, outcome during the Prodi Presidency – may have made the Commission more visible in the public eye, but also made it more vulnerable to the attacks that come with partisan politics. There is, in the long run, no hiding for the Commission from the political nature of its work, and the controversies that may arise from that. What is problematic in this respect is, however, the Commission's reliance on both Council and European Parliament, not only in order to achieve results in the legislative process, but also in terms of its wider public acceptance.

The events surrounding the Barroso Commission's appointment in late 2004 illustrate this well: a Commission nominated unanimately – and after lengthy deliberations – by the Member States proved to be unacceptable to the European Parliament, forcing the designated President to withdraw his team just before the Parliamentary vote. While this was widely seen as a 'crisis', even a 'constitutional crisis', Barroso's ability to reshuffle his team relatively quickly, satisfying the demands of both Member States and EP, could even be seen to have strengthened him as President. If Barroso's decisiveness and diplomatic skill during this process of Commission nomination and approval is anything to go by, this is going to be a Commission with firmer and clearer leadership, and thus a contrast to the previous one.

Clearly the 'crisis' surrounding the Parliamentary approval of the Barroso Commission was the result of a continuing compromise in the Union's institutional arrangements, in this case the choice to base the Commission's appointment on the support of both Member States and Parliamentary majority. In this respect, the provisions of the Constitutional Treaty, under which the Commission President would be elected by the European Parliament and have greater freedom over the appointment

of Commissioners, would do away with this particular problem. On the other hand, the Commission and individual Commissioners will be weakened by not having the close working relationship with national governments and administrations that has been important for the Commission until now.

If one considers this link between national and European executives has being important, if not essential, for effective governance in the EU, the provisions in the Constitutional Treaty regarding the number of Commissioners are a further test of this source of legitimacy: from 2014 the College of Commissioners is to consist of only two-thirds of the number of Member States. At any one time, a third of Member States will not have 'their' Commissioner in Brussels. In many ways this de-linking of Commission and Member State is overdue, considering it is only a logical consequence of the requirement of neutrality and independence from national interests that has always been expected from the Commission. But in terms of making sure that the work of the Commission – and indeed the activity of the EU as a whole – is communicated well to national governments, administrations and indeed the public, this change in the number of

Commissioners could well be detrimental if the interlocutor between Brussels and the national domain is lacking. All the more reason for the Commission to develop a communication policy that is equally effective in presenting the work of the Commission at the European level as in relating to the different national spheres within which EU policies will continue to be received and evaluated.

One of the criticisms of the Prodi Commission has been its failure to provide political leadership and a clear message. Both of these will be in high demand in a more diverse Union. The larger the Union grows, and the more variable geometries – including competing groups of Member States – that emerge, the more important it is to preserve and strengthen an institutional 'centre of gravity'. Thus there is a powerful functional argument for ensuring that the Commission remains at the core of the common institutional framework. However, it will require greater flexibility in the future not only to manage inter-institutional relations with the Council and Parliament, but also to make effective use of the European Council. In this context it needs to be recognised that the European Council as a forum has largely been replaced by constant bilateral contacts between individual Member States, from which the Commission has been largely excluded.

The general trend is therefore towards greater politicization, involving an increasing importance of the Commission's relations with the European Parliament and a more delicate link between national and European

The general trend is towards greater politicisation, involving an increasing importance of the Commission's relations with the European Parliament and a more delicate link between national and European domains.

domains. It is in line with the long-standing tensions facing the Commission that maintaining an independent stance vis-à-vis national governments and political pressures is becoming more important just as it is proving more difficult to achieve. The legacy of the Prodi Commission is clearly that the legitimacy of the Commission relies ever more on input (i.e. on the political interests that provide the foundation of its work), rather than on its output (i.e. the provision of effective solutions to the problems facing European society and economy).

The Commission's Role in the Wider Europe

In considering the position of the Commission in the enlarged European Union, we need to look not only at the direct impact this has had on the Commission as an institution, but also at the changes which enlargement brings to the European Union as a whole. Indirectly, enlargement has a significant impact on the Commission, both in terms of the demands placed on it, and in terms of the new constraints and opportunities it creates for the Commission.

First of all, this concerns the simple fact of size: the EU has grown significantly in terms of population, territory and economy, with a greater diversity of all three. However, the Commission has not grown accordingly. Some recruitment, as discussed below, is going on, but it is not likely to increase the size of the Commission proportionately for some time. Obviously, there are economies of scale, and one would not expect a 1:1 growth of the Commission with the entry of the new Member States.

However, some tasks for the Commission can be expected to grow disproportionately post-enlargement. Here one would expect the Commission to have to do much more, simply to remain at the level at which it has been in the past. One of these areas is control over implementation. There is a backlog of implementation of the *acquis* in the new Member States (not to mention the remaining candidate countries). Beyond that, the Commission now has a much more difficult job to supervise the correct transposition and application of Community laws in the Union. The administrative resources of the new Member States will also take time to come up to the levels of Western Europe, and thus there will continue to be limited capacities to implement EU policies. This implementation challenge in the new Member States comes on top of an already problematic implementation culture among the old Member States. Indeed, in some ways it is fair to say that the problems with implementation in the EU 15 have grown. The Stability Pact, and the way in which some of the core countries have had problems complying with it, has been the most visible example. Such demonstrations of

non-compliance send signals to all Member States, old and new, and may lead over time to a further erosion of the implementation culture in the EU.

With resources not having increased substantially, it is easy to see that the Commission here has a mammoth task. Recourse to litigation is not always a useful option, given the overload of the European Court of Justice. Perhaps it just needs to be recognised that implementation will be one of the areas in which the EU will pay the price for its simultaneous widening and deepening over the past decade. In some ways these are the signs of a potentially overstretched Union that will have to devote some attention to consolidation and persuasion – in particular within domestic systems. This is where the input of the Commission will be required, and the search for new and effective instruments to manage governance in this wider Union may have to go beyond the White Paper on European Governance.

Part of the answer appears to lie in processes of decentralization, of the Commission handing back powers to either national administrations or independent agencies. It is a trend that has gone on for some time, but which has been accelerating over the past few years. In areas such as competition policy the Commission is looking for a new division of labour with the Member States, thus casting off some of the load that has grown beyond its own resources. The desired effect would be that, by concentrating on a reduced number of issues and cases, DG Competition can be swifter and more effective in its own decision-making.

We have also witnessed a growing trend of setting up new agencies which do some of the work of gathering and exchanging information, building up sectoral networks and assisting in implementation – tasks that were traditionally located inside the Commission. Indeed we may see agencies taking over from the Commission the centralized implementation of EU policies, relieving the Commission of its management tasks and thus freeing resources for policy-making and agenda-setting, where the Commission has been rather weak over the past few years. Indeed, a process of decentralization should strengthen the Commission and help return it to its traditional role of providing strategic leadership for the Union.

Future Challenges: The Agenda of the Barroso Commission

Looking to the future and the challenges ahead, it is clear that the reform process is far from over. Apart from the implementation of the changes required by the Constitutional Treaty, if and when that is ratified, the new Commission also needs to manage the institutional impact of enlargement. This concerns *inter alia* the

A process of decentralisation should strengthen the Commission and help return it to its traditional role of providing strategic leadership for the Union.

impact which the recruitment of officials from the new Member States will have on the nature of the Commission's administration. There is, for example, the likely impact on language, with much greater use of English rather than the traditional French among new recruits. The whole culture of language use will be affected, both in terms of fewer languages used in internal meetings and documents (these already feature almost only French and English) and in terms of pressure on Commission staff to keep documents requiring translation as short as possible. Thus the counter intuitive effect of the arrival of new nationalities among the Commission staff, and the increase in the number of official languages may actually be a rationalization of language use inside the Commission.

Similarly, one should also expect the arrival of new administrative cultures to challenge the traditional *modus operandi* in the Commission. This will most likely be a gradual change, but over time there is the expectation that the Commission will be transformed by thousands of new staff from Central and Eastern Europe. However, what the medium- to long-term impact of the arrival of different administrative traditions will be is difficult to predict. On the one hand, it may exacerbate the already fragmented nature of the Commission. Thus, a significant number of new staff with a very different culture of public administration may make a mark on the institution, just as the arrival of a wave of officials from Sweden led to a push for greater transparency in the work of the Commission. On the other hand, the new nationalities in the Commission may 'dilute' the existing patterns of different national cultures, providing better chances of the development of a genuine European administrative culture.

At the political level, the incorporation of the new Commissioners from the ten new Member States is already having an influence on the way the Commission works. This is not just a question of languages and culture as discussed above. In the debate in the College in the first six months after 1 May 2004, the dynamics of discussions on issues like competitiveness and the European Social Model were affected because of the positions taken by Commissioners from the new Member States. As they gain experience and use the power some have obtained from Vice-President and key portfolio positions, this influence is set to increase.

President Barroso's first significant decision was to reject proposals advocating a radical re-structuring of the Commission and a strengthened role for the larger Member States. He resisted calls for the introduction of clusters of Commissioners at the level of the College and for the splitting of different Directorates-General.

Barroso sent a clear signal to the larger Member States that they would not control his Commission. He intentionally resisted the pressure to give the largest and most prestigious portfolios to France, Germany, Italy, the United Kingdom or Poland. He also decided that all members of the Commission will return to the renovated Berlaymont rather than remain with their Directorate-General, thus reversing one of the changes Prodi had

initiated when he took over in 2000.

Very early on, Barroso set about providing clear instructions to Commissioners on the areas they would be responsible for and what he hoped each would achieve. Barroso has worked hard to be inclusive and provide Commissioners with a sense of ownership over the policy agenda being formed. At a first informal seminar of the designated President and Commissioners in August 2004, a new Code of Conduct for Commissioners was provisionally agreed setting out the rules on independence and Commissioners' relationships with their departments. These new rules consolidate the previous Codes already adopted under the Prodi Commission. A number of subtle changes have been made, and new rules have also been set out on the make-up of the private offices of Commissioners. Barroso has also made it clear that he will demand the resignation of a Commissioner if and when necessary.

In the first few months after his appointment, Barroso has therefore already demonstrated better communication skills than his predecessor. He has also taken the long overdue step of appointing a Vice-President for institutional relations and communication strategy. The appointment of a new President also inevitably brings with it a renewed optimism amongst the staff of the Commission. Many staff seem to be looking for strong leadership from the President and consolidation and simplification of procedures, rather than a new bout of reforms. President Barroso will quickly have to decide which approach he intends to take on reform.

In fact, the European Union of 2004 has a completely different dynamic to the post-Santer Commission atmosphere in 1999. The focus has shifted from internal reform to the question of the role, credibility and ability of the Commission to function in a Union of 25. The Commission will have to adapt to the changing political dynamics stemming from the incorporation of the ten new Member States, not least by understanding the influence they will have internally.

Political leadership by the Commission will be more important than ever if a President of the European Council is established and a new Vice-President for external relations is created within the Commission. Perhaps the greatest change facing the new President and his team of Commissioners is to regain trust and credibility with the Member States, while at the same time harnessing the increased politicization of the Commission stemming from the increasing influence of the European Parliament.

NOTES

¹ The authors wish to emphasize that this article is written in a personal capacity and does not reflect the views of their respective institutions. □

La Cour de justice européenne

Mutations de l'organisation juridictionnelle liées à l'élargissement: entre efficacité et perfectibilité



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Abstract

Le traité de Nice a prévu, dans la perspective de l'accroissement de l'activité juridictionnelle consécutif au récent élargissement de l'Union européenne de mai 2004, des mesures permettant à la juridiction communautaire¹ de continuer à exécuter sa mission avec efficacité. Le droit d'évocation du premier avocat général, la réorganisation du système de chambres témoignent notamment de cette adaptation.

Mais tandis que l'élargissement n'en est qu'à ses premiers pas, une nouvelle étape de la construction européenne se profile déjà à l'horizon, avec le traité établissant une Constitution pour l'Europe, signé par les 25 chefs d'Etat ou de gouvernement des États membres réunis à Rome, le 29 octobre 2004.

Le traité de Nice a ainsi opéré une modification sans précédent de la juridiction communautaire, mais on peut regretter que les mesures prévues ne soient pas encore toutes effectives (I) et que le traité établissant une Constitution pour l'Europe envisage des mesures inadaptées pour une Europe à 25 États membres aujourd'hui et peut-être plus demain (II).

I. L'adaptation du système juridictionnel au récent élargissement de mai 2004

A. L'adaptation structurelle

Le traité de Nice prévoit que la Cour² et le Tribunal³ comprennent au moins un juge par État membre. La réduction de l'effectif est interdite, mais il est possible de l'accroître. Le traité prévoit la possibilité de nommer un membre supplémentaire.⁴ Il appartient exclusivement au Conseil⁵, de décider cette augmentation, sur demande de la juridiction communautaire. Toutefois, concernant le Tribunal, il n'a jamais été décidé de recourir à cette faculté, si bien que le nombre de juge correspond à celui des États membres.

Actuellement, la Cour est donc constituée de 25 juges assistés de 8 avocats généraux. L'augmentation du nombre des avocats généraux est régie par l'article 222 CE. La France, l'Allemagne, l'Italie et la Grande Bretagne, l'Espagne ont chacune un avocat général de leur nationalité, les trois postes restant reviennent par rotation aux autres États. Le Tribunal ne dispose pas d'avocat général; l'article 46 du statut⁶ prévoit seulement la possibilité pour un juge du Tribunal d'occuper cette fonction.

Chaque gouvernement présente son candidat, qui dans le cadre de la réciprocité diplomatique, est accepté par l'ensemble des gouvernements des États membres⁷.

Les juges de la CJCE élisent parmi eux le président pour une durée de 3 ans renouvelable⁸. La procédure est similaire devant le Tribunal. Les avocats généraux ne peuvent pas être élus en qualité de président et ne participent pas au vote. En revanche, ils désignent chaque année l'un des leurs qui officie en qualité de

premier avocat général.

Chaque membre dispose de fonctions qui lui sont propres. Elles se distinguent entre tâches administratives et juridictionnelles. Les premières prévoient ainsi que le Président désigne un juge rapporteur à l'occasion de l'attribution des affaires. Les secondes permettent au Président de statuer par ordonnances de référé⁹.

Le premier avocat général a pour fonction de répartir les affaires aux avocats généraux. Depuis le traité de Nice, il dispose d'un droit d'évocation lui permettant, s'il estime qu'il existe un risque sérieux d'atteinte à "l'unité ou la cohérence du droit communautaire", de proposer à la Cour de réexaminer la décision du Tribunal^{10, 11}.

L'avocat général a pour fonction de présenter publiquement, en toute impartialité et en toute indépendance, des conclusions motivées au terme de l'audience, dans les affaires où son intervention est requise¹². Il n'intervient pas au stade du délibéré.

B. Une adaptation fonctionnelle effective mais inachevée

Les méthodes de travail de la Cour ont dû s'adapter à l'élargissement afin de parer à un afflux probable du nombre des affaires.

Le traitement des affaires illustre cette adaptation: chaque juge rapporteur présente un rapport préalable à l'ensemble des juges sur les données d'une affaire avec ses observations. Ce rapport préalable est complété par un rapport d'audience si les parties ont demandé à être entendues.

Les rapports sont inscrits dans un document qui comprend une liste A et une liste B. Seules les affaires inscrites, à la demande d'un membre, dans la liste A, sont débattues par les juges.

En cas de désaccord entre le juge et l'avocat général sur la nécessité ou non de rendre des conclusions, il appartient à l'ensemble des juges, lors de la réunion générale, de se prononcer sur une telle nécessité.

Le système des chambres a aussi été réorganisé en vue de l'élargissement. On distingue à présent quatre types de formations :

- deux d'entre elles classiquement à trois ou cinq juges, selon le degré de difficulté du litige;
- les deux autres: la grande chambre (11 juges) et la plénière.

La grande chambre ne comportera pas forcément un juge de la nationalité de chaque État membre. Elle sera saisie à l'initiative des États membres ou d'une institution communautaire.

L'article 16 du statut prévoit que le Président de la Cour et les présidents des chambres à cinq juges sont élus pour une durée de trois ans renouvelable une fois et qu'ils seront aussi membres de la grande chambre¹³.

La philosophie de cette réorganisation est la suivante: les formations à trois juges statueront sur le tout venant, les chambres à cinq juges statueront sur les affaires nouvelles ou complexes. La grande chambre sera pour sa part chargée des affaires présentant un intérêt important pour les États ou concernant les revirements jurisprudentiels.

Le recours aux procédures accélérées au moyen d'ordonnances est une autre illustration du souhait d'accélérer le traitement des affaires, tout comme l'échéancier strict pour les questions préjudicielles.

Mais la lenteur de la Cour s'explique surtout par la surcharge de travail des services de traduction qui doivent faire face à un accroissement exponentiel de demandes. La Cour a donc décidé de procéder à une publication sélective de la jurisprudence¹⁴.

On peut se réjouir que le traité de Nice ait également prévu que des chambres juridictionnelles pourront être adjointes au Tribunal dans les conditions prévues à l'article 225 A CE¹⁵.

Le Conseil statuant à l'unanimité nommera les membres de ces chambres juridictionnelles. Cette nomination sera un acte communautaire susceptible d'un recours juridictionnel devant le Tribunal. Ceci est une différence de taille avec la nomination des membres de la Cour, qui est une décision intergouvernementale insusceptible de recours devant la juridiction communautaire.

La notion "*d'adjonction*" signifie que les chambres juridictionnelles feront partie de la Cour et qu'elles participeront pleinement à l'exercice du pouvoir judiciaire communautaire tout en gardant l'indépendance nécessaire à l'exercice de leurs fonctions.

La compétence de ces chambres ne pourra pas excéder

celles de la Cour. C'est en raison de l'incertitude quant à la nature et l'étendue des domaines de compétence de ces chambres, que l'article 225 A CE dispose que la décision créant une chambre juridictionnelle précisera si les décisions rendues par cette dernière pourront faire l'objet, devant le Tribunal, d'un pourvoi limité aux questions de droit ou d'un appel portant sur des questions de fait¹⁶.

Le traité de Nice a également attribué au Tribunal la compétence préjudicielle "*dans des matières spécifiques déterminées par le statut*"¹⁷.

Cet apport laisse assez dubitatif car la Cour est appelée dans cette procédure à "*dire le droit*" ce qui offre un caractère ultime à la solution dégagée par la Cour. Or un arrêt rendu par le Tribunal en matière préjudicielle pourra faire l'objet d'un "*réexamen*" par la Cour, certes à titre exceptionnel, ce qui risque néanmoins de mettre à mal la nécessaire stabilité que cette procédure requiert

puisque'elle est destinée à définir et orienter l'ordre juridique communautaire.

La nouvelle répartition des compétences entre la Cour et le Tribunal, notamment en matière de recours directs¹⁸ a pour conséquence de réserver à la Cour le contrôle juridictionnel des conflits inter-institutionnels et des actes normatifs de base¹⁹.

Corrélativement, le Tribunal devra statuer sur les actes d'exécution émanant du Conseil et verra ses compétences renforcées en matière d'aides d'Etat, de mesures de défense commerciale.

Cette nouvelle répartition des compétences va largement accroître en complexité la pratique du contentieux relatif aux actes délégués ou aux actes d'exécution²⁰.

L'élargissement a suscité une rationalisation de l'activité juridictionnelle qui est positive à plusieurs égards mais risque à terme d'accroître en complexité la pratique du contentieux.

II. L'évolution du système juridictionnel post élargissement

A. Le système juridictionnel communautaire repensé par le traité établissant une Constitution pour l'Europe

Il prévoit une nouvelle appellation de la juridiction communautaire: la Cour devient "*la Cour de justice*" qui comprend: la Cour de justice européenne (ex Cour de justice des Communautés européennes), le Tribunal de grande instance (ex Tribunal de première instance des Communautés européennes) et des juridictions spécialisées (ex chambres juridictionnelles)²¹.

L'extension du vote à la majorité qualifiée et de la codécision à la création des juridictions spécialisées facilitera l'évolution de la Cour de justice.

Le traité établissant une Constitution pour l'Europe (ci-après le traité) poursuit l'objectif d'attribuer à la Cour de justice européenne le contrôle de l'activité normative des institutions et la résolution des conflits interinstitutionnels, tout en lui réservant, dans une future Union sans piliers, une compétence limitée en

matière de politique étrangère et de sécurité commune²² et dans le domaine relatif à l'espace de liberté, de sécurité et de justice²³.

Si l'on considère le traité comme étant formellement et substantiellement constitutionnel, bien que le concept de "*Constitution européenne*" apparaisse comme une "*subversion des concepts juridiques*"²⁴, force est de constater que les travaux de la Convention ont bien abouti à un texte de nature constitutionnelle, au moins au sens matériel du terme.

Il confère en effet à la Cour de justice européenne un triple rôle de:

- Cour constitutionnelle;
- Cour de cassation des arrêts rendus par le Tribunal de grande instance;
- Cour suprême de l'interprétation et l'appréciation de validité du droit lorsqu'elle est saisie de questions préjudicielles et lors du réexamen des arrêts préjudiciels rendus par le Tribunal de grande instance.

La nature constitutionnelle du traité se retrouve en filigrane dans les attributions de la Cour, qui se voit confier une fonction de contrôle de constitutionnalité²⁵, et dans la nomination des membres de la Cour de justice qui s'apparente en effet à celle des juges constitutionnels de certains Etats membres²⁶, en raison de la présence d'une personnalité du Parlement européen dans le comité chargé de donner un avis sur la candidature à l'exercice des fonctions de juge et d'avocat général de la Cour de justice.

Bien que la création de ce comité consultatif aille dans le sens d'une transparence et d'une démocratisation des nominations, elle offre néanmoins le flanc à la critique, dans la mesure où elle introduit une politisation dans la nomination des juges. Gageons que leur statut leur garantira une réelle indépendance.

La Cour de justice européenne se retrouve également investie de la fonction traditionnelle d'une cour constitutionnelle, à savoir assurer la suprématie d'une

Constitution à l'égard de tous les organes d'un Etat et des citoyens; ainsi, l'article III 270 §2 de la future "*Constitution européenne*"²⁷ lui donne compétence pour se prononcer sur toute violation de la Constitution.

La compétence de la Cour de justice européenne pour veiller à la répartition des compétences inscrite dans la future "*Constitution européenne*" et à assurer la défense des droits fondamentaux mentionnés dans la partie I du titre III du traité, contribue également à qualifier la Cour de justice européenne de cour constitutionnelle et à confirmer la valeur constitutionnelle du traité.

B. Une mutation symboliquement forte, mais néanmoins perfectible

L'élévation de la Cour de justice européenne au rang de cour constitutionnelle est empreinte d'un très fort symbole quant à l'évolution de l'Union, mais la symbolique ne suffira pas à assurer l'efficacité du nouveau système juridictionnel, car de nombreuses questions ont été laissées en suspens.

La Cour de justice se retrouve officiellement investie de la protection des droits fondamentaux par la future "*Constitution européenne*". Mais le prestige de cette "investiture officielle" ne suffit pas à régler le problème de la coexistence difficile de la protection des droits fondamentaux garantis par la future "*Constitution européenne*" avec celle de la Convention européenne des droits de l'Homme, ni avec la protection reconnue par les constitutions nationales. Or aucun système de résolution des conflits n'a été envisagé. Ne pêche-t-on par excès d'optimisme en partant du postulat implicite que le renvoi préjudiciel sera suffisant?

Par ailleurs, le texte est muet quant au recours contre une décision de la Cour de justice européenne rendue en qualité de cour constitutionnelle. L'affirmation de la suprématie de la Cour de justice européenne en tant que cour constitutionnelle est insuffisante, car encore faut-il qu'elle assure un degré élevé de protection des droits fondamentaux, dans une intensité au moins égale à celle des constitutions nationales. En effet, que se passerait-il si des cours constitutionnelles nationales étaient tentées de suivre l'exemple de la cour constitutionnelle allemande²⁸?

En outre, le traité indique que la Charte des droits fondamentaux fait partie intégrante de la Constitution et que l'Union s'emploie à adhérer à la Convention européenne des droits de l'Homme, ce qui entretient la concurrence entre les deux systèmes de droit. Cette concurrence semble atténuée par l'article 7 §3 du traité qui dispose que les droits fondamentaux reconnus par la Convention européenne des droits de l'homme font

partie du droit de l'Union. Cette référence vaut-elle intégration des droits de la Convention européenne des droits de l'Homme dans la future "*Constitution européenne*"? Si oui, l'adhésion de l'Union à la Convention européenne des droits de l'Homme serait inutile, à condition que l'Union dispose de voies de recours spécifiques efficaces et simples en matière de droits fondamentaux.

Toutes ces questions sans réponse immédiate renvoient inévitablement à la question de la révision de la future "*Constitution européenne*" puisque seul ce texte pourrait traiter du contrôle constitutionnel exercé par la

La future "Constitution européenne" érige la Cour au rang de cour constitutionnelle: la puissance symbolique est indéniable, mais l'objectif premier doit être de garantir une protection juridique élevée des droits fondamentaux.

Cour de justice européenne. Or la procédure de révision est très lourde à mettre en oeuvre, techniquement et politiquement²⁹.

On peut aussi regretter que la future “*Constitution européenne*” ait maintenu à 8 le nombre d’avocats généraux dans son article III 259. L’arrivée de 10 nouveaux États membres aurait pu justifier la création d’un poste permanent de 9^{ème} avocat général, que l’on aurait probablement attribué à la Pologne.

Conclusion

Le traité de Nice a oeuvré en faveur de l’amélioration du fonctionnement de la juridiction communautaire dans la perspective de l’élargissement, comme l’illustre la première partie de cet article, mais il est encore trop tôt pour dresser un premier bilan sur l’efficacité des nouvelles méthodes face à l’élargissement: elles ne sont pas encore toutes effectives. Par ailleurs, à ce jour seulement 3 affaires ont été introduites par les nouveaux États membres³⁰. Aussi, n’est-il pas encore possible d’affirmer si les doutes exprimés dans cet article quant à la compétence du Tribunal à titre préjudiciel ou à la complexité grandissante du contentieux sont confirmés par la pratique. L’avenir dira également si la Cour de justice saura s’adapter à sa nouvelle fonction constitutionnelle. Parions sur son ingéniosité jusqu’ici rarement démentie!

NOTES

* L’auteur s’exprime à titre personnel et n’engage pas l’institution.

¹ La juridiction communautaire comprend la Cour de justice des Communautés européennes (ci-après “la Cour”) et, depuis 1988, le Tribunal de première instance des Communautés européennes (ci-après le Tribunal).

² L’article 221 CE indique que la Cour de justice est formée d’un juge par État membre. La Cour de justice siège en chambre ou en grande chambre, en conformité avec les règles prévues à cet effet par le statut de la Cour de justice. Lorsque le statut le prévoit, la Cour de justice peut également siéger en assemblée plénière.

³ L’article 224 CE précise que le Tribunal de première instance compte au moins un juge par État membre. Le nombre de juges est fixé par le statut de la Cour de justice qui peut prévoir que le Tribunal est assisté d’avocats généraux.

⁴ L’article 224 § 4 CE.

⁵ L’article 222 CE prévoit que si la Cour le demande, le Conseil statuant à l’unanimité, peut augmenter le nombre des avocats généraux.

⁶ Il s’agit du statut de la Cour du 15 juin 2004.

⁷ Le choix des États se porte sur des personnalités ayant exercé les plus hautes fonctions juridictionnelles, ou qui sont des juristes possédant des compétences notoires dans leur pays d’origine et qui doivent présenter toutes garanties d’indépendance indispensables à l’exercice de leur mission. La durée du mandat est de 6 ans. Un renouvellement partiel des membres a lieu tous les 3 ans, en application de l’article 223 CE.

⁸ L’article 223 CE dispose: “les juges désignent parmi eux, pour 3 ans, le Président de la Cour de justice. Son mandat est renouvelable.”

⁹ L’article 39 du statut prévoit que le président de la Cour peut statuer, selon une procédure sommaire dérogatoire, sur des conclusions tendant soit à l’obtention du sursis, soit à l’application de mesures provisoires, soit à la suspension de l’exécution forcée.

¹⁰ L’article 62 du statut indique que dans les cas prévus à l’article 225 § 2 et 3 CE et à l’article 140 A § 2 et 3 CEEA, le premier avocat général peut, s’il estime qu’il existe un risque sérieux d’atteinte à l’unité ou à la cohérence du droit communautaire, proposer à la Cour de réexaminer la décision du Tribunal. La

proposition doit être faite dans le délai d’un mois à compter du prononcé de la décision du Tribunal. La Cour décide dans un délai d’un mois à compter de la proposition qui lui a été faite par le premier avocat général, s’il y a lieu de réexaminer ou non la décision.

¹¹ Jean-Luc Sauron, “*Droit et pratique du contentieux communautaire*” la Documentation française édition 2003, voit dans cette nouvelle fonction une promotion importante du premier avocat général qui n’avait jusqu’alors que la responsabilité d’attribuer les affaires aux avocats généraux et de prendre des dispositions nécessaires en cas d’absence ou d’empêchement d’un avocat général et s’interroge sur le sens profond de cette promotion: contrebalancer le renforcement des pouvoirs du Président de la Cour ou des présidents des chambres à 5 juges par une sorte de “présidentialisation” du premier avocat général? Amorce d’un futur “Procureur général” auprès de la Cour ayant sous sa responsabilité et son autorité un parquet général?

¹² L’article 222 CE prévoit que l’avocat général a pour rôle de présenter publiquement, en toute impartialité et en toute indépendance, des conclusions motivées sur les affaires qui, conformément au statut de la Cour de justice, requièrent son intervention.

¹³ L’article 50 du statut prévoit des dispositions équivalentes pour le Tribunal.

¹⁴ 16 arrêts sur 53 rendus au mois de septembre 2004 ne seront pas publiés, ce qui permet de faire l’économie de plus de 4000 pages de traduction.

¹⁵ Le Conseil statuant à l’unanimité sur proposition de la Cour après consultation du Parlement européen et de la Commission ou, sur proposition de la Commission après consultation du Parlement et de la Cour, pourra décider de créer des chambres juridictionnelles qui seront “adjointes” au Tribunal.

¹⁶ La création, à court terme, de chambres juridictionnelles n’est prévue que dans le domaine du contentieux de la fonction publique communautaire et dans celui du brevet communautaire. Ce dernier devrait être créé d’ici 2010 au plus tard et se nommerait “Tribunal du brevet communautaire”. En ce qui concerne, le contentieux de la fonction publique, le Conseil a adopté, le 2 novembre 2004, une décision instituant le “Tribunal de la fonction publique de l’Union européenne”.

Il sera composé de 7 juges, ses décisions pourront faire l'objet d'un pourvoi limité aux questions de droit devant le Tribunal de première instance et exceptionnellement d'un réexamen par la Cour de justice. Il devrait pouvoir entrer en fonction dans le courant de l'année 2005.

- ¹⁷ L'article 225 § 3 CE prévoit que le Tribunal de première instance est compétent pour connaître des questions préjudicielles, soumises en vertu de l'article 234, dans des matières spécifiques définies par le statut.
- ¹⁸ L'art 225 § 1 alinéa 1 CE précise que le Tribunal de première instance est compétent pour connaître en première instance des recours visés aux articles 230, 232, 235, 236 et 238, à l'exception de ceux qui sont attribués à une chambre juridictionnelle et de ceux que le statut réserve à la Cour de justice. Le statut peut prévoir que le Tribunal de première instance est compétent pour d'autres catégories de recours.
- ¹⁹ Le traité établissant une Constitution pour l'Europe modifie en effet la hiérarchie des normes: l'article 32 du Titre V relatif à l'exercice des compétences de l'Union prévoit que dans l'exercice des compétences qui lui sont attribuées dans la Constitution, l'Union utilise la loi européenne, la loi-cadre européenne, le règlement européen, la décision européenne, les recommandations et les avis:
- la loi européenne est un acte législatif de portée générale, obligatoire dans tous ses éléments et directement applicable dans tout Etat membre; (ex règlement)
 - la loi-cadre européenne est un acte législatif qui lie tout Etat membre destinataire quant au résultat à atteindre, tout en laissant aux instances nationales le choix quant à la forme et aux moyens (ex directive);
 - le règlement européen est un acte non législatif de portée générale pour la mise en oeuvre des actes législatifs (acte délégué). Il peut être obligatoire dans tous ses éléments ou lier les Etats membres destinataires quant au résultat à atteindre;
 - la décision européenne est un acte législatif obligatoire dans tous ses éléments, uniquement obligatoire pour les destinataires qu'elle désigne;
 - les recommandations et les avis pris par les institutions n'ont pas d'effet contraignant.
- ²⁰ Imaginons par exemple, en application de la futur "Constitution européenne", un règlement délégué adopté par la Commission sur la base d'une loi européenne ou d'une loi cadre européenne: la Cour de justice européenne serait compétente pour contrôler la légalité de cet acte si le recours était introduit par une autre institution ou la Banque centrale européenne, en revanche, le Tribunal de grande instance serait compétent si le recours était introduit par un Etat membre ou une personne physique ou morale. Par ailleurs le contrôle d'un acte d'exécution d'acte législatif ou d'acte délégué, qui est normalement pris par les Etats membres, mais pouvant néanmoins être adopté par la Commission ou par le Conseil (à titre exceptionnel dans les cas où il exerce des fonctions d'exécution), relèverait du Tribunal, quelle que soit la qualité du requérant.
- ²¹ Article 28 § 1 du traité établissant une Constitution pour l'Europe.
- ²² L'article III 282 du traité établissant une Constitution pour

l'Europe dispose que la Cour est compétente pour se prononcer sur les recours concernant le contrôle de la légalité des mesures restrictives à l'encontre des personnes physiques ou morales adoptées par le Conseil sur la base de "l'action extérieure de l'Union" dans les conditions prévues par l'article III 270 §4 (recours en annulation).

- ²³ L'article III 283 du traité prévoit que la Cour de justice n'est pas compétente pour vérifier la validité ou la proportionnalité d'opérations menées par la police ou d'autres services répressifs d'un Etat membre, ni pour statuer sur l'exercice des responsabilités des Etats membres pour le maintien de l'ordre public et la sauvegarde de la sécurité intérieure, lorsque ces actes relèvent du droit interne.
- ²⁴ Denys Simon, "Le système juridique communautaire" PUF, coll. Droit fondamental, Guillaume Drago "Le contrôle juridictionnel" Revue des affaires européennes 2001-2002.
- ²⁵ L'article 28§1 du traité prévoit que la Cour de justice assure le respect du droit dans l'interprétation et l'application de la Constitution.
- ²⁶ Allemagne, Italie, Portugal, Autriche, Espagne, Belgique.
- ²⁷ La Cour de justice est compétente pour se prononcer sur les recours pour incompétence, violation des formes substantielles, *violation de la Constitution* ou de toute règle de droit relative à son application, ou détournement de pouvoirs, formés par un Etat membre le Parlement européen, le Conseil des ministres ou la Commission.
- ²⁸ La cour constitutionnelle allemande a en effet décidé dans une décision du 29 mai 1974 "*Solange-Beschluss*" qu'elle se reconnaît compétente pour contrôler la conformité des règlements communautaires aux dispositions de la loi fondamentale relative aux droits fondamentaux et ce "*aussi longtemps que la Communauté ne disposera pas d'une liste codifiée des droits fondamentaux élaborée par une Assemblée élue au suffrage universel direct*".
- ²⁹ Les projets de révision soumis par tout Etat membre le Parlement européen ou la Commission devront être notifiés aux parlements nationaux. Il reviendra ensuite au Conseil européen, après avoir consulté le Parlement européen et la Commission d'adopter à la majorité simple une décision visant à examiner les modifications proposées. Puis le président du Conseil européen devra convoquer une Convention selon l'importance des modifications envisagées. Si la Convention se réunit et adopte une recommandation à la Conférence des représentants des gouvernements des Etats membres, cette dernière sera convoquée afin d'arrêter d'un commun accord les modifications. Une ratification des amendements par tous les Etats membres sera requise.
- ³⁰ Deux juridictions hongroises ont saisi la Cour de questions préjudicielles portant respectivement sur l'interprétation de l'article 6 TUE et du principe de non discrimination et sur l'interprétation de la directive 93/13/CE du 5 avril 1993 du Conseil relative aux clauses abusives dans les contrats conclus avec les consommateurs (affaires C 302/04 et C 328/04). La République de Pologne a intenté un recours en annulation contre la décision du Conseil du 22 mars 2004 portant adaptation de l'acte relatif aux conditions des 10 Etats ayant rejoint l'Union européenne en mai 2004 (affaire C 273/04). □

The Institutional Dimensions of External Action

Innovation in External Action and the Constitution for Europe



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Abstract

This essay argues that the Constitution contains a number of useful and innovative recommendations. Although a number of practical challenges in implementing the recommendations can be predicted, their implementation will leave the EU a more able and coherent actor on the international stage. The passage of the Constitution through the various national referenda is not seen as a significant factor since a number of aspects are already being implemented by intergovernmental agreement and this determination will in all likelihood continue into other areas of external relations. Finally, the essay concludes by cautioning that greater efforts are required to communicate to global partners, notably the United States, what type of actor the EU wishes to become, should all of the reforms discussed below be implemented. There is a need to link strategy, institutional reform or innovation, with clearer public diplomacy.

The draft treaty establishing a Constitution for Europe contains a number of innovations which carry the potential to fundamentally change the way in which EU external relations operate.¹ It may be helpful to recap briefly why the need for fundamental change in EU external relations was felt to be necessary – aside from the stated purpose of preparing the European institutions for enlargement to twenty-five. The Convention members found early agreement that it was ‘important for the EU to be a strong, effective and efficient player on the international scene’. Many also believed that the Union’s performance in external relations ‘fell short of expectations, especially when considering its economic and financial weight’.² This reflected the common adage that the EU is an economic giant and political pygmy and, as George Robertson, then NATO Secretary-General, put it, the Union is a flabby giant.³ The Convention deliberations were also influenced by wider political considerations such as the ‘impression of living in a unipolar world where the U.S. sets the tone’.⁴ The latter point signified that the Convention was also implicitly about what type of international actor the EU wishes to be and what relations it envisages with its key international partners.

The arguments presented below do not underestimate the significance of EU enlargement, but enlargement is seen as a catalyst rather than a cause of change in the fields discussed. For instance, the initial inadequacies of the EU in addressing the successive shocks emanating from the Western Balkans in the 1990s set the backdrop for many of the debates in the Convention’s working group on defence. The appearance of the European Security and Defence Policy (ESDP) at the end of 1998, following an Anglo-French initiative, signalled not only the EU’s growing awareness of the importance of being able to fulfil a variety of peacekeeping roles (known as the

‘Petersberg tasks’), but also the importance of being able to act more autonomously in the face of apparently declining interest in Europe from across the Atlantic.

A broad and partially overlapping set of issues was also faced by the working group on external action whose chief concern related to the often incoherent image – and sometimes even incoherent policies – of the Union in its external relations. This was in part a continuation of traditional intergovernmental and *communautaire* themes in EU external relations; more importantly it marked recognition that many of the challenges facing the Union (terrorism, global poverty, access to energy resources, efforts to curtail the spread of weapons of mass destruction, post-crisis reconstruction and so forth) demand more effective inter-pillar coordination and leadership. These factors put the burden of reform principally upon the Union’s Common Foreign and Security Policy (CFSP) but also upon efforts to strengthen the consistency of external relations as a whole.

Innovation or Evolution?

The main innovations to be considered below are the introduction of the post of Union Minister for Foreign Affairs and the European External Action Service (EEAS) which assists the Minister. The Constitution also introduces a number of different forms of flexibility or cooperation, notably in the Common Security and Defence (CSDP) area. The introduction by the European Council of the ‘Solidarity Clause’ in the event of terrorist attacks (shortly after the Madrid bombings), or the launch of the European Defence Agency, reminds us that some aspects of the Constitution can proceed by intergovernmental agreement.⁵ There are, however, limitations since some changes, such as those relating to voting, are dependent upon the adoption of the

Constitution. Objections on political grounds can also be predicted if parts of the Constitution are adopted by salami tactics, regardless of the outcome of the various referenda in the Member States.

A first glance at the Constitution shows that, sensibly, external relations are now mainly grouped under a new Title V (The Union's External Action).⁶ This serves to remind the reader of the importance of consistency across the all aspects of the Union's external relations (development, humanitarian aid, commercial policy, restrictive measures, agreement with international organisations and third parties and the common foreign and security policy). It is, however, interesting to note in passing that the Union's relations with its neighbouring countries, which aim to 'establish an area of prosperity and good neighbourliness', are addressed separately.⁷ This is again sensible, since it clearly communicates the idea that the Union's neighbours enjoy a 'special relationship' which opens up the possibility of 'reciprocal rights and obligations' as well as joint activities.

In spite of the reorganization of the existing treaties and the introduction of new material, the fact that the pillars remain cannot be disguised. CFSP remains quite distinct from the *communautaire* aspects of decision-making in external relations. Yet it would be simplistic to dismiss the Constitution as a repackaging exercise or to maintain that the pillar structure is completely untouched. Whilst some aspects of external relations are evolutionary, notably those that have proven historically resistant or sensitive to change, others are innovative, such as the emergence of a Union Minister for Foreign Affairs or an European External Action Service. The challenge is therefore to find ways in which the evolutionary aspects can accommodate innovation.

The Union Minister for Foreign Affairs – A Response to Kissinger?

No less than three designs for what became the position of Union Minister for Foreign Affairs were on the table at the commencement of the Convention and, unsurprisingly, debate focused on this proposal.⁸ Although the survival of the nomenclature 'minister' is somewhat surprising, the position that resulted from the Convention debates has the potential to be extremely influential – he will undoubtedly be the main 'telephone number' to phone when, along the lines of Kissinger's apocryphal question, you wish to speak to Europe from outside.

According to the Constitution the EU Foreign Minister shall 'conduct' the Union's CFSP (and hence the Common Security and Defence Policy as well). The Union Foreign Minister shall also 'preside over' the Foreign Affairs Council (see below). In his Commission *persona*, he shall be 'responsible within the Commission

for responsibilities falling to it in external relations and for coordinating other aspects of the Union's external action'.⁹ The use of the word 'conduct' in the CFSP context and the words 'responsible for' and 'coordinating' in the Commission context signify a difference in the respective roles of the Union Foreign Minister. In effect, the Minister's role reflects the current responsibilities of the CFSP High Representative and the Commissioner for External Relations. It is clear that the most difficult adjustments in the Minister's double role will have to be made on the Commission side, which

operates as a college. One of the immediate issues is to reach a determination over who or what is to be coordinated (at a minimum the current RELEX DG and at a maximum the external relations aspects of trade, development, enlargement as well as the EuropeAid Co-

operation Office and Humanitarian Aid Office (ECHO)). Inevitably the 'double-hatted' nature of the office risks raising suspicions about whether this is fundamentally a Council person in the Commission, or vice versa.

The extensive nature of the Union Foreign Minister's duties, which also include representational duties (in the CFSP context), conducting political dialogue, consultation with the European Parliament, the supervision of a 'start-up' fund for urgent initiatives in the CFSP area, and the organization of coordination amongst the Member States in international organisations, has given rise to doubts about overload.¹⁰ Although this remains a concern that cannot be lightly dismissed, the burden depends in part upon the type and extent of assistance that the EEAS can give, as well as upon the personality of the Minister himself. The agreement that the first Union Foreign Minister should be the current High Representative for CFSP, Javier Solana, who commands widespread respect throughout the Union and beyond, has helped reassure sceptics that the post is (at least initially) in capable hands.¹¹

Solana's personal charm and tact will be required to establish good working relations with a number of other personalities who will assume significant external action responsibilities. This will apply in particular to the Commission, once the division of the external relations mandates and the respective nationalities and personalities behind them becomes clearer. It will also apply to the European Council President who shall 'at his or her level and in that capacity ensure the external representation of the Union on issues concerning the common foreign and security policy, without prejudice to the powers of the Union Minister for Foreign Affairs'.¹² Bearing in mind that the Union Foreign Minister 'shall represent the Union' for CFSP-related matters, the distinction between the representational roles rests upon a clear understanding of level and capacity.¹³ It has to be questioned though whether this distinction will always be so apparent in practice.

In spite of the reorganization of the existing treaties and the introduction of new material, the fact that the pillars remain cannot be disguised.

... and the 'Ministry'

The presence of a 'minister' in the Constitution leads to the natural assumption that there will be a quasi-ministry. The 'ministry' exists in the form of the European External Action Service (EEAS) which 'shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from the relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States'.¹⁴ The precise organisation and functioning of the EEAS remains to be determined (by a European decision of the Council) and, until such time, a number of issues stand out. The EEAS assists the Union Foreign Minister but, beyond that, the place of the Service in the institutional composition of EU's external action institutions remains vague. The reference to 'relevant departments' of the General Secretariat of the Council presumably refers to DG-E, but also to the Policy Planning and Early Warning Unit (the Policy Unit) which reports directly to the High Representative for CFSP. Beyond this it is unclear how, or whether, the crisis management aspects (such as the EU Military Staff, the Police Unit or Civcom) relate to the EEAS.

The main institutional struggles are likely to be manifest on the Commission side since it is far from clear what constitutes 'relevant' departments. Until further guidelines are issued it is only possible to sketch minimalist and maximal versions of the EEAS. At the low end of the spectrum the EEAS could comprise a limited number of units from the Council Secretariat, DG RELEX and the current External Service. The possible benefit of a modest EEAS may be primarily internal since the Commission is still adjusting to reforms made in November 2000 and further dramatic upheaval could therefore be counterproductive. However, a modest reorganization, if accompanied by extended demands upon the new service, may lead to concerns that the 'foreign policy' generalists are ill-equipped to address the often technical and detailed aspects of development policy or humanitarian aid which has been the primary focus of Community external relations.¹⁵

The higher end of the spectrum is far more ambitious since it would incorporate all of the foreign policy units from the Council Secretariat, all of the External Action DGs from the Community, the Union Delegations as well as EuropeAid and ECHO. Again, there are pros and cons to such a scenario. The advantages would lie in the size of the EEAS and the possibility for specialization within the service, thus obviating fears of marginalization for one of more aspects of external policy. The disadvantages would lie in the considerable institutional

upheavals involved and the inevitable turf battles over priorities within external relations. The emergence of such a service could pose its own formidable coordination problems and it is unclear what the reaction of the Member States (notably the larger ones) to the emergence of such a service might be.

Legal Personality

A further development of relevance to the above discussion is the effect of the assumption by the Union of legal personality.¹⁶ Under the Constitution this would permit the Union to 'conclude an agreement with one or more third countries or international organisations' as well as association agreements.¹⁷ In non-CFSP areas the

Commission will submit a recommendation to the Council, which shall adopt a European decision authorizing the opening of negotiations. The Council may address directives to the negotiator or designate a special committee (such as the Article 133 Committee for agreements in the common commercial policy) and shall adopt a European decision authorising the

signing of an agreement. Prior to adopting a European decision the Council must obtain the consent of the European Parliament for a number of agreements (such as those with important budgetary implications, those addressing a specific institutional framework or in those cases where the fields are covered by the ordinary legislative process).

The procedures for drawing up international agreements remain broadly the same in the non-CFSP areas, but with enhanced powers for the European Parliament. When the envisaged agreement relates 'exclusively or principally' to CFSP, the Union Foreign Minister submits recommendations to the Council.¹⁸ Aside from again distinguishing between the 'pillars', the arrangements for reaching international agreements invest considerable powers in the Union Foreign Minister. The challenge will clearly be in distinguishing what falls 'principally' in the CFSP area.

The assumption by the Union of legal personality would also open up the possibility of the current External Service of the Commission becoming a fully-fledged *corps diplomatique* of the Union. The Community's 128 delegations would no longer be confined to Community external relations, but be fully competent (subject to addressing the issues raised above regarding staffing) to address the full range of Union external relations. This would be especially welcome since, with the involvement of seconded national diplomats, it would offer those EU Member States with smaller diplomatic services a significant multiplier effect in their representation (albeit under the EU rubric, but one

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that may be preferable to reliance upon a larger EU Member State) and enhance the ability to identify common (European) interests between the Member States. It would also be welcome on the grounds that the current *communautaire*-intergovernmental divisions within EU external relations have become increasingly artificial with, as discussed above, many issues demanding a cross-pillar approach.¹⁹

Finally, the assumption by the Union of legal personality will exacerbate the problem of how the EU represents itself in a variety of international organisations (either in 25+1 format or, very occasionally, as the EU itself). This will be of particular significance in the context of the ongoing debates about how to restructure the UN Security Council and other UN-related bodies.

Of Democratic Deficits ...

One of the consistent complaints regarding CFSP has been the lack of democratic scrutiny and thus legitimacy. The European Parliament has traditionally played a rather marginal role in CFSP and its more recent crisis management aspects. It has become increasingly difficult for the Parliament (let alone citizens) to gain access to information in the more sensitive CFSP areas. Under an interinstitutional agreement of November 2002 the President of the European Parliament and the chair of the Foreign Affairs Committee are entitled to request information from the Presidency or the High Representative.²⁰ More generally, the question of legitimacy has assumed growing prominence both in general terms related to the EU as a whole, and more specifically in the CFSP context. The expansion of the EU's activities into a variety of crisis management roles has also led to demands for improved Parliamentary participation (without wishing to be melodramatic, few things are more serious than potentially being asked to lay down your life for an EU mission).

Broadly speaking the European Parliament's powers vis-à-vis CFSP have not changed significantly since the Maastricht treaty, with the exception of the budgetary stipulations. The European Parliament has often been critical of the consultation rights they have with the Presidency and the Council, especially the latter when they submit their annual report on CFSP (the last report in October 2003 was dismissed as a 'book-keeping exercise').²¹ Relations between the High Representative for CFSP and the Commissioner for External Relations seem more positive since both appear regularly either before the Parliament or the Foreign Affairs Committee (AFET).

The European Parliament's main leverage over CFSP has traditionally been through the budget, or more specifically the operational expenditure.²² The process

of agreeing on CFSP expenditure is through a triologue procedure, involving the Parliament, the Commission and the Council. The Parliament's role in this sphere has also been strengthened in those circumstances when the CFSP budget has proven insufficient (especially in 2003 with the assumption by the Union of responsibility for a variety of different crisis management operations). In this case the Council and the Commission must find a solution with Parliament's approval. In a similar vein the increasing emphasis on civilian aspects of crisis management has given the Parliament another form of budgetary oversight.

The European Parliament's relations with ESDP remain problematic, in part since they are not the only 'Parliament' involved (the Assembly of the Western European Union, which is composed of national parliamentarians, is also active in this area) but also due to the restricted access to information in this area. The WEU Assembly proposed to link their founding treaty, the 1954 Modified Brussels Treaty, to the European Constitution by means of a protocol, and then to establish a forum consisting of the Conference of European Affairs Committees (COSAC) and the WEU Assembly. Although the details of this debate are beyond the limited confines of this piece, it nevertheless raised the important linkage between the national and European levels that are necessary for effective oversight in this area. It is also worth noting that the WEU Assembly claims to be 'the only interParliamentary body that effectively monitors ESDP, with 50 years of established experience ... the control of the European Parliament is not sufficient since it is limited to an exchange of information between the EU institutions rather than proper scrutiny and national Parliaments will remain outside the ESDP decision-making process'.²³

In spite of the presence of Parliamentary scrutiny as an item on the Convention's agenda, the actual changes that were introduced into the Constitution were relatively modest. The European Parliament shall 'be regularly

consulted' on the main aspects and basic choices of CFSP and ESDP and 'shall be kept informed of how it evolves'.²⁴ The Union Foreign Minister shall also consult and inform the European Parliament and Special Representatives may also be involved in briefing the Parliament.²⁵ The Parli-

ment also has the right to ask questions of the Council and the Minister and to make recommendations to them.

The Commission as a whole, which includes the Union Foreign Minister as a Vice-President of the Commission, is 'responsible' to the European Parliament.²⁶ The Parliament may censure the Commission and, if the motion is carried, the Commission is obliged to resign as a body. It is reasonable to anticipate that the European Parliament will use this stipulation to empha-

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size the Commission's accountability to the Parliament and, as part of the college, that of the Union Foreign Minister. Although it is difficult to foresee dramatic problems at this point in time, especially with the minister's post in Solana's hands, it is easier to see potential for friction on budgetary matters. Under the Constitution, provision is made for 'rapid access to appropriations in the Union budget for urgent financing of initiatives' in the CFSP framework.²⁷ In this context the European Parliament shall be consulted – it cannot, in other words, block the Council's decision on this matter. The procedures for establishing, administering and the control of the financial procedures stem from the Union Foreign Minister. The Constitution would therefore appear to have created a separate, parallel budgetary structure outside Parliamentary scrutiny.

The second main challenge for the European Parliament in the CFSP area will be its relations with national parliaments. Under a protocol annexed to the Constitution, COSAC may 'submit any contribution it deems appropriate for the attention of the European Parliament, the Council of Ministers and the Commission. That Conference shall in addition promote the exchange of information and best practice between Member States' Parliaments and the European Parliament, including their special committees'. The Conference may also 'organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy and of common security and defence policy'.²⁸

Although it is too early to predict with any certainty how the European Parliament might operate under the terms and conditions of the Constitution, it is apparent that the potential for friction on budgetary issues exists, notably through the possibility of parallel budgets emerging in the CFSP area outside the Parliament's scrutiny. The second possibility is that the 'democratic deficit' in the CFSP area may be answered, at least partially, not by investing the European Parliament with significant extra powers of oversight or scrutiny, but rather by greater involvement of the national parliaments and other specialised bodies, such as the WEU Assembly.

Expanding Petersberg and Grappling with Capabilities

There are a number of developments that deserve brief mention with regard to the Common Security and Defence Policy (CSDP) which, the Constitution notes rather unhelpfully, is an 'integral part of the common foreign and security policy'. The Constitution updates the original Petersberg tasks to include '*joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces undertaken for crisis management, including peace-making and post-conflict stabilisation*'.²⁹ The significance of this is two-fold: first, it more accurately portrays what the EU is actually doing on the ground (based on operations conducted in 2003 and since) and; second, it places more emphasis upon the coordination of the civilian and military aspects of crisis management, which falls

One of the key challenges with regard to the CSDP is the capability shortcomings that the EU Member States face in executing the Petersberg tasks.

to the Union Foreign Minister under the authority of the Council.

One of the key challenges with regard to the CSDP is the capability shortcomings that the EU Member States face in executing the Petersberg tasks. Although there is an arrangement with NATO whereby the EU can borrow

assets from NATO (the 'Berlin Plus' arrangements), there is still a need for substantial national effort to address the shortcomings which, given the overlapping membership of the organisations, is largely a shared problem. The solution currently being developed on the EU side (and to be completed by the end of 2004) is the creation of a European Armaments, Research and Military Capabilities Agency (mercifully just called the European Defence Agency). The key tasks of the Agency were established at the Thessaloniki European Council and adopted by the Council in a joint action include the following:³⁰

- a. to develop defence capabilities in the field of crisis management;
- b. to promote and enhance European armaments cooperation;
- c. to strengthen the European industrial and technological base;
- d. to create a competitive European defence equipment market as well as promoting research aimed at leadership in strategic technologies for future defence and security capabilities.

Although the aims of the Agency are laudable, it remains to be seen whether the key potential players (notably France and the United Kingdom) share the same view of the Agency's core competencies.³¹ The institutional relations with other similar bodies such as OCCAR, WEAG/WEAO and the LoI process,³² also have to be clarified since the Council joint action referred to above refers to 'assimilation or incorporation of relevant principles and practices as appropriate' while avoiding the issue of what type of relationship should have with these bodies or processes in the mid to longer term (especially given the predominant EU membership in each case). Relations with the non-EU members of the above-mentioned organisations (Norway and Turkey) and the agency will also have to be

clarified.³³ Although it is clear that the Commission will play an important role in the Agency (it is 'fully associated', as with CFSP generally) it is vital that the Commission's growing role in this area, and in particular its influence in shaping the type of technology that may be relevant, is carefully coordinated with that of the Agency so that they may move in tandem.³⁴ It can also be pondered what reactions might be provoked from across the Atlantic to an agency that espouses the aim of leadership in strategic technologies.

Cooperation in its Many Guises

One of the frequent complaints regarding CFSP is the consensus-driven nature of the pillar. This runs the danger of either paralysing CFSP, when consensus cannot be reached, or provides incentives for the larger Member States to work outside CFSP. This has led to demands for greater use of qualified-majority voting and more flexible forms of cooperation. Progress on the former has been marginal while the Constitution introduces several new forms of cooperation.

Aside from enhanced cooperation, which applies to all pillars but with special arrangements for CFSP, the Constitution also allows for 'permanent structured cooperation' which is open to those Member States 'whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions'.³⁵ A separate protocol on Permanent Structured Cooperation notes that it is open to any Member State who may wish, to 'proceed more intensively to develop its defence capacities through the development of its national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the activity of the European agency in the field of defence capabilities development, research, acquisition and armaments'.³⁶

The protocol also clarifies what is meant by 'higher capacities' which, in order to be included, obliges the Member State to 'have the capacity to supply by 2007 at the latest, either at national level or as a component of multinational force groups, targeted combat units for the missions planned, structured at a tactical level as combat formations, with support elements including transport and logistics, capable of carrying out the tasks referred in Article III-210 [now III-309 which refers to the Petersberg tasks], within a period of 5 to 30 days, in particular in response to requests from the United Nations Organisation, and which can be sustained for an initial period of 30 days and be extended up to at least 120 days'.³⁷

The Council may also 'entrust the execution of a [Petersberg] task, within the Union framework, to a group of Member States in order to protect the Union's values and serve its interests'.³⁸ Examples of this type of arrangement already exist, such as the French led military operation in the Democratic Republic of the Congo in mid-2003. Presumably, there is a link between those who fulfil 'higher criteria' and those who are likely to be entrusted with the execution of a task. Key in this regard

are France and the United Kingdom, who have the most substantial and expansive capabilities.

... The Path to a Common Defence?

Defence has been one of the most sensitive areas of European integration and subject to frequent disagreements since the Second World War. The Treaty on European Union reflects the sensitive nature of defence when it refers to 'the progressive framing of a common defence policy... which *might* lead to a common defence, should the European Council so decide'.³⁹ By way of contrast the Constitution also refers to 'the progressive framing' of a common Union defence policy, but then states that 'this *will* lead to a common defence, when the European Council, acting unanimously, so decides'.⁴⁰

As with the original treaty there are caveats regarding the 'specific character of the security and defence policy of certain Member States' (in other words, neutrality or non-alignment) as well as the 'obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation'.⁴¹ These caveats are restated in a striking new paragraph which states that, 'If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all means in their power, in accordance with Article 51 of the United Nations Charter'.⁴² In spite of the caveats, such a clause has the potential to complicate relations with NATO (since the majority of EU members see their common defence realised through that organisation) as well as those with the WEU.

In the case of the latter, the mutual defence references in the Constitution, quoted above, are remarkably similar to those appearing in Article IV-V of the Modified Brussels Treaty establishing the WEU. However, the obligations are stronger in the latter and no specific mention is made in the former to military means, just 'aid and assistance'. The Constitution thus appears to be an exhortation rather than a specific obligation, such as that implied by the Modified Brussels Treaty. However, since all ten members of the WEU are EU members, it may well have the effect of further diluting the mutual defence obligations assumed under the Modified Brussels Treaty or, for that matter, those appearing in the Washington Treaty establishing NATO. The diluted wording of the Constitution leaves open the question of how the defence of those EU members who are not NATO members (Austria, Cyprus, Finland, Ireland, Malta and Sweden) should be guaranteed. Due to the historical and political sensitivity of this issue, the Intergovernmental Conference went as far as it could but, even in the unlikely event of territorial aggression against one or more EU Member States, the issue of how the EU should assume military responsibility for the defence of its members remains open.

Conclusions

The Constitution contains a number of innovations which together have the potential to enhance consistency in EU

external relations. Many of the changes mentioned above could be introduced by intergovernmental agreement, regardless of the actual fate of the Constitution. There is also the potential for friction which accompanies any major changes to existing practice; in this regard the European External Action Service is of particular note, as are the procedures for the rapid access to financing of CFSP initiatives. As with other aspects of external relations though, much remains to be done beyond the Constitution in terms of filling in the (considerable) blanks.

The implications of the Constitution are not solely limited to the EU and it is therefore important to consider how the adaptations and innovations discussed above might change the EU as an actor on the international scene. For instance, it is unclear whether the Constitutional changes are effectively designed to promote a European superpower and, if so, what may be in mind regarding relations with significant third parties such as China or the United States. An obvious place to start would be by placing the Constitutional innovations in the external relations area more firmly in the context of

Much remains to be done beyond the Constitution in terms of filling in the (considerable) blanks.

Solana's *A Secure Europe in a Better World: European Security Strategy* than has been done thus far.

If the Constitution is to be effective, it is apparent that more attention needs to be paid to public diplomacy and, in the case of external relations, that includes defining the EU's global role. According to the 'security strategy', the EU should be more active in pursuing its strategic objectives, more capable and more coherent. The Constitution has pointed the way forward on several of these points, but it remains true that there are few problems that the EU

can address on its own. The EU needs partners and it needs to communicate to them what kind of partner is emerging from the Constitution. Clearly, one of the biggest and most immediate challenges is to establish 'an effective and balanced partnership' with the United States.⁴³ The Convention met to consider how to make the Union more capable and coherent. The Convention and the resultant Constitution have contributed towards these goals. The rest is up to the Member States, including the very question of whether the Union has a Constitution or not.

NOTES

- ¹ In all cases the 'Constitution' that is referred to is the Treaty establishing a Constitution for Europe, CIG 87/04, 6 August 2004.
- ² Summary Report of the Plenary Session, 11-12 July 2002, CONV 2002/02, Brussels, 16 July 2002. Para. 5.
- ³ The context in which Robertson used this phrase was as follows: 'This European continent...is still a flabby giant with huge military expenditure, enormous paper armies, large amounts of equipment, all of which are completely useless for dealing with tomorrow's crises'. Andrew Beatty, 'Plan for hike in defence expenditure', *EU Observer*, 17 February 2004, at <http://www.euobserver.com/index.phtml?sid=9&aid=14515>.
- ⁴ Hanner Farhleitner and Gerhard Tusek, *A Common Foreign Policy for the European Union*, Annex, Preliminary Draft Constitutional Treaty, CONV 369/02, 16 July 2002, p.1.
- ⁵ The 'Solidarity Clause' appears at Article I-43 of the Constitution but was adopted by the European Council in its Declaration on Combating Terrorism on 25 March 2004 in Brussels, while the European Defence Agency (Articles I-31 and III-311) is scheduled to be launched by the end of the Dutch Presidency.
- ⁶ CIG 87/04, Part III, Title V, 'The Union's External Action'.
- ⁷ *Ibid.* Article I-57.
- ⁸ See Simon Duke, 'The Convention, The Draft Constitution and External Relations: Effects and Implications for the EU and its International Role', *Romanian Journal of European Affairs*, Vol. 3, No. 3, September 2003, p.41.
- ⁹ CIG 87/04, Article I-28.
- ¹⁰ On the emergency fund see CIG 87/04, Article III-313, Para. 3.
- ¹¹ Press Release, 2595th Council Meeting, Heads of State or Government, 10995/04 (Presse 214), 29 June 2004.

¹² CIG 87/04, Article I-22, Para. 2.

¹³ CIG 87/04 Article III-296, Para. 2.

¹⁴ *Ibid.* Article III-296, Para. 3.

¹⁵ This issue is raised in James Mackie, Heather Baser, Jonas Frederiksen and Oliver Hasse, *Ensuring that Development Cooperation Matters in the New Europe*, ECDPM, October 2003.

¹⁶ CIG 87/04, Article I-7.

¹⁷ *Ibid.* Article III-323-324.

¹⁸ *Ibid.* Article III-325, Para. 3.

¹⁹ The five key threats (terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime) identified by Solana in his *European Security Strategy, A Secure Europe in a better world*, in December 2003 are all inherently inter-pillar.

²⁰ Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy, OJC 298/01, 30 November 2002.

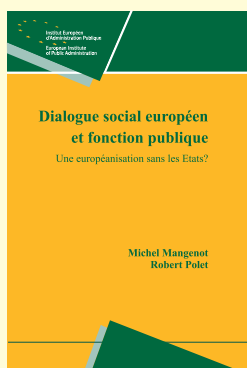
²¹ *Seem Annual Report from the Council to the European Parliament on the main aspects and basic choices of CFSP*, Rapporteur, Elmar Brok, A-5-0348/2003, 8 October 2003, p.7.

²² Under the terms of the 1999 Interinstitutional Agreement the operational expenditure of CFSP is covered by sub-section B8 of the EC budget, while administrative expenditure falls under the Council's budget and is thus not subject to Parliamentary interference.

²³ Armand de Decker, Chairman of the Belgian Senate, President of the WEU Assembly, in *Tackling the 'Double Democracy Deficit' and Improving Accountability of ESDP*, Conference

- Report, 29 April 2004 (Brussels, European Parliament), p. 4.
- ²⁴ CIG97/04, Articles I-40, Para.8 and I-41, Para.8.
- ²⁵ Ibid. Article III-304, Para. 1.
- ²⁶ Ibid. Article I-26, Para. 8.
- ²⁷ Ibid. Article III-313, Para. 3.
- ²⁸ Protocol on the Role of National Parliaments in the European Union, Para. 10, at http://europa.eu.int/futurum/Constitution/protocol/natparl_en.htm.
- ²⁹ CIG 87/04, Article III-309, Para.1 (new tasks are shown in italics).
- ³⁰ Council Joint Action on the establishment of the European Defence Agency, Brussels, L245/17, 12 July 2004, Article 5.
- ³¹ See Daniela Manca and Gerrard Quille, 'The European Armaments Agency: A Virtual Reality', *European Security Review*, No. 20, December 2003, p.2.
- ³² OCCAR, WEAG/WEAO and the LoI are, respectively, the Organisation Conjointe de Coopération en matière d' Armement, the Western European Armaments Group/Organisation and the Letter of Intent Countries.
- ³³ A Special Consultative Committee has been suggested, but its precise functions remain unclear although it is clear that it will not have decision-making power. This may provoke complaints from Turkey who has complained of second-class status, or exclusion, from CFSP.
- ³⁴ The Commission has already produced a communication, 'Towards an EU Defence Equipment Policy', in March 2003 and has made significant progress in opening up Community research in the security and defence sector following the recommendations of the 'Group of Personalities' who underlined the importance of research in this area, in conformity with the Lisbon criteria and the Barcelona research and development target.
- ³⁵ CIG 87/04, Article I-41, Para. 6 & Article III-312, Para. 1.
- ³⁶ Protocol on permanent structured cooperation established by Articles I-40(6) and III-213 of the Constitution, at http://www.assembly-weu.org/en/documents/sessions_ordinaires/rpt/2004/1860.html, Para. 1(a). Note that the Protocol refers to CIG86/04, of 25 June 2004 and that correct Article number to which the Protocol now refers are Articles I-41(6) and III-312.
- ³⁷ Ibid. Para.1(b).
- ³⁸ Ibid. Article I-41, Para. 5 & Article III-310, Paras. 1-2.
- ³⁹ Treaty on European Union, Article 17, Para. 1 (emphasis added).
- ⁴⁰ CIG 87/04, Article I-41, Para. 2 (emphasis added).
- ⁴¹ Ibid. Loc cit.
- ⁴² Ibid., Article I-41, Para. 7.
- ⁴³ A Secure Europe in a better world: European Security Strategy (Paris: EU Institute for Security Studies, December 2003), p. 20. □

Dialogue social européen et fonction publique Une européanisation sans les Etats?



Michel Mangenot et Robert Polet

IEAP 2004/8, 161 pages

ISBN 90-6779-194-6, 27 €

Disponible également en anglais

Les partenaires sociaux, progressivement organisés au niveau européen, participent depuis 1993 à la formulation de la politique sociale de l'Union européenne par l'intermédiaire d'un dialogue structuré. Leurs accords, s'ils le souhaitent, sont transformés en directives par le Conseil et deviennent ainsi une source autonome du droit communautaire. La négociation collective peut se substituer ainsi au travail législatif. Avec l'assimilation des fonctionnaires à des *travailleurs* par la jurisprudence européenne, les administrations publiques sont désormais influencées par ces négociations entre partenaires sociaux au niveau européen alors même que les Etats comme autorités employeurs sont absents institutionnellement de ce processus. Cet ouvrage est le premier à traiter de cette dimension "publique" du dialogue social européen, analysée comme une voie spécifique d'européanisation de l'administration, en dehors du canal étatique.

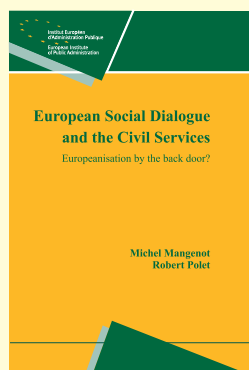
Si les organisations syndicales européennes d'*employés* des fonctions publiques se sont organisées depuis longtemps et ont mis ce problème sur l'agenda politique, c'est aujourd'hui la question de la représentation des Etats au sein du dialogue social européen interprofessionnel qui se pose alors même que les entreprises publiques disposent, elles, avec le *CEEP*, d'une présence distincte de celle du patronat privé (*UNICE*).

Au sein du dialogue sectoriel, seconde expression du dialogue social communautaire, la formalisation en janvier 2004 d'un Comité des administrations locales et régionales – le 29^e Comité sectoriel – vient relancer l'interrogation pour le niveau central.

Quels sont les acteurs concernés? Qui sont ces fédérations syndicales européennes du secteur public? Quels sont les textes déjà adoptés? Quel est leur impact précis sur la fonction publique? Comment situer la Commission? Quel rôle pour le *CEEP* et le réseau européen des Directeurs généraux de la Fonction publique (*EUPAN*) suite au nouveau Traité constitutionnel? Quelles sont les perspectives de structuration d'un dialogue social pour les administrations centrales? Telles sont les questions abordées dans ce livre, adoptant une perspective à la fois historique, sociologique et institutionnelle.

En même temps qu'une gestion inédite des relations entre Etats et Union européenne, c'est également une nouvelle vision de l'administration publique "sécularisée" qui est en jeu.

European Social Dialogue and the Civil Services Europeanisation by the back door?



Michel Mangenot and Robert Polet

EIPA 2004/9, 161 pages

ISBN 90-6779-195-4, €27,00

Also available in French

Since 1993, the social partners, who are increasingly organised at European level, have been involved in the formulation of EU social policy via a structured dialogue. If they wish, their agreements are transformed into directives by the Council and thus become an autonomous source of Community law. As a result, collective bargaining can take the place of legislative work. Now that European case law has placed civil servants on an equal footing with *workers* within the meaning of the EC Treaty, public administrations are affected by this bargaining between social partners at European level while the Member States, as employing authorities, are not institutionally

involved in this process. This book is the first to deal with this “public” dimension of the European social dialogue, analysing it as a specific way of Europeanising the civil service outside government channels.

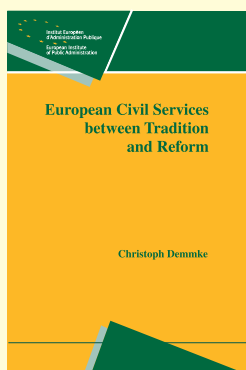
European trade union organisations of civil service *employees* have already been organised for a long time and have put this problem on the political agenda. But the question of the representation of the Member States within the European interprofessional social dialogue now arises as public enterprises are represented (through *CEEP*) differently from private sector employers (*UNICE*).

Within the sectoral dialogue – the second mode of Community social dialogue – the setting up (in January 2004) of a local and regional government committee (the 29th Sector Committee) has rekindled the debate surrounding the central government level.

Who are the players involved? What are these European public-sector trade-union federations? What texts have already been adopted? What is their specific impact on the civil service? Where does the Commission fit into this? What should be the role of *CEEP* and the European network of Directors-General responsible for public administration (*EUPAN*) following the new Constitutional Treaty? What are the prospects for constructing a social dialogue for central administrations? These are some of the questions addressed in this book, which takes a historical, sociological and institutional perspective.

A different way of managing relations between Member States and the European Union is emerging as well as a new “secularised” vision of public administration.

European Civil Services between Tradition and Reform



Christoph Demmke

EIPA 2004/01, 202 pages

ISBN 90-6779-185-7, €30,00

German forthcoming

This new publication contrasts with the many popular and speculative statements that too often capture the headlines on the future of the civil service. Instead, it is a measured conclusion about new trends and successes as well as failures in this important policy area.

The negative image of civil servants combined with the pressure to cut costs have led to reform strategies that are too seldom based on rational debate and clear-cut facts. The EU's new Member States have a chance now to assess the advantages and disadvantages of public service reform.

The European civil services are undergoing fundamental change. Today, reforms are promoting the “deconstruction and the decentralisation” of the civil service on all fronts, dismantling such sacred cows as life-time tenure, promotion based on seniority rather than merit, uniform remuneration systems, restricted mobility between the private and public sector, centralised HRM responsibilities and rigid working hours.

Despite these massive reforms, citizens, the media and politicians still express dissatisfaction and campaign against what they see as slow, inefficient, unresponsive and expensive bureaucracies. The civil service suffers from a poor image and state employees are still seen as being more concerned about maintaining generous pension benefits than serving the public good. The public sector is invariably considered as too rigid and risk-averse at a time when the globalising world is demanding innovation, flexibility and adaptation to change.

The new publication from Demmke explains the reasons for this public mistrust, but argues also that most of the criticism, particularly of civil servants themselves, has been exaggerated. According to Demmke, the fundamental problems of managing the public sector are to be found in the inefficient and ineffective “organisational structures”, “procedures” and “systems” but not in the people (“civil servants”).

Studies show that the number of inadequate performers in the European public sector does not outstrip that in the private sector. The civil service is composed of men and women who are as highly motivated, qualified and satisfied with their work as their private-sector colleagues. Even the notion that civil servants are strict nine-to-fivers is a myth: they often work overtime, although their working time arrangements are generally very favourable. This leads the study to ask the central question: if things are not so bleak in the public bureaucracy, are these misleading images prompting the wrong reform policies? Are reforms aimed at aligning human resource practices within the civil service with those of the private sector actually producing better results?

Demmke's main argument is that changing and reforming national civil services is a “difficult and delicate task” that must therefore be based on reliable facts and figures. He takes particular aim at modern human resource management theories – or what he calls “proverbs” – such as demands for “more flexibility, innovation, performance and responsibility”. “Often, these are rather empty concepts, not filled with any substance,” he writes. “Nobody would deny that we wish to enhance performance, efficiency, motivation and innovation. But do recent reforms reach these objectives or is reform only producing new, but not necessarily better, results?”

Also available on the same topic:

Civil Services in the Accession States: New Trends and the Impact of the Integration Process

Christoph Demmke and Danielle Bossaert

EIPA 2003/1, 115 pages

ISBN 90-6779-173-3, 21,00

Regional Programme for the Promotion of the Instruments and Mechanisms of the Euro-Mediterranean Market (EuroMed Market) 1st Phase (June 2002-June 2003)

The European Centre for the Regions (ECR), Antenna of the European Institute of Public Administration (EIPA) in Barcelona, was appointed by the EuropeAid Cooperation Office of the European Commission as the Programme Management Unit for the “Regional Programme for the Promotion of the Instruments and Mechanisms of the Euro-Mediterranean Market” (EuroMed Market Programme) in the framework of the EU Euro-Mediterranean policy. This Programme is funded by the EU MEDA Programme.

This regional industrial cooperation programme of the European Commission, aimed at all 27 Euro-Mediterranean Partners (the 15 EU Member States, plus 12 Mediterranean Partners), with a duration of three years (May 2002-May 2005), falls under component 2 of the Barcelona Declaration of November 1995, pursuing the establishment of a Free Trade Area in the Mediterranean Region by the year 2010.

Within this regional programme, a series of eight priority fields pertaining to the Single Market have been identified: Free Movement of Goods; Customs, Taxation and Rules of Origin; Public Procurement; Auditing and Accounting; Intellectual Property Rights; Protection of Personal Data and eCommerce; Competition Rules; and Financial Services.

The programme has two phases. The first was an “information” phase, with a duration of 12 months, and included two conferences and eight workshops on the abovementioned issues from the perspectives of the EU Member States and the Mediterranean Partners (MPs). The second phase, lasting 24 months, concerns “training and networking”, and involves study visits, targeted technical assistance, tailor-made training activities, training of trainers, twinning actions, setting up networks, and a closing conference.

The first phase started in June 2002 and ended in June 2003. Participants were experts from both the public and private sectors, from the 27 Euro-Mediterranean Partners.

VOLUME I:

Proceedings of the activities carried out during the 1st phase

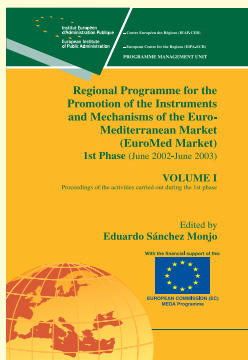
Eduardo Sánchez Monjo (ed.)

EIPA 2004/4, 524 pages

ISBN 90-6779-190-3, Free of charge

Also available in French (2004/6, ISBN 90-6779-192-X)

The body of this volume includes the text of the presentations made by the various speakers as well as the Final Declarations approved by all participants at the end of each workshop and conference of the first phase.



VOLUME II:

Comparative studies on the state of affairs in the Mediterranean Partners regarding the 8 priority areas covered by the programme

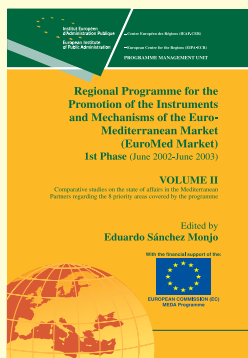
Eduardo Sánchez Monjo (ed.)

EIPA 2004/5, 258 pages

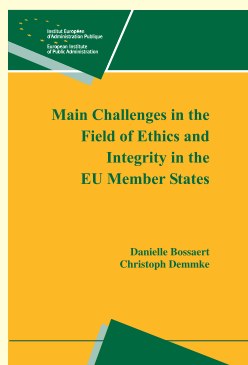
ISBN 90-6779-191-1, Free of charge

Also available in French (2004/7, ISBN 90-6779-193-8)

This volume contains 8 comparative studies on the state of affairs in the Mediterranean Partners regarding the 8 priority areas covered by the programme. Such studies have been carried out by specialists in the respective fields based on the replies supplied by the MPs to a questionnaire on each one of the priority areas which was sent to them on the occasion of the information workshop corresponding to the topic concerned.



Main Challenges in the Field of Ethics and Integrity in the EU Member States



Danielle Bossaert and Christoph Demmke

EIPA 2005/01, approx. 268 pages

ISBN 90-6779-196-2, €35.00

Only available in English

Ethics and integrity have become important issues in the practice and theory of politics, public administration, law and economics. The EU Member States but also many international organisations have become increasingly active in this area over the last years.

This book reflects the discussions that took place during the Irish and Dutch Team Presidency and among the 25 Member States in 2004. It offers a comprehensive overview and analysis of successes, challenges and difficulties in their fight against unethical behaviour, fraud and corruption.

Furthermore, new approaches in integrity policies are analysed, as well as the main existing (political and legal) instruments. Finally, practical proposals are put forward aimed at enhancing Member States' efforts to fight any form of unethical behaviour.

This publication is therefore of great relevance to policy makers, civil servants, personnel managers and academic researchers.

Forthcoming seminars in the field of European Information 2005

Training Course

“Europe on the Internet”

17-18 March & 6-7 October 2005

This practical training course aims to help those who in their work need to find information about the institutions and policies of the European Union and the wider Europe. The course will demonstrate how to quickly and efficiently find useful information on the internet, from official and non-unofficial sources, and will be combined with hands-on exercises.

Seminar

“Who’s Afraid of European Information?”

26-27 June 2005

The aim of this seminar is to provide those working in the field of European affairs on a daily or occasional basis, with the skills to trace and use European documents, by offering them a complete overview of major European information sources, and methods of gaining access to it.

Seminar

“Keep Ahead with European Information in the Enlarged Europe”

28-29 November 2005

EU Legal Developments and Information Implications

This annual conference is aimed at experienced European information professionals. It will look at new and important issues, products and services of interest to those who work with European information on a daily basis.

Seminar

“Die Europäische Union verstehen und gezielt recherchieren”

Ein Seminar für Übersetzerinnen und Übersetzer

Dezember 2005

Das Seminar richtet sich insbesondere an Übersetzer mit Deutsch als Arbeitssprache, die sich in ihrer Tätigkeit mit Texten konfrontiert sehen, für die sie ein Verständnis der Europäischen Union und ihrer Entscheidungsprozesse benötigen, oder die sich mit dem Fachgebiet vertraut machen möchten.

In addition, customised versions of **Europe on the Internet** and **Who’s Afraid of European Information?** can be held at your organisation to suit your particular needs.

For more information and/or registration forms, please contact:

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EIPA's seminar series on:

EU Policy Coordination at the National Level

Following enlargement and the Constitution, coordination of EU policies is a major issue in both old and new Member States. National EU policy coordination has to be effective and efficient. Effectiveness is necessary to ensure, among others: influence in an ever-growing Union, legitimacy of EU policy, implementation and access of social and regional partners. Efficiency is a growing concern due to the increasing workload and the interdependence of EU policies (deregulation, implementation, sustainable development, subsidiarity, quality of legislation, increasing use of open coordination methods, etc.). At present, workload often hampers coordination. In addition, with a growing EU, it is vital that national and EU officials understand how other countries prepare their positions. Some of the frustration in working in coalitions is due to insufficient knowledge of how the partners take their decisions.

Enlargement and the results of the 2004 IGC have added themes to the discussion about national EU coordination. Many Member States are now engaged in reviews of their coordination systems to ensure influence and strengthen their 'proactiveness'. Moreover, implementation reviews show continued concern for the interconnection between legal aspects and ongoing negotiations. The further development of subsidiarity calls for scrutiny of the involvement of parliaments and regions. Experience shows that changes in EU coordination systems are not always successful, which begs for discussions of the ways in which capacity-building processes are managed. Hence, there are many important debates that need to be held, preferably in a comparative setting.

Given the importance of the theme for the functioning of the internal market, the Secretariat-General of the Council called – on several occasions – for benchmarks. EIPA has now initiated a series of seminars to discuss pressing issues related to the national coordination of EU affairs. It is our objective to thus contribute to a better understanding of each other's systems and to the exchange of experience as regards the new developments in national EU policy coordination.

General approach at the seminars

The seminars will provide a forum for discussion between practitioners and for identifying best practices. They will offer a combination of presentations and workshops to analyse recent reforms. At this stage, five seminars are scheduled for the coming two years.

Target group

These seminars are organised for national and EU officials involved in negotiations or who are responsible for running and adapting national structures. We hope to create a meeting place for high-level EU coordinators to discuss the increasing challenges of horizontal and vertical interdependence.

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EU Policy Coordination

The Role of Coordinators

The Workers behind the Scenes

Maastricht (NL), 30 June-1 July 2005

EU coordinators within national ministries play a crucial role in the daily management of EU affairs (in most countries). They are responsible for a smooth link between the permanent representations in Brussels and the experts in the capitals, they are involved in linking national and European policies and in preparing and monitoring implementation. Yet there are major differences in how coordinators perform their tasks. Recent developments in the internal market underline the continued need for their services where it concerns coordination in the Commission phases, supporting implementation, using the (multi-)annual Presidency's and Commission agendas, scrutinising national policies, managing coalitions and monitoring other Councils. This raises questions about whether and how coordinators maintain an overview of national policies, how they cooperate with experts and attachés, and how they are connected to the senior management within the ministry. This seminar will also look at the internal management of the Commission with a view to discussing how national mechanisms are related to the Commission phases. The position of coordinators within ministries and in interministerial relations will also be addressed.

Target group

EU coordinators within national ministries and coordinators within the EU institutions. This seminar will offer coordinators a comparative perspective on their work.

EU Policy Coordination

Managing EU Dossiers at the Regional Level

Maastricht (NL), 6-7 October 2005

With the Constitution, the debate on subsidiarity is back on the agenda. It is also evident that given the recent ideas on EU governance there are new opportunities for regions to be involved in the policy-making processes in Brussels. Moreover, the Committee of the Regions is changing in terms of functioning and influence. Furthermore, there is a growing awareness that regions are crucial actors in the implementation of EU policy. This important role of the regions stands in contrast to the insights into how regions operate in the EU and how they are involved in the overall EU responsibilities. This field is changing considerably and this seminar will contribute to informal discussions about how Member States and regions have organised themselves and about the changes that are being considered.

Target group

The seminar is organised in cooperation with regional authorities and is intended for regional officials and for officials at the national level involved in the coordination between central and regional levels.

EU Policy Coordination

Towards Better and Proactive Coordination?

New Coordination Challenges, EU Affairs Ministries
and Adapting Coordination Systems

Maastricht (NL), 8-9 December 2005

This seminar will take a broad perspective and examine current reform processes. Its aim is to identify best practices in EU policy coordination and to offer the opportunity to examine ongoing reforms in coordination systems. It will first establish the new challenges following from enlargement and the Constitution that are of relevance to old and new Member States alike: what are the new ambitions/objectives that have to be met? Have countries actually formulated coordination ambitions and do these match the standards that are necessary to ensure effective coordination in the Council? Subsequently, themes will be addressed that are on the agenda in most Member States and relate to the positions of European affairs ministers, arbitration, abilities to coordinate proactively and the continued challenge to interconnect policy and legal perspectives. Finally, the seminar will look at how coordination systems have been adapted. How have change processes been managed? Have previous change processes solved the problems they were supposed to address?

This seminar will be based on presentations of reform processes and on workshops about selected issues to support the exchange of experience.

Target group

(Senior) officials responsible for the management of EU affairs.

Seminars envisaged for 2006

EU Policy Coordination

**The Role of National Parliaments
in EU Policy Coordination**
Aligning Politics and Administration

Maastricht (NL), January 2006

The re-enforcement of the subsidiarity principle has given new powers to parliaments. Furthermore, national parliaments are crucial in ensuring the legitimacy of European integration. However, they are also a source of great concern when it comes to monitoring EU policies. This seminar will look at the ways in which national parliaments are involved and will discuss the changes that Member States have been implementing in recent years to strengthen the control of parliaments in relation to EU policy making.

Target group

National (parliamentary) officials and officials from the European Parliament who operate at the interface of policy processes and politics

EU Policy Coordination

Managing the Legal and Policy Interface
Legal Units and Legal Procedures in EU Coordination Systems

Maastricht (NL), June 2006

One of the dilemmas in EU policy coordination is the extent to which the quality of legislation and the implementation are interconnected during the policy formulation stages. Delays and implementation deficits have been the result. This seminar will examine the role of legal units in ministries and the measures that countries have taken to strengthen the legal-policy link.

Target group

Officials in legal affairs units in national administration.

For further information and registration forms in connection with EU Policy Coordination, please contact:

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Seminar

EU Economic Statistics beyond the EMU Action Plan

Maastricht (NL),
13-14 December 2004

The European Institute of Public Administration (EIPA) would like to announce a second seminar on official statistics entitled “*EU Economic Statistics beyond the EMU Action Plan*”. This two-day event will take place in Maastricht (NL) on 13 and 14 December 2004.

The seminar will deal with the efforts still needed to ensure that Member States meet the information requirements set by the EMU Action Plan and discuss the new information demands placed on national statistical offices (NSOs).

The Council is calling for the development of minimum European standards for statistical authorities and is pointing to best practices in other countries as well as asking for the prioritisation of European statistics. To this end, this seminar will address questions such as: does the European Statistical System operate below the minimum standards? Can NSOs commit themselves? Do they have the appropriate structure, infrastructure and resources? Is prioritisation an easy task for NSOs? Is prioritisation in favour of economic statistics fair to society? Does Europe need a brand-new and purely statistical action plan?

The speakers will include representatives of the European institutions and of international organisations, as well as heads of national statistical offices. The presentations will focus as much on the current situation as on the future.

The seminar is targeted at European statisticians and at all those interested in the statistical information society.

The seminar will be conducted in English.

For more information and registration forms, please contact:

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Seminar for practitioners

Developing the Project Pipeline for Structural Funds Operations

Maastricht (NL),
17-18 February 2005, 10-11 October 2005

The European Institute of Public Administration (EIPA) will be organising two 2-day seminars on the theme “Developing the Project Pipeline for Structural Funds Operations” in February and October 2005. The seminars will take place at EIPA’s premises, located in the centre of Maastricht, the Netherlands.

They are standard 2-day seminars consisting of illustrated presentations, group discussions and workshops. The seminars provide a step-by-step guide to developing projects, including the following steps:

- deciding what the priorities and possibilities are;
- generating ideas and partnerships;
- finding the finance;
- using ex-ante project appraisal techniques;
- developing project indicators;
- preparing applications;
- consideration of eligible expenditure;
- how to get your project selected;
- the responsibilities and tasks required to manage and deliver projects successfully will also be discussed.

Regional practitioners, expert consultants and EU officials will give presentations, and discussions and exchanges of experience will be encouraged. Mini-workshops and exercises will be used to carry out simulations of key elements and to provide a clear view of good practice in the key disciplines involved.

Participants should gain a clear understanding of how Managing Authorities and project developers can generate good projects. Participants will therefore have at their disposal a quick and effective tool kit for developing the project pipeline and a guide to the essential tasks of project management.

The seminars are intended for project managers and developers from the regions, officials from central, regional and local government and programme officers and managers involved in the implementation of Structural Funds projects and programmes. The seminars are also open to economic and social partners involved in developing Structural Funds projects, such as NGOs, higher education establishments, and employers’ representatives.

For further information and registration forms, please contact:

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Seminar

Reassessing Gender Equality in the EU

Organised by

The European Centre for the Regions, EIPA Antenna Barcelona

**Barcelona (E),
3-4 March 2005**

We are currently facing times of big changes in the European Union. A new European Commission, enlarged, and with the highest number of female Commissioners in the history of European Integration, is about to begin its tasks. This new Commission, together with the other EU institutions and MS, its regions and local authorities, will have to be ready to face the new challenges in the field of gender equality that lie before us.

Eipa, after organising four Seminars in the area of gender equality and gender mainstreaming would like to launch this call to all interested parties to reassess the achievements and to look into the future challenges ahead in this area.

We will be bringing together policy makers and public managers from all levels of administration, as well as representatives of economic and social organisations, to review what has been done and what remains to be done in public administrations in order to achieve a real equality between men and women.

Legislation, policies and administrative practices will be examined and assessed. We would like this seminar to become a platform for debate, exchange of best practices, self-criticism, and creative brainstorming.

The working languages of the seminar will be Spanish and English.

For further information and registration forms, please contact:

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Seminars

Understanding Decision-Making in the European Union: Principles, Procedures, Practice

Maastricht (NL),
10-11 March, 16-17 June, 13-14 October 2005

The European Union has come to encompass cooperation in an ever greater number of policy areas. This cooperation is taking place in an ever greater number of different ways, and involves more and more different actors. To understand EU decision-making processes, one cannot only think of a “Community method” in some fields and “intergovernmentalism” elsewhere, nor limit attention to European law. The “open method of coordination” and other forms of soft law are increasingly employed in the social sphere. At the same time, the Union is consolidating cooperation in Justice and Home Affairs and rapidly developing new external capabilities through the common European Security and Defence Policy. In this context, it is increasingly difficult as well as important to be aware of how European cooperation works in the different fields.

Moreover, the institutions and the decision-making process are going through a period of important changes and debate resulting from the 2004 enlargement, the election of a new European Parliament and the nomination of a new Commission, and the ratification of the Constitution for Europe.

These two-day seminars are intended for all those interested in obtaining a broader understanding not only of how the European Institutions are evolving but also of how different types of policy are now being managed. They will be particularly useful for junior public officials and representatives of organisations involved in European programmes, who will be helped to develop rapidly in their specialisation while having a good feel for the bigger picture.

The courses start by presenting the functioning of the European institutions and their interaction in the classic policy cycle, which remains an essential starting point for understanding the Union. The sessions on decision-making in the Community legislative process include a simulation of a Council working party and a case study illustrating the operation of the co-decision procedure. Some of the new methods of policy coordination and alternative approaches to regulation will then be examined. Finally, the evolution of decision-making in Justice and Home Affairs and the Common Foreign Security Policy will be examined.

The seminars will be held in English with simultaneous translation in French.

For more information and registration forms, please contact:

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Séminaires

Comprendre le processus décisionnel de l'Union européenne: Principes, procédures et pratique

Maastricht (NL),

les 10 et 11 mars, les 16 et 17 juin, les 13 et 14 octobre 2005

La coopération au sein de l'Union européenne est amenée à toucher des domaines de plus en plus nombreux. Réunissant des acteurs très différents, cette coopération se traduit aujourd'hui sous diverses formes. Pour bien comprendre les processus décisionnels européens, on ne peut se contenter de considérer la "méthode communautaire" dans certains domaines et la "méthode intergouvernementale" dans d'autres, ni limiter son attention au droit européen. On voit émerger de nouvelles méthodes de "coordination ouverte" et d'autres formes de droit non contraignant; de nouvelles formes d'accords européens font également leur apparition sur le terrain social. Dans le même temps, l'Union est en train de consolider la coopération dans les domaines de la justice et des affaires intérieures et de développer rapidement de nouvelles capacités externes à travers la politique européenne commune en matière de sécurité et de défense. Dans ce contexte, il s'avère donc de plus en plus difficile mais nécessaire d'appréhender le fonctionnement de la coopération européenne dans les différentes sphères.

Par ailleurs, les institutions et le processus décisionnel connaissent une période de profonds changements et de discussions résultant de l'élargissement de 2004, l'élection d'un nouveau Parlement européen et la nomination d'une nouvelle Commission, ainsi que la ratification de la Constitution pour l'Europe.

Ces séminaires intensifs de deux jours s'adressent à tous ceux qui veulent acquérir une meilleure compréhension des institutions européennes et de leur évolution, et de la façon dont les différentes politiques communautaires sont gérées à l'heure actuelle. Ils seront particulièrement enrichissants pour les jeunes fonctionnaires et représentants d'organisations traitant des affaires européennes, qui pourront ainsi bénéficier d'un soutien pour évoluer rapidement dans leur domaine de spécialisation tout en disposant d'une vision plus large.

Les séminaires débuteront par une présentation des institutions européennes et de leur interaction dans le cycle politique classique, point de départ essentiel pour comprendre l'Union. Les sessions consacrées à la prise de décision dans le processus législatif communautaire comporteront une simulation d'une réunion d'un groupe de travail du Conseil et une étude de cas illustrant le fonctionnement de la procédure de codécision. L'on se penchera également sur certaines nouvelles méthodes de coordination des politiques et d'autres approches de la réglementation. Pour conclure, l'évolution du processus décisionnel en matière de justice et d'affaires intérieures et dans le domaine de la politique étrangère et de sécurité commune fera l'objet d'une discussion.

Les séminaires se tiendront en anglais, avec traduction simultanée en français.

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Seminar / Séminaire / Seminar

Committees and Comitology in the Policy Process of the European Community

Maastricht (NL), 14-16 March 2005

Comités et comitologie dans le processus politique de la Communauté européenne

Maastricht (NL), du 13 au 15 juin 2005

Ausschüsse und Komitologie im Entscheidungsprozess der Europäischen Gemeinschaft

Maastricht (NL), 13.-15. Juni 2005

The training offered mainly aims to provide an overview of the decision-making process in the framework of "comitology", i.e. the delegation of implementing competences from the Council to the Commission (Article 202, third indent of the EC Treaty).

The role of advisory committees and expert groups of the Commission as well as of Council working groups will be discussed in order to present a full picture of the work of these bodies.

The objective of the seminar is to provide participants with a better understanding of the workings of this process. In particular, attention will be paid to the role of the Commission and of representatives of the Member States in the adoption of implementing measures aimed at adapting the legislation already in force. This includes a close examination of the different phases of consultation with expert groups, the preparation of legislative proposals, and the implementation of policies.

The seminar will in particular analyse the institutional tension between the executive and legislative function, and thus the role of the European Parliament, the Commission and the Council in the context of comitology committees. There will also be a special focus on recent and future developments in the area of comitology, in particular as regards the Commission's proposal for a revision of procedures and the implications of the Union's Constitutional Treaty.

La formation proposée vise principalement à donner un aperçu du système des compétences déléguées à la Commission par le Conseil - article 202, 3e tiret du TCE-, la "comitologie".

Le rôle des comités consultatifs, des groupes d'experts de la Commission et des groupes de travail au sein du Conseil sera examiné afin de dresser un tableau complet de l'activité de ces entités.

L'objectif du séminaire est de favoriser la compréhension des rouages de ce processus. Une attention particulière sera consacrée au rôle de la Commission et des représentants des Etats membres dans l'adoption des mesures d'exécution visant à adapter la législation en vigueur. Ceci implique une analyse approfondie des différentes phases de consultation des groupes d'experts, de préparation des propositions législatives et de mise en œuvre des politiques.

Le séminaire analysera en particulier la tension institutionnelle entre la fonction exécutive et la fonction législative, et donc le rôle du Parlement européen, de la Commission et du Conseil dans le cadre de la "comitologie". L'accent sera mis également sur les évolutions récentes et les développements futurs dans ce domaine, à la lumière notamment de la proposition de la Commission de révision des procédures et des implications du traité constitutionnel de l'Union.

Dieses Seminar gibt einen Überblick über den Entscheidungsprozess, wie er im Rahmen der Ausübung der „Komitologie“, also der vom Rat an die Kommission übertragenen Durchführungsbefugnisse (Artikel 202 dritter Spiegelstrich EG-Vertrag) zur Anwendung kommt.

Dabei wird auch – im Interesse einer vollständigen Darstellung der Arbeit dieser Gremien – die Rolle der beratenden Ausschüsse und Expertengruppen der Kommission sowie der Arbeitsgruppen des Rates erörtert.

Das Seminar will den Teilnehmern ein besseres Verständnis des Ablaufs des Entscheidungsprozesses vermitteln. Ein besonderer Schwerpunkt wird auf der Rolle liegen, die die Kommission und Vertreter der Mitgliedstaaten bei der Annahme von Durchführungsmaßnahmen zur Anpassung geltender Rechtsvorschriften spielen. Hierzu zählen auch eine eingehende Untersuchung der verschiedenen Phasen der Konsultation von Expertengruppen, der Ausarbeitung von Vorschlägen für Rechtsakte und der Umsetzung von politischen Inhalten.

Das Seminar wird insbesondere auf das institutionelle Spannungsverhältnis zwischen exekutiver und legislativer Funktion eingehen und die Rolle des Europäischen Parlaments, der Kommission und des Rates im Kontext der Komitologieausschüsse analysieren.

For more information / Renseignements auprès de / Zum Erhalt weiterer Informationen wenden Sie sich bitte an:

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Third and Fourth Seminar

The European Food Safety Authority – Towards Efficient Risk Analysis: Developments So Far and Remaining Challenges

Maastricht (NL),
21-22 March 2005

Background

The European Food Safety Authority (EFSA) has been operational for some time now and the respective national institutions dealing with food safety have already gained some first experience with the new European landscape as regards food safety.

To ensure efficient risk analysis, this seminar will look at the developments that have taken place so far and identify remaining problems.

A key element in ensuring that risk analysis is both efficient and credible is the reinforced and systematic integration of all relevant stakeholders:

- Consumers' attitudes and perceptions differ between countries and consumer groups, and can change over time. Knowing what concrete communication strategies are appropriate to aid consumers take informed decisions about food risks is therefore a major challenge. Then there is the additional question of how to integrate consumers within the relevant risk analysis procedures.
- Producers also play a key role in ensuring the comprehensive "From the Farm to the Fork" approach. This takes into account the possible integration of companies' own private risk assessments, which is now addressed by the recent improvement of the Rapid Alert System. Furthermore, private risk assessments have an impact on the public perception of risk and on the political decision-making process.

Different strategies are implemented at national level and the discussion of their advantages and disadvantages helps to improve national approaches. The seminar will particularly focus on the new Member States and their experiences and potential contributions to improving risk analysis on the basis of their very recent experience with establishing the required structures.

Objectives of the seminar

The seminar will provide an international forum to analyse the implementation of risk analysis, presented in the form of national case studies. The exchange of experiences regarding national institutional reforms will make it possible to look at the achievements and to identify any remaining shortcomings. This will help the responsible representatives to find an appropriate way to restructure their own authorities. Especially the discussion between representatives of old and new Member States may improve the networking between relevant authorities. Moreover, the possibility to meet all the relevant stakeholders will widen the perspective from the public sector to the overall production chain.

Target Group

- Public officials from national, sub-national and local authorities involved in risk assessment and communication;
- Consumer and farm associations;
- Representatives of the processing, distribution and retail sectors;
- Marketing and communication personnel;
- Researchers and experts in the area of food safety.

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Seminar-Workshop

Legislative Decision-Making in the Enlarged Union: An Advanced Course for EU Practitioners

Maastricht (NL),
25-26 April 2005

The practice of EU decision-making is being affected dramatically by the enlargement of the EU to 25 Member States. The year 2004 has also seen the election of a new European Parliament and the appointment of a new Commission, while further changes have been agreed in the Constitution for Europe. In this context, EU practitioners need both to acquire a good understanding of the implications of the changes for EU procedures and to reflect on how to prepare appropriately and perform effectively.

This seminar-workshop is intended for public officials directly involved in EU decision-making processes at home or in Brussels who already have a good knowledge of EU affairs. It aims to provide the most recent information and practical insights into developments in the institutions and in EU procedures. At the same time it constitutes a forum in which EU practitioners can exchange ideas and concerns about how to face the challenges.

The seminar will start with an overview of the main issues arising for the decision-making framework. The first day then concentrates on the impact of these developments on the internal practice and operating culture of each of the three main institutions concerned, as well as on interinstitutional relations. These sessions will mainly take the form of structured discussions with the participation of senior officials from the institutions.

The second morning will be devoted to a detailed analysis of the practice and politics of co-decision, involving officials directly concerned from the Council, Parliament and Commission. This will be based on a specific case study, and also consider the particular issues posed by enlargement.

The second afternoon will examine implications of all the above for the work of national administrations interacting with the institutions and other EU actors, as well as between themselves.

The seminar will be held in English and French with simultaneous translation.

For more information and registration forms, please contact:

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Séminaire-atelier

La prise de décision législative dans l'Union élargie: cours de perfectionnement pour les praticiens de l'UE

Maastricht (NL),
les 25 et 26 avril 2005

L'élargissement à 25 Etats membres a eu un impact décisif sur le processus décisionnel de l'UE. L'année 2004 a vu aussi l'élection d'un nouveau Parlement européen et la nomination d'une nouvelle Commission, tandis que d'autres changements ont été inscrits dans la Constitution pour l'Europe. Dans ce contexte, les praticiens de l'UE doivent bien cerner les implications de ces changements pour les procédures européennes et réfléchir à la meilleure façon de s'y préparer et d'agir avec efficacité.

Ce séminaire-atelier est destiné aux fonctionnaires qui participent directement aux processus décisionnels de l'UE, depuis leur pays d'origine ou à Bruxelles, et ont déjà une bonne connaissance des affaires européennes. L'objectif est de leur présenter les informations les plus récentes et d'aborder de manière pratique les changements qui s'opéreront au sein des institutions et dans les procédures européennes. Parallèlement, le séminaire offre un forum de discussion où les praticiens de l'UE peuvent échanger leurs idées et préoccupations sur la manière de relever ces nouveaux défis.

Pour commencer, le séminaire examinera les principales questions en ce qui concerne le cadre décisionnel. Ensuite, la première partie du séminaire portera sur l'impact de ces changements sur la pratique interne et la culture de chacune des trois grandes institutions concernées, ainsi que sur les relations interinstitutionnelles. Ces sessions se dérouleront essentiellement sous forme de discussions structurées, auxquelles participeront un certain nombre de hauts fonctionnaires des institutions.

La matinée du deuxième jour sera consacrée à l'analyse détaillée de la pratique et des aspects politiques de la codécision, avec la participation de fonctionnaires du Conseil, du Parlement européen et de la Commission directement concernés. L'exercice s'appuiera sur une étude de cas et abordera également les questions spécifiques posées par l'élargissement.

L'après-midi, le séminaire se penchera sur les conséquences de cette évolution pour le travail des administrations nationales qui entretiennent des rapports avec les institutions, avec d'autres acteurs de l'UE et entre elles.

Le séminaire se déroulera en anglais et en français, avec traduction simultanée dans ces deux langues.

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EIPA's Presidency Seminars

The Presidency Challenge

The Practicalities of Chairing Council Working Groups
Maastricht (NL), 28-29 April 2005, 27-28 October 2005

The Presidency and the EU's Environment Policy

Maastricht (NL), 26-27 May 2005

The Presidency and the Competitiveness Council

Maastricht (NL), 22-23 September 2005

The European Institute of Public Administration is organising a series of seminars for officials involved in the upcoming Presidencies. EIPA has systematically assisted various Member States in their preparations for the Presidency and has also provided its services to the General Secretariat of the Council. In this way we have been able to develop practical training for Presidency coordinators, chairs and members of delegations.

In 2005, we will offer open activities on what managing the Presidency and chairing requires. The focus will be on the procedures and tactics involved in leading EU negotiations in a professional way and on the planning and the preparations for the Presidency. In addition, we will offer sector-oriented Presidency seminars.

Objective

The Presidency plays a central role in managing Council decisions. A successful Presidency depends in particular on the abilities of the working group chairmen and their teams to ensure momentum and achieve results in a complex multinational arena.

The objective of the seminars is to discuss and analyse the role of chairs and national delegates as well as the practical details involved in managing Council working groups and responding to critical situations. This will include discussions about agenda setting, developing scenarios, cooperation between Presidencies and the practical arrangements for organising working party meetings. Moreover, they will address the relationship between the Presidency and the EU institutions and provide a forum for debate on the context and preparation of the Presidency. In addition, the sector seminars offer officials involved in the future Presidencies the opportunity to discuss the EU agenda and what it means for their priorities and cooperation in the context of the new Team Presidency.

These seminars explicitly aim at creating possibilities for participants to discuss their future work with each other, with representatives of the EU institutions and with officials who have recent experience in chairing working groups.

The seminars are interactive and offer a mixture of simulations, workshops, case studies and discussions with practitioners.

Target Group – Team Presidency

Cooperation between consecutive Presidencies is increasingly important. Member States now have to see themselves as members of the Team Presidency, as is also underlined in the 3 annual Presidency programmes. Collective training can be an important instrument to strengthen ties within Presidency teams and to arrive at common Presidency objectives and styles.

Hence, our programmes are aimed at Member States that will prepare for and hold the Presidency in 2005-2007. These are the United Kingdom, Austria and Finland plus the countries that will open the first round of the new order of rotation (to be presented in May 2005).

We will try to balance the number of participants from the different Member States. To ensure an interactive working environment we have limited the number of participants to 25.

Ideally, participants will be future working group chairpersons, national delegates, coordinators and members of the teams of chairpersons. These seminars will focus on the first Pillar.

The working language in the seminar will be English.

Starting in 2005, we will also organise Presidency seminars in other policy fields.

For further information and registration forms, please contact:

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Seminar

Competition Law and Policy Series

Antitrust Modernisation: One year experience

Maastricht (NL),
19-20 May 2005

The European Institute of Public Administration (EIPA) would like to announce another seminar in its series on competition law and policy, this time dealing with antitrust modernisation. This two-day event will take place in Maastricht, the Netherlands, on 19-20 May 2005.

The new legal framework for the enforcement of Articles 81 and 82 EC, Regulation 1/2003, came into force on 1 May 2004. This new Regulation on the implementation of the rules on competition laid down in Articles 81 and 82 EC replaced the long-standing Regulation 17/62 and increased the role of national competition authorities (NCAs) and national courts in the application of competition rules. Articles 81 and 82 EC became directly applicable in their entirety, the one-stop notification system disappeared and the Commission expects to be relieved of the administrative burden of reviewing hundreds of agreements that do not present real competition concerns.

The Commission has also published six notices dealing with the implementation of Regulation 1/2003, and a Regulation relating to proceedings by the Commission pursuant to Articles 81 and 82 EC (the "Modernisation Package"), aiming to provide a clear framework of cooperation between the different players. Although the decentralisation of enforcement will certainly reduce the Commission's heavy workload, the question that arises is whether the practical arrangements provide legal certainty and secure the consistent application of the competition rules, especially when considering the recent enlargement of the EU.

The seminar will aim to provide answers to that question as well as sufficient information about the application of the "Modernisation Package" and how national authorities and national courts cooperate with the Commission and the Community courts. National experiences with such cooperation will also be presented.

The speakers will come from different backgrounds so as to offer a variety of views and perspectives and will include Commission and national officials, judges, practitioners, academics and EIPA staff. For each session a comprehensive documentation package will be distributed to the participants.

The seminar will benefit national officials in competition and regulatory authorities, judges dealing with relevant competition issues, as well as practitioners, academics and company executives.

The seminar will be conducted in English.

For further information and registration forms, please contact:

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Seminar for Practitioners

Appraisal, Monitoring and Impact Assessment Techniques for EU Structural Funds

Maastricht (NL),
23-24 May 2005

The aim of this seminar is to help managers and economic actors with the essential practical tasks involved in evaluating Structural Funds actions. The seminar covers the 3 principle stages of evaluation: ex-ante appraisals, monitoring procedures, and ex-post impact assessment studies.

The seminar will bring together local, regional, national and European Community officials, as well as expert consultants, in order to address important tasks and issues such as:

- the quantification of Development Plans/Strategic Frameworks and Operational Programmes, with focus on suitable indicators and targets;
- approaches to ex-ante programme appraisal;
- ex-ante project appraisal techniques;
- monitoring responsibilities and procedures for programmes and projects;
- ex-post impact assessment techniques and issues, for example, survey design;
- plus, the Commission's approach to evaluation and the requirements after 2006.

Emphasis will be placed on the presentation of cases, workshops involving practical exercises and the informal exchange of information and experience.

For further information and registration forms, please contact:

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Seminar

EU Financial Services: The Next Phase of Integration

Maastricht (NL),
2-3 June 2005 and 1-2 December 2005

In May 1999, the European Commission presented a Communication entitled “Implementing the Framework for Financial Markets: Action Plan”. It became known as the Financial Services Action Plan (FSAP) and identified a wide range of issues that called for (urgent) legislative action from the EU if the full benefits of the euro and an optimally functioning financial market were to be ensured. The Action Plan was to be completed in five years – the deadline was set for the spring of 2004.

In 1999, the following priority areas for legislative measures were identified: creating a single EU wholesale market, ensuring open and secure retail markets, and finally, creating state-of-the-art prudential rules and supervision. Now, as the completion date for the FSAP has past, the future directions of European financial integration are being heavily debated: the Commission organised a consultative conference at the end of June 2004 for all market players to voice their opinion on the success and completeness of the financial integration achieved.

Almost simultaneously, the latest report on the FSAP was published on 2 June 2004, entitled “Financial Services: Turning the Corner and Preparing the Challenge of the Next Phase of European Capital Market Integration”. While the report states that the FSAP was delivered in full and on time, at the same time priority areas for the post-FSAP era are set out, and issues such as implementation and enforcement now need to be addressed. Also, four groups of market practitioners have assessed the strengths and weaknesses of the (new) European legislative framework in the banking, insurance, securities and asset management sectors. Their reports will be debated in the fall of 2004 and will possibly assist the new Commissioner in charge of the Internal Market to define new areas for legislation in the future.

The *objective* of these EIPA seminars is to present the outcome of the FSAP and to examine the need for post-FSAP legislative initiatives. An overview will be provided of all legislative proposals adopted so far, their state of progress and degree of implementation.

Expert speakers from the Commission, academia and the financial services sector will comment on the progress made and will provide documentation of interest to policy makers, lawyers and the private sector (financial services institutions in general).

The seminars will be held in English.

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Advanced Workshop

Policy and Legal Developments in State Aid

Maastricht (NL),
16-17 June 2005

The European Institute of Public Administration (EIPA) announces a two-day Advanced Workshop on “Policy and Legal Developments in State Aid” in the European Union, which will take place in Maastricht, the Netherlands, on 16-17 June 2005.

Objectives

The aim of this Advanced Workshop is to discuss some of the main recent developments and future challenges in state aid policy in the European Union. In order to devise appropriate aid schemes, not only must Member States ensure an accurate interpretation of the EC legal requirements, but they must also have a proper understanding of the approach adopted by the Commission. In this respect, case study analysis and exchange of experiences with officials from Community institutions and Member States is essential.

The Advanced Workshop intends to bring together senior national and Community officials to address issues such as developments in the concept of state aid, procedural changes and reform of guidelines and regulations.

Emphasis will be placed on the presentation of concrete cases, rigorous analysis and informal exchange of information and experience.

Target Group

The Advanced Workshop should be of particular interest to policy-makers and practitioners involved in the formulation and implementation of state aid schemes, as well as to lawyers and business managers that have to operate within the scope of the EC state aid regime.

The working language for the Workshop will be English.

For further information and registration forms, please contact:

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Practitioners Seminar

**The Financial Management of the
EU Structural Funds**

Maastricht (NL),
20-21 June 2005

The European Institute of Public Administration (EIPA) is organising a practitioners seminar on the theme “Financial Management of the EU Structural Funds” on 20-21 June 2005. The seminar will take place at EIPA’s premises, located in the centre of Maastricht, the Netherlands. The seminar will be conducted in English.

The objective of this seminar is to discuss ways to implement financial management rules such as the n+2 rule, eligibility rules, financial monitoring, risk assessment, financial engineering, combating fraud and irregularities etc.

The speakers at the seminar will be high-level representatives of the European institutions, including the European Commission and OLAF. Representatives of various Member States’ authorities will present their country’s experience in applying financial management rules.

The seminar is intended for practitioners from national, sub-national and local authorities and other public bodies of the EU Member States and associated countries working with Structural Funds.

As the seminar will be of a participatory nature, the participants will be strongly encouraged to actively take part in several discussions throughout the entire programme. Moreover, the participants will have ample opportunities to informally exchange points of view related to the topics of the seminar both with the respective speakers as well as among themselves.

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European Summer School for Policy Makers

“Tools and Skills for Policy Making”

Maastricht (NL),
4-7 July 2005

Objective

Successful policy formulation and implementation requires a combination of experience and theoretical insight. For this reason, the European Summer School for Policy Makers has a dual purpose. Firstly, it aims to familiarise participants with policy-making tools, such as risk analysis and impact assessment, that are increasingly used in different policy fields. Secondly, it will help participants understand how they can apply such tools in the context of the European Union. At the Summer School participants will be able update their knowledge of how the Union functions and improve their skills in negotiating within EU policy committees.

Method

The European Summer School for Policy Makers takes an interactive and interdisciplinary approach. Formal lectures will be supplemented with case studies and simulations, thus enabling participants to gain a thorough understanding of how the various policy tools can be used to maximum effect. There will also be discussion sessions where participants can learn from each other's experience.

Target audience

As its name indicates, the European Summer School aims to attract middle and senior-level policy makers and managers from across the European Union and the candidate countries. Not only will they benefit by learning about policy problems and solutions in other countries, but they will also appreciate the difficulties in finding common solutions to policy problems.

Organisers and venue

The workshop will take place at the conference facilities of EIPA in Maastricht, the Netherlands.

The working language of the workshop will be English.

For further information and registration forms, please contact:

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Workshop

State Aid Procedures and Enforcement

Maastricht (NL),
24-25 November 2005

The European Institute of Public Administration (EIPA) is organising a new workshop on “State Aid Procedures and Enforcement”. The two-day workshop will take place in Maastricht, the Netherlands, on 24-25 November 2005.

The European Community has developed an elaborate system of procedures to control the granting of state aid by Member State authorities (Council Regulation No. 659/1999). In addition, block exemption regulations for SMEs, for training aid, for employment and for SMEs in the agricultural sector have been adopted with a view to reducing the administrative burden as regards specific types of aid. In order to further simplify and modernise its procedures in view of the enlargement, the Commission has adopted Implementing Regulation No. 794/2004 while draft Communications for the assessment of lesser amounts of aid (LASA) and limited effects on intra-Community trade (LET) have also been prepared, particularly to speed up the assessment of cases involving insignificant amounts of aid.

The purpose of the workshop is to examine in depth the interpretation and application of these procedural rules. Recovery of aid, which constitutes a weak spot in the enforcement, third parties’ rights and the application of state aid rules by national courts are some of the topics that will be analysed in detail. The workshop will also provide a forum for comparing national experiences as regards administrative arrangements for notifying and registering aid and the enforcement of recovery decisions. There will also be a working group exercise dealing with the assessment of cases that combine state aid with structural funds. Speakers will include officials from EU institutions and Member State administrations, academics and practitioners.

The workshop aims to meet the needs of middle managers and senior officials from all levels of government and local authorities, officials from public enterprises, representatives of business and trade associations and lawyers and economists involved in state aid procedures.

EIPA, which is organising and hosting the workshop, has extensive experience and a well-established track record in professional training activities. The workshop is also a continuation of the Institute’s research and seminars in the broader area of competition policy.

The working language of the workshop will be English.

For further information and registration forms, please contact:

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Institutional News

* Board of Governors

At the meeting of 17-18 June 2004 held in Maastricht, the Board of Governors approved the following appointments:

Belgium

Mr Georges MONARD, Chairman of the Steering Committee on the Federal Public Service – Personnel and Organisation, Ministry of the Public Service, has been appointed as full Board member, replacing Mr Désirée DE SAEDELEER, who has been involved in EIPA since 1983, first as a member of the former Scientific Council and later as a member of the Board of Governors as well as of the Bureau, and who has retired.

Mr Serge PEFFER, Director-General of the Training Institute of the Federal Administration, will be the substitute Board member.

Spain

Mrs Mercedes E. DEL PALACIO TASCÓN, Director-General of the Civil Service, succeeding Mrs Carmen ROMÁN RIECHMANN, who has taken up new responsibilities as Director-General of the General Mutual Society of Civil Servants (MUFACE), has been appointed as full Board member.

Sweden

Mrs Karin EDIN, Head of Section in the Public Management Division of the Ministry of Finance, will be Sweden's substitute Board member.

Secretary-General of EIPA's Board of Governors

Upon the proposal of the Dutch Minister of Education, Culture and Science, Mrs Maria J.A. VAN DER HOEVEN, Mr Arie OOSTLANDER, former Member of the European Parliament, has been appointed as Secretary-General of EIPA's Board of Governors.

The Netherlands

Mr Rob J.M. KUIPERS, Director-General for Public Service Management at the Ministry of the Interior and Kingdom Relations, has succeeded Mr Martin VAN RIJN (see EIPASCOPE 2003/2).

Denmark

Mr Carl Erik JOHANSEN, Head of Division, Ministry of Finance, State Employer's Authority, is now the Danish substitute member of EIPA's Board.

At the meeting of 18 February 2004 held in Maastricht, the Board of Governors approved the following appointments:

Italy

Mr Federico BASILICA, Head of the Department for Public Administration, who succeeded Mr Carlo D'ORTA in this position, will be the Italian representative on EIPA's Board.

Mr Stefano PIZZICANNELLA, Director of International Affairs within the Department of Public Administration, has been appointed as the Italian substitute member, replacing Mrs Laura MENICUCCI.

The Netherlands

Mr Cees MAAS, Director of Government Employment Affairs within the Directorate-General for the Public Service of the Ministry of the Interior and Kingdom Relations, has been appointed as member of the Board in accordance with Article 7.2.a. of EIPA's Constitution, which states that "the Netherlands has the right to appoint three Board members". The three Dutch full members are: Mr Rob KUIPERS and Mr Cees MAAS, representing the Ministry of the Interior and Kingdom Relations, and Mr Emil BROESTERHUIZEN, representing the Ministry of Education, Culture and Science (EIPASCOPE 2001/1).

Secretary-General of EIPA's Board of Governors

Mr L.M.L.H.A. HERMANS, former Dutch Minister of Education, Culture and Science, has stepped down as Secretary-General of EIPA's Board of Governors due to other commitments.

Institutional News

The seminar “Il Diritto europeo per non giuristi” which took place at EIPA-CEFASS, Milan, 4-5 October 2004 is the first one in a series of training activities addressed to Italian Civil Servants foreseen by an agreement signed between Prof. Gérard Druesne, Director-General of EIPA and Mr. Roberto Formigoni, President of the Region Lombardy in June 2004.



The participants at the seminar “Il Diritto europeo per non giuristi” at EIPA-CEFASS, Milan, 4-5 October 2004.

EIPA Staff News

* Newcomers

Maastricht

Patrick STAES (B) joined EIPA on 1 September 2004 as Seconded National Expert in the Unit on Comparative Public Administration.

He has a Master of Science Degree in History and Public Management. Before joining EIPA, he was Senior Adviser at the Belgian Federal Public Service Ministry (Personnel and Organisation) and in charge of the Belgian Quality Conference and the development of the quality of public administrations at federal level. He was the Belgian representative in the Innovative Public Service Group, an expert group related to the Directors-General responsible for the public service in the EU Member States. His fields of specialisation are: public management, quality in the public sector, the Common Assessment Framework (CAF) and consultancy services. At EIPA, his main tasks are to further develop the CAF Resource Centre and to support quality management in the Member States.



EIPA Staff News

Maastricht

Guadalupe SOTO (E) joined EIPA on 1 October 2004 as a seconded national expert in the Unit on Public Management and Comparative Public Administration.

She has a law degree from the Universidad Complutense of Madrid (Spain). She joined the Spanish civil service as a senior government employee in 1990. During her professional career she worked at the Spanish Ministry of Education where she was responsible for human resources management in the Madrid region; at the Ministry of Labour and Social Affairs where she held the position of Head of the International Department of the Women's Institute; and at the Ministry of Public Administration, working on different issues related to the human resources policy for the Spanish public sector, including industrial relations and negotiations of agreements in this field.



Before joining EIPA she worked at the European Commission as a seconded national expert where she was involved in different activities of some of the working groups of the European Public Administration Network (human resources management, innovative public services and eGovernment), set up by and reporting to the Directors-General responsible for public administration in the EU Member States.

Her fields of specialisation include public administration issues, human resources management, social dialogue, administrative cooperation and equal opportunities.

Tony BASS (IRL) joined EIPA on 18 October 2004 as a seconded national expert in the Unit on Public Administration and Comparative Public Administration.

He has a Master's Degree in human resource management and a primary degree in industrial relations. Before joining EIPA, he held the position of Senior Management Training Specialist at the Civil Service Training & Development Centre in Dublin where he was responsible for the design and delivery of the Irish Government's EU Presidency training programme and for specifically assigned expert roles in the fields of government decentralisation and modernisation. His fields of specialisation include communications and public relations; marketing and design; policy analysis/public affairs; EU affairs and negotiations; training, development and facilitation; management & leadership and the management of information technology.



During his professional career, he worked as a Ministerial Adviser to the Irish Minister for Tourism, Sport and Recreation, as Director of Media and Communications for the Ministry for the Marine and Natural Resources and as a Press Officer for the Ministry of Foreign Affairs. He also worked at the Ministries of Finance, Revenue, Social Welfare, Energy, Tourism and Trade and at the Deputy Prime Minister's Office in a diverse number of areas. He also has experience in the fields of local economic development and an interest in the area of participative democracy and the role of NGOs and community groups.

As a national expert at EIPA he will concentrate on public management structures, public administration training and development, communications and public policy.

Luxembourg

Véronique BERTOLI-CHAPPELART (F) a rejoint le Centre européen de la Magistrature et des Professions juridiques (IEAP, antenne de Luxembourg) depuis le 1er septembre 2004.

Elle est diplômée d'un DESS en droit européen (Paris I Panthéon-Sorbonne) et d'un LLM en droit européen de la concurrence (King's College of London).

Avant de rejoindre l'IEAP, elle était juriste à la Commission européenne, dans l'Unité des affaires juridiques de la DG Fiscalité et Douanes.



Elle avait précédemment travaillé en France, au Service des Affaires européennes et internationales du Ministère de la Justice où elle était en charge des négociations en droit privé et économique, ce qui l'avait conduite à participer aux groupes de travail du Conseil. Elle a aussi eu l'occasion de travailler au Secrétariat Général du Comité Interministériel pour la Coopération économique européenne dans le domaine du marché intérieur, de la concurrence et des aides d'Etat.

Elle a également enseigné le droit institutionnel des Communautés européennes et de l'Union européenne, la protection européenne des droits fondamentaux et le droit fiscal communautaire à l'université Paris I Panthéon-Sorbonne.

Ses domaines de prédilection sont: le droit institutionnel, les droits fondamentaux, le droit économique et financier, le droit du marché intérieur.

Visitors to EIPA

Photograph taken on the occasion of the visit to EIPA on 4-5 October 2004 of Mrs Rut Carandell, Secretary for Civil Service, Director of the Catalan School of Public Administration, Department of Government and Public Administration, Government of Catalunya (Generalitat).



Prof. Gérard DRUESNE, Director-General of EIPA, and Mrs Rut CARANDELL, Secretary for Civil Service and Director of the Catalan School of Public Administration.

Meeting of the Troika of the Directors General Responsible for the Public Administration in the European Union and the presentation of the EUPAN Web Portal: <http://www.eupan.org>, on 21 November 2004, EIPA Maastricht.



EIPA Forthcoming Publications

Die europäischen öffentlichen Dienste zwischen Tradition und Reform

Christoph Demmke

EIPA 2004/02, ca. 210 Seiten, Auch in Englisch erhältlich,
ISBN 90-6779-186-5, €30,00

Main Challenges in the Field of Ethics and Integrity in the EU Member States

Danielle Bossaert and Christoph Demmke

EIPA 2005/01, approx. 268 pages,
ISBN 90-6779-196-2, €35,00
(Only available in English)

7 EIPA New Publications

European Social Dialogue and Civil Services. Europeanisation by the back door?

Michel Mangenot and Robert Polet

EIPA 2004/09, 161 pages
ISBN 90-6779-194-4, €27.00
Also available in French

Dialogue social européen et fonction publique. Une européanisation sans les Etats?

Michel Mangenot et Robert Polet

IEAP 2004/8, 161 pages
SBN 90-6779-194-6, €27.00
Disponible également en anglais

Programme régional pour la promotion des instruments et mécanismes du Marché euro-méditerranéen (EuroMed Marché)

1ère phase (juin 2002-juin 2003)

VOLUME II : Etudes comparatives sur la situation dans les Partenaires méditerranéens au regard des 8 domaines prioritaires du programme

Sous la direction de Eduardo Sánchez Monjo

IEAP 2004/07, 273 pages, ISBN 90-6779-193-8,
gratuit

Programme régional pour la promotion des instruments et mécanismes du Marché euro-méditerranéen (EuroMed Marché)

1ère phase (juin 2002-juin 2003)

VOLUME I : Actes des activités réalisées pendant la 1ère phase

Sous la direction de Eduardo Sánchez Monjo

IEAP 2004/06, 552 pages, ISBN 90-6779-192-X,
gratuit

Regional Programme for the Promotion of the Instruments and Mechanisms of the Euro-Mediterranean Market (EuroMed Market)

1st Phase (June 2002-June 2003)

VOLUME II : Comparative studies on the state of affairs in the Mediterranean Partners regarding the 8 priority areas covered by the programme

Eduardo Sánchez Monjo (ed.)

EIPA 2004/05, 258 pages, ISBN 90-6779-191-1,
Free of charge

Regional Programme for the Promotion of the Instruments and Mechanisms of the Euro-Mediterranean Market (EuroMed Market)

1st Phase (June 2002-June 2003)

VOLUME I : Proceedings of the activities carried out during the 1st phase

Eduardo Sánchez Monjo (ed.)

EIPA 2004/04, 524 pages, ISBN 90-6779-190-3,
Free of charge

eGovernment in Europe's Regions:

Approaches and Progress in IST Strategy, Organisation and Services, and the Role of Regional Actors

Alexander Heichlinger

EIPA 2004/03, 118 pages,
ISBN 90-6779-187-3, €15.00
(Only available in English)

European Civil Services between Tradition and Reform

Christoph Demmke

EIPA 2004/01, 202 pages,
ISBN 90-6779-185-7, €30.00
(the German version is forthcoming)

Enlarging the Area of Freedom, Security and Justice

Conference Proceedings

Cláudia Faria (ed.)

EIPA 2004/C/01, 77 pages
ISBN 90-6779-189-X, 21.00
Mixed texts in English and French

Mapping the Potential of eHealth: Empowering the Citizen through eHealth Tools and Services

Research Report presented at the eHealth Conference,
Cork, Ireland, 5-6 May 2004

Petra Wilson, Christine Leitner and Antoinette Moussalli

EIPA 2004/E/01, 52 pages, ISBN 90-6779-188-1
Free of charge

EIPA Recent Publications

Continuity and Change in the European Integration Process

Essays in honour of Günther F. Schäfer
(EIPA 1984-2003)
Christoph Demmke and Christian Engel
EIPA 2003/05, 273 pages: €31.75
(Texts in English, French and German)

Guide de l'information sur l'Union européenne – 4e édition

Veerle Deckmyn
EIPA 2003/04, 77 pages: €20.00
(Disponible également en anglais et en allemand)

Wegweiser EU-Information – 4. Auflage

Veerle Deckmyn
EIPA 2003/03, 79 pages: €20.00
(Auch in Englisch und in Französisch erhältlich)

Guide to European Union Information – 4th Edition

Veerle Deckmyn
EIPA 2003/02, 75 pages: €20.00
(Also available in French and German)

Civil Services in the Accession States: New Trends and the Impact of the Integration Process

Danielle Bossaert and Christoph Demmke
EIPA 2003/01, 107 pages: €21.00
(Also available in German)

Il welfare in Europa

A cura di Maite Barea/Giancarlo Cesana
(Hanno collaborato Iris Bosa (sanità), Roger Hessel (pensioni), Carla Fornari (analisi statistica) e Lauretta Bolognesi (revisione editoriale))
Volume:
Società Editrice Fiorentina, 2003/06, 138 pagine, €12.00

Versione informatica:
EIPA 2003/E/04, 116 pagine
Gratuito telecargo (<http://www.eipa.nl>)

La protection sociale en Europe

Sous la direction de Maite Barea et Giancarlo Cesana
(Ont collaboré Iris Bosa (soins de santé), Roger Hessel (retraites), Carla Fornari (analyse statistique))
IEAP 2003/E/03, 128 pages
Téléchargement gratuit (<http://www.eipa.nl>)

eGovernment in Europe: The State of Affairs

Christine Leitner
EIPA 2003/E/02, 63 pages:
• An electronic version can be found on line
(<http://www.eipa.nl>)

The Case for eHealth

Denise Silber
EIPA 2003/E/01, 32 pages:
• An electronic version can be found on line
(<http://www.eipa.nl>),
for hardcopies, postage costs will be charged.

Beyond the Chapter: Enlargement Challenges for CFSP and ESDP

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Simon Duke
EIPA 2003/P/03, 111 pages: €21.00
(Only available in English)

Quality Management Tools in CEE Candidate Countries: Current Practice, Needs and Expectations

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EIPA 2003/P/02, 104 pages: €21.00
(Only available in English)

Improving Policy Implementation in an Enlarged European Union: The Case of National Regulatory Authorities

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Actes de la Réunion; Barcelone, les 7 et 8 février 2000

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EIPASCOPE is the Bulletin of the European Institute of Public Administration and is published three times a year. The articles in EIPASCOPE are written by EIPA faculty members and associate members and are directly related to the Institute's fields of work. Through its Bulletin, the Institute aims to increase public awareness of current European issues and to provide information about the work carried out at the Institute. Most of the contributions are of a general character and are intended to make issues of common interest accessible to the general public. Their objective is to present, discuss and analyze policy and institutional developments, legal issues and administrative questions that shape the process of European integration.

In addition to articles, EIPASCOPE keeps its audience informed about the activities EIPA organizes and in particular about its open seminars and conferences, for which any interested person can register. Information about EIPA's activities carried out under contract (usually with EU institutions or the public administrations of the Member States) is also provided in order to give an overview of the subject areas in which EIPA is working and indicate the possibilities on offer for tailor-made programmes.

Institutional information is given on members of the Board of Governors as well as on changes, including those relating to staff members, at EIPA Maastricht, Luxembourg, Barcelona and Milan.

The full text of current and back issues of EIPASCOPE is also available on line. It can be found at: <http://www.eipa.nl>

EIPASCOPE dans les grandes lignes

EIPASCOPE est le Bulletin de l'Institut européen d'administration publique et est publié trois fois par an. Les articles publiés dans EIPASCOPE sont rédigés par les membres de la faculté de l'IEAP ou des membres associés et portent directement sur les domaines de travail de l'IEAP. A travers son Bulletin, l'Institut entend sensibiliser le public aux questions européennes d'actualité et lui fournir des informations sur les activités réalisées à l'Institut. La plupart des articles sont de nature générale et visent à rendre des questions d'intérêt commun accessibles pour le grand public. Leur objectif est de présenter, discuter et analyser des développements politiques et institutionnels, ainsi que des questions juridiques et administratives qui façonnent le processus d'intégration européenne.

En dehors des articles, EIPASCOPE contient également des informations sur les activités organisées par l'IEAP et, plus particulièrement, ses séminaires et conférences ouverts qui sont accessibles à toute personne intéressée. Notre bulletin fournit aussi des renseignements sur les activités de l'IEAP qui sont réalisées dans le cadre d'un contrat (généralement avec les institutions de l'UE ou les administrations publiques des Etats membres) afin de donner un aperçu des domaines d'activité de l'IEAP et des possibilités qu'il offre pour la réalisation de programmes sur mesure adaptés aux besoins spécifiques de la partie contractuelle.

Il fournit également des informations institutionnelles sur les membres du Conseil d'administration ainsi que sur les mouvements de personnel à l'IEAP Maastricht, Luxembourg, Barcelone et Milan.

EIPASCOPE est aussi accessible en ligne et en texte intégral sur le site suivant: <http://www.eipa.nl>

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