

A multi-speed Europe

Both before and after the IGC was suspended, French President Jacques Chirac raised the possibility of forming "pioneer groups". German Chancellor Gerhard Schröder has meanwhile set the end of this year as the date for adoption of the constitutional Treaty: the emergence of a two-speed Europe seems inevitable by default. The holding of a mini-summit bringing together the leaders of France, Germany and the UK with a view to formulating a common position for the spring European Council (March 2004) is puzzling. What is taking shape here is a "directorate" of the big three, apparently presaging a "vanguard of countries" whose obvious intention is to face up to the reality of an enlarged Europe without reference to the constitutional Treaty. Commissioner Bolkestein has argued in favour of engaging in "enhanced co-operation" on company taxation. Enhanced co-operation, a Europe of variable geometry, pioneer groups and a vanguard. What is the truth behind these notions, all of which point to a multi-speed Europe?

Not all the existing EU Member States currently participate in all of the Union's policies, specific examples being economic and monetary union and the opt-outs concerning free movement of persons. And yet, apart from the incorporation of the so-called Schengen agreement into the European treaties, the enhanced co-operation mechanism - introduced by the Treaty of Amsterdam and revised by the Treaty of Nice - has never been activated. Following the Treaty of Amsterdam, a number of studies have recognised the deterrent nature of enhanced co-operation. The threat to use it has served as a negotiating tool to bring round the most recalcitrant Member States.

In an interview with the newspaper *Le Monde* on 21 February, Commissioner Bolkestein countenanced enhanced co-operation in respect of company law (only for the common consolidated basis of taxation, not for tax rates). Given that the way ahead was barred by opposition from the United Kingdom and Ireland, enhanced co-operation should, in his opinion, be used to align the basis for company taxation in certain countries. Unanimity among all the 15 will be impossible owing to objections from several Member States. If the European Council welcomes his proposal, the Commissioner will propose enhanced co-

operation as soon as possible, before the Commission's term of office expires in October.

Enhanced co-operation in the Treaty of Nice

The Treaty of Nice modified the provisions on enhanced co-operation, extending it additionally to cover the common foreign and security policy (but not to defence). Under all three pillars (EC Treaty, common foreign and security policy, and police and judicial co-operation in criminal matters), the minimum number of Member States required to trigger enhanced co-operation is set at eight. They must lodge a request with the Commission, which may then submit a proposal to this effect. Enhanced co-operation can however only be initiated as a "last resort", i.e. once all other opportunities afforded by the treaties have been exhausted. It is open to all Member States as soon as it is triggered, and remains so "at any time" thereafter.

The possibility of a veto no longer exists, but every Member State will be able to refer matters to the European Council. In the Treaty establishing the European Community (first pillar), as well as for police and judicial co-operation (third pillar), this right of referral does not alter the fact that the decision to authorise enhanced co-operation is taken by a qualified majority in the Council. As for the

common foreign and security policy (second pillar), enhanced co-operation may relate to the implementation of a common action or a common position, but not to matters with military implications or in the field of defence. If recourse is made to the possibility of referral to the European Council, that body then takes the final decision and acts unanimously. In any event, only those members of the Council representing Member States participating in enhanced co-operation take part in adopting these decisions. Any country wishing to participate in enhanced co-operation already underway may make a request to the Council and to the Commission. The final decision is subject to different procedures from one pillar to another. The acts and decisions adopted do not form part of the Union *acquis* and are binding only on those Member States participating in the enhanced co-operation; they are directly applicable only in those countries. Expenditure arising from such co-operation is to be borne by the participating Member States.

The European Parliament is consulted in cases where expenditure resulting from implementation of enhanced co-operation, other than administrative costs entailed for the institutions, is to be borne by the EU budget. In the field of the EC Treaty, enhanced co-operation may only be undertaken in areas falling under codecision if the European Parliament gives its assent. The Parliament must be consulted on third pillar matters, whereas under the second pillar it is kept informed.

It is up to the Council and the Commission, enjoined to "*co-operate to that end*", to ensure the consistency of activities undertaken in this context and the consistency of such activities with the policies of the Union and the Community.

A Europe of variable geometry

The European treaties reflect a particularly complex state of affairs concerning the area of freedom, security and justice. The situation is difficult in that this area is founded on some provisions of the EC Treaty (Title IV TEC on Visas, asylum, immigration and other policies related to free movement of persons) and on others of the Treaty on European Union (Title VI TEU on Police and judicial co-operation in criminal matters). The Schengen

provisions have likewise been incorporated into both of these pillars.

Measures on asylum will only move to codecision once the basic legislation (Article 63(1)) enters into force. The same applies to measures on refugees and displaced persons (Article 63(2a)). These measures consist in laying down minimum standards for giving temporary protection to displaced persons from third countries who cannot return to their country of origin and for persons who otherwise need international protection.

According to a Declaration, the Council will rule by codecision as from 1 May 2004 in respect of free movement for nationals of third countries (Article 62(3) of the TEC) and also illegal immigration (Article 63(3b)).

Measures concerning checks on persons at external borders (Article 62(2a)) will not move to QMV until an agreement has been concluded on the scope of these measures. Finally, the Council will endeavour to make the codecision procedure applicable to the other areas covered by this part of the Treaty as from 1 May 2004, or as soon as possible. In addition, there are two Protocols reflecting the complexity of Ireland's position. Because of its "common travel area" with the United Kingdom, Ireland is bound by the UK's refusal to abolish checks on persons at its borders. A Protocol stipulates that Title IV of the EC Treaty does not apply to these countries, which are at liberty to "opt in" to decisions on a case-by-case basis. As for Denmark, which did sign up to the Schengen Convention in December 1996, there is a Protocol granting it an opt-out on measures pursuant to Title IV EC and allowing it to renounce all or part of the Protocol incorporating the Schengen *acquis* into the legal framework of the treaties.

From Laeken to the draft constitutional Treaty

The Laeken Declaration made no reference either to enhanced co-operation or to the notion of a vanguard, focusing instead on closer economic policy co-ordination. Nevertheless, the suspicion aroused in Ireland by the Treaty of Nice and its rejection there at the first referendum, held in June 2001, was a motive for extending enhanced co-operation to include defence. The draft institutional architecture of 29 October mentioned enhanced co-operation among the instruments of the Union. The deliberations in the various

Convention working groups gave the impression that this mechanism might be applied to police and judicial co-operation in criminal matters as well as to the common foreign and security policy, as already specified in the Treaty of Nice (1). Its extension to defence is an innovation, although the procedures envisaged would more probably amount to the inclusion of a new intergovernmental strand in the constitutional Treaty (2).

Enhanced co-operation in the constitutional Treaty

The constitutional Treaty modifies and simplifies the enhanced co-operation mechanism, be it only by abolishing the pillar structure. Defence remains an exception. This mechanism, included in Title V "Exercise of Union competence", must involve at least one third of Member States (eight under the Treaty of Nice), an increasing number as successive enlargements take place. A request cannot relate to exclusive Union competences; it must specify the scope and objectives of the enhanced co-operation, and is addressed to the Commission. An appropriate proposal may then be submitted by the Commission, which must justify its decision if it opts not to do so. Final authorisation takes the form of a Council decision based on a Commission proposal and with the Parliament's approval. Any Member State wishing to participate in such co-operation must notify both the Council and the Commission of its request.

Specific provisions are laid down in respect of the common foreign and security policy (CFSP). Here, the request is made to the Council and forwarded to the Union Minister of Foreign Affairs, who gives an opinion on the consistency of the enhanced co-operation with the CFSP, and to the Commission, which gives an opinion on its consistency with other Union policies. The Parliament is informed, and final authorisation is granted by a decision of the Council of Ministers without a Commission proposal.

Three forms of flexibility are provided for. Firstly, the Council may entrust a group of Member States with implementation of a crisis management mission. The decision to launch a mission would be taken by the Council acting unanimously and would include the list of Member States willing to implement it. The constructive abstention rules apply. Once the operation is underway, only the participating Member States would be involved in day-to-day operational decision-making. All the Member States would however be involved once again when it came to taking decisions with

important political consequences, or ones fundamentally altering the nature of the operation. Secondly, "structured co-operation" is allowed for among Member States whose military capabilities fulfil higher criteria and which wish to make more binding military commitments.

The third form of flexibility is described as "closer" co-operation. It enables interested Member States to commit themselves to mutual defence. This is a way of enabling countries belonging to the Union and to the Western European Union to fulfil, in a Union context, the undertaking they already made when subscribing to Article V of the Treaty of Brussels. Structured co-operation and the collective defence clause were subsequently re-examined at the IGC.

Lastly, a means of moving from unanimity to a qualified majority has been created. Under Article III-328, the Council, which in this case represents the Member States participating in enhanced co-operation, may, at its own initiative and acting unanimously, decide to act instead by QMV (qualified majority voting). This article also enables those Member States engaging in enhanced co-operation to decide unanimously to apply the ordinary legislative procedure in cases to which the special legislative procedure applies. This so-called "*passerelle*" clause was deleted by the IGC.

What kind of enhanced co-operation?

Will the IGC negotiations be resumed? What future is the constitutional Treaty to have? Are we to witness the development of a two-speed Europe? Major policy statements on the first item of unfinished business for the newly enlarged Europe - the constitutional Treaty - have been few and far between since the start of 2004. Will Europe's leaders, who are still in a state of shock, manage to rekindle the constitutional dialogue in a European spirit? The letter from the six net contributors to the Union budget is without doubt the least European-minded move that could have been made at a time when European affairs need a new lease of life.

Dominique de Villepin on the general architecture of the Union

Reacting swiftly to the lessons learned in Brussels, just a few days after the failure of the IGC French Foreign Minister Dominique de Villepin took a lead from the constitutional Treaty and set out his vision of a "*general*

architecture of the Union". Since it would probably be impossible to retain the simplicity of the early days of European construction, the future general architecture of the Union should consist of a "framework", to be "organised around a common core, complemented whenever necessary by more flexible co-operation".

First of all there would be the "common core", namely the "European area of prosperity and solidarity", based on the single market and the accompanying common policies which complement it (regional aid, large infrastructure projects, transport). Europe should be most readily able to adopt the rules of free movement in these fields. Competitiveness and economic success should also be boosted by means of research, innovation and/or training actions.

Such instances of co-operation, seen from the perspective of the constitutional Treaty, range from enhanced co-operation either within or outside of the treaties to specific acts of co-operation, i.e. one-off interventions on major international issues (a reference to the initiative taken by France, Germany and the UK in Iran, which led that country to co-operate on weapons of mass destruction).

Enhanced co-operation, singled out for fields ranging from "economic policy management within the euro group, to international action or even to internal security", would not take the place of normal policy-making in Europe. But, with all due respect for Community solidarity and with information provided to all those not participating so as to preserve cohesion within the European institutions, particular provisions should be devised within those pioneer groups first evoked by President Jacques Chirac in his speech to the Bundestag in 2000 (see Box).

This new architecture would likewise facilitate a clearer definition of the type of association to be instituted with Europe's partners to the east (Russia, Ukraine) and to the south (the Mediterranean countries). It is worth noting that, given the political sensitivity of the issue, Turkey is not mentioned in this blueprint; Germany and France had previously declared their support for Turkey's application to join the Union, in keeping with the overtures that have been made ever since 1963 (3).

"The Constitution will give Europe the means

to take its place in tomorrow's world." Ambitious goals should be set for this new Europe, either shared by all or pursued only by some, such as for example the "supplementary integration" engaged in by France, Germany and the UK concerning non-proliferation in Iran. Other instances might be partnerships between defence industries or the launching of political initiatives or solidarity operations in Africa or elsewhere.

Jacques Chirac on pioneer groups (June 2000)

According to the speech given by Jacques Chirac before the Bundestag on 27 June 2000, a pioneer group would bring together those countries participating in a set of enhanced co-operation activities. The President described these: better economic policy co-ordination, a strengthening of defence and security policy, and greater efficiency in combating crime. In the French president's words, this group "would show the way, basing itself on the new enhanced co-operation procedure set out at the [Nice] IGC, and engaging in non-Treaty co-operation where necessary, but without ever calling into question the consistency and 'acquis' of the Union". In response to the German Foreign Affairs Minister, Joschka Fischer, who had said that - if the adoption of a constitutional Treaty were to prove unsuccessful - it should be possible for a "vanguard" of countries to adopt its own Constitution and institutions, Mr Chirac argued that there would be no need to create new institutions but, rather, "a mechanism for flexible co-ordination, namely a secretariat responsible for monitoring the consistency of the positions and policies adopted by members of this group". The group should remain open to all.

Constitutional uncertainty

The start of 2004 saw an informal meeting of the Foreign Affairs Ministers in the margins of the General Affairs Council on 26 January. It was attended by the Commission representatives and the two European Parliament representatives. For the time being, the Irish presidency is adhering to the strategy laid down at the end of last year, i.e. to consult the various parties concerned and draw up a report for the spring European Council on the likelihood of a resumption of negotiations leading to a positive outcome. The presidency is less pessimistic and does not rule out the possibility of reaching an agreement by the

end of its term of office. It will not however take the risk of convening the IGC unless it judges that positions have moved on sufficiently.

There have, on the one hand, been numerous expressions of support for the Treaty of Nice and its ability to keep the Union functioning in the future. On the other, many people point to the transitional nature of that Treaty and emphasise the need to encompass the full scope of the changes introduced by the constitutional Treaty. Some have in mind the power conferred on them by the Treaty of Nice (weighted voting, composition of the Commission), while others acknowledge the headway made by the constitutional Treaty as adopted by the Convention (double majority, a scaled-down Commission but also the "*passerelle*" clauses allowing for a move from unanimous voting to QMV and from the special to the ordinary legislative procedure). Both groups must however join in the search for solutions acceptable to all; otherwise the constitutional Treaty will be shelved in the same manner as its predecessors (Spinelli treaty, Herman report). Should the European Parliament (but also the Commission) adopt the Treaty at the last plenary session before the European elections in June 2004, as has been suggested by several MEPs?

Debate in the EP Committee on Constitutional Affairs

A similar tone was apparent in the deliberations of the Parliament's Committee on Constitutional Affairs, meeting on 15-16 February together with representatives from national parliaments. In the presence of Commissioner Barnier on the first day and Jean-Luc Dehaene and Giuliano Amato on the second, a harmony of views prevailed about the Italian presidency's proposals: there had been more backtracking from, than progress towards, the constitutional Treaty between the proposals tabled in Naples (which contained some steps forward, such as the idea of using QMV for the common foreign and security policy and some initial suggestions for the revision clauses) and those submitted prior to the Brussels European Council (entailing a move away from QMV in the case of the European Public Prosecutor's Office and taxation, an emergency brake on social security and co-operation in criminal matters, and the scrapping of *passerelle* clauses inasmuch as one single national parliament

could oppose the adoption of a decision, thereby forestalling any decision, even a unanimous one). The content of the constitutional Treaty, as finalised by the Convention, should therefore be preserved. That was likewise the tenor of a European Parliament resolution, adopted in January, calling on the Irish presidency to conclude the IGC on the basis of the constitutional Treaty (only), and to do so by 1 May 2004, the date when the Union will be enlarged to take in the ten new Member States (4).

From an institutional point of view, it is high time a solution were found. Two issues are on the table: the method of calculating QMV and the composition of the Commission (see Annex I for the composition of the Commission after 1 May 2004 and for the weighting of votes to apply as from 1 November 2004). QMV is still the main point at issue: basically the question is how to find a solution that meets the demands of Spain and Poland. For especially sensitive matters, such as own resources, should the double majority be adapted by keeping 50% for the majority of Member States but setting the population threshold at 65%, as has been suggested by Giuliano Amato? Such a solution, as pointed out by Andrew Duff (ELDR, UK), would result in an increased number of matters being subjected to this "superqualified" majority. Giuliano Amato regards this eventuality not as a superqualified majority but as a means of enabling "certain countries" to form a blocking minority, given that the large countries have no need for this mechanism since they can band together to form a blocking minority. Andrew Duff believes that raising the number of countries (from 50% to 60%) and lowering the population threshold to 55% would prevent the three largest countries from being able to form a blocking minority.

Commissioner Barnier has stated that the double majority should not be made into a "religion". The system devised by the Convention could be deferred until 2009 or 2014. A similar view has been expressed by Jean-Luc Dehaene, who believes it is more important to know that a decision may be taken by QMV than it is to establish the method for calculating that majority, even though the method devised by the Convention has the merit of being transparent and comprehensible to everyone. Dehaene also stressed the importance of the *passerelle* clauses.

As concerns the Commission, the Treaty of Nice will remain in force until 2009, and the Commission will continue to comprise one Commissioner for each Member State. The simplest solution, according to Andrew Duff's proposal, would be to remove from the constitutional Treaty both the number of Commissioners and the principle of a fair rotation among the Member States, stipulating instead that the European Council will be responsible for reorganising the Commission.

Emergence of a "directorate"?

Consultations between various sectoral ministers are nothing new. For instance, several meetings of ministers from the five largest countries (France, Germany, United Kingdom, Spain and Italy) have been held to discuss measures to combat terrorism or illegal immigration. These meetings smooth the way for subsequent work in the Council. Such practices will probably be inevitable in a Union of 25; otherwise the *tours de table* at sessions of the Council would never end.

Six countries, headed up by Italy and Spain, spoke out in disapproval of this initiative by the big three, emphasising the need to comply with the terms of the stability and growth pact, suspended since November 2003.

The summit meeting of heads of state and government from France, Germany and the UK, held on 18 February, was a prolongation in the economic and social spheres of meetings held since September 2003 in the field of defence. The big three reached an agreement on defence which also made it possible to find a solution at the IGC on organising enhanced co-operation on a purely intergovernmental basis in respect of defence (ongoing structured co-operation). Since then, France and Germany have agreed on the presidency of the future weapons agency, which can go ahead without waiting for the constitutional Treaty. This meeting also confirmed the return of the UK to the European fold in one policy field where its presence is wholly unavoidable. The other field regarded by London as vital is the Lisbon strategy.

The "Lisbon process" is to undergo an appraisal at the forthcoming spring European Council. The big three wished to prepare the ground for economic reform and for reforms of pension and healthcare systems, while justifying the need for these difficult reforms to

public opinion in their respective countries. The circulation on 18 February of a "little red book" summarising the German Chancellor's reforms proves the point. These reforms come at a high social price, as well as having cost the German Chancellor his post as party leader. The Union's three main leading figures were accompanied by their ministers for economic affairs, research, health and social affairs. Three working documents are to be submitted to the relevant formations of the Council.

A "joint letter" that fails to mention the constitutional Treaty

Nothing about institutional reform filtered out from the meeting of heads of state and government who, according to a press release, partook of a joint dinner accompanied by their foreign affairs ministers. The press release also states that "*the opportunity was taken to discuss topical European policy issues and the continuation of the European constitutional process, as well as topical aspects of foreign policy*".

These points are however passed over in silence by the "joint letter" sent by the three leaders at the end of their summit to the Irish president of the Council, Bertie Ahern, and to Romano Prodi, President of the European Commission, as well as to all their EU colleagues. In it they put forward a number of proposals (5). The letter contains a very specific proposal regarding the appointment of the next Commission, due to take up office on 1 November 2004: a post of Commissioner responsible for economic reform should be established. It is worth remembering here that, under the provisions of the Treaty of Nice, whereby the next Commission President is to be designated by the European Council (no longer unanimously but by QMV), the tasks of putting together the College of Commissioners and distributing the various portfolios are a prerogative of the Commission President.

The trio also calls for the development of a more innovative Europe, as well as for speedier reform of economic structures and social protection systems in order to confront demographic change in Europe. They advocate stepping up European research funding and introducing measures to support the competitiveness of businesses, first and foremost a flexible regulatory framework and a system of tax incentives. The letter likewise stresses the need to update social protection

systems, which *"need comprehensive reform to guarantee their long-term affordability, given the demographic trend"*.

None of this is very new if compared with one of the documents produced by the Commission for the spring Council, namely its report entitled "Delivering Lisbon - reforms for the enlarged Union" (6) (see Box). In the words of a Commission spokesperson, *"these are proposals that the Commission has already made and that go in the right direction"*.

It is therefore not surprising that the Commission has no objections to the turn taken by this mini-summit, apart from the fact that the big three came out against the Commission's proposed future financial perspectives, where the ceiling is set higher than the 1% limit already called for by these three countries and other net contributors in the letter from six Member States (see TE 20). Indeed, the big three consider that *"it is essentially a matter of establishing improved framework conditions and more efficient allocation of resources"* since enterprise policy *"can be financed using 1% of EU GNP"*. Which makes one wonder about other policies.

The letter also contains a barely veiled criticism of competition policy: *"it is important that the competition policy implemented by the Commission takes more account of the characteristics of international competition and the necessary industrial development of Europe"*.

Finally, Chancellor Schröder's agreement to apply a reduced rate of VAT (5.5%) in the restaurant sector should in addition enable the Ecofin Council to revisit documents still pending and perhaps to be implemented as from 2006. This decision will not be easy to reach unanimously.

Lisbon: objectives of the European Commission

1. Improving investments in knowledge and networks, by implementing the 'Growth Initiative', all the while giving greater priority to the level and quality of investments in research, education and training;
2. Strengthening the competitiveness of European enterprises, by applying better regulation – particularly for the industrial sector – and by adopting both the proposal for the Framework

Directive on Services and the proposal for the Environmental Technologies Action Plan;

3. Finally, promoting active ageing by encouraging older workers to remain in the work force and through a modernisation of educational systems for lifelong learning, of work organisation, and of prevention and health care systems.

The Commission has indeed tabled the proposal for a framework directive on services (7) referred to in point 2 above. It has however met with a very lukewarm reception, given that what is proposed is little short of full privatisation of public services (healthcare, education, culture, audiovisual, etc.). This proposal, to be put to the spring European Council, will first be scrutinised by the Competitiveness Council on 11 March.

The financial perspectives

In terms of the budget, the Commission proposes keeping the present ceiling on the financial perspectives, i.e. 1.24% of EU GNP (this figure corresponds to the current corrected ceiling of 1.27%). According to the Commission's calculations, the average level of expenditure would be 1.14% (8). The budget would be balanced afresh in a bid to uphold three priorities: 1) sustainable development: growth, cohesion and employment (the Lisbon agenda); 2) the interests of citizens: citizenship, freedom, security and justice; and 3) a stronger role for the Union as a global partner. The proposals put forward by Commissioner Barnier, likewise containing many references to the Lisbon strategy, amount to a reformulation of cohesion policy around three major priorities: convergence; regional competitiveness and employment; and European co-operation in respect of spatial planning (9).

President Prodi's reaction

In an interview published on 22 February by the Spanish newspaper *El País*, the President of the Commission confided that he *"would feel happier if the big three were to provide a strong impetus for concluding the constitutional process"*. There would be cause for concern if nothing were concluded. This will be a crucial year, and the Commission President fears that - if the Constitution is not finalised this year - the work of the Convention will recede into the past. *"If we do not make headway, I fear that in a few months' time someone will start saying that new things have happened, that the political world has*

changed, and that we must start again from scratch." In the absence of proposals on the Constitution from the big three, President Prodi wonders "*whether they are attempting to form a vanguard or just a rearguard*".

Conclusion

Prior consultations involving a number of Member States will be indispensable in future to ease discussion in the Council. Without a doubt, enhanced co-operation will inevitably take place around the single currency, which not all the Member States wish to join - as made plain by the negative result in the Swedish referendum (10). Commissioner Bolkestein has said as much. However, with the exception of defence and police and judicial co-operation, few possibilities have come to the fore, apart from that of regarding this instrument not as one of "differentiation" but as the tool of a "Europe *à la carte*". That would entail a loss of institutional cohesion and, ultimately, the demise of the European project. A process of reflection must begin, but one which offers prospects for everyone and is not merely designed to mask other interests.

Cécile Barbier

1. Cf. Final report of Working Group X "Freedom, security and justice", CONV 426/02, 2 December 2002, calling on the Convention to reflect on opt-outs/opt-ins or enhanced co-operation. Contribution by Mr Joschka Fischer and Mr Dominique de Villepin, members of the Convention: "Joint Franco-German proposals to the European Convention on an area of freedom, security and justice", CONV 435/02 of 28 November 2002, p. 8: the enhanced co-operation procedure in the field of police co-operation could also be applied when a proposed act is supported by fewer than eight Member States in the Council.
2. Contribution by Mr Dominique de Villepin and Mr Joschka Fischer, members of the Convention, presenting joint Franco-German proposals for the European Convention in the field of European security and defence policy, CONV 422/02, 22 November 2002 (it should also be possible to use the enhanced co-operation instrument for the European security and defence policy, p.3). Meeting of the heads of state and government of Germany, France, Luxembourg and Belgium on European defence, Brussels, 29 April 2003: proposal for a European security and defence Union.
3. Cf. Interview given by the French Minister of Foreign Affairs, Dominique de Villepin, to the French newspaper *Les Echos* on 2 December 2003.
4. European Parliament Resolution B5-0044/2004 on the programme of the Irish presidency of the Council and on the European Convention, 29 January 2004.
5. Joint letter of Gerhard Schröder, Jacques Chirac and Tony Blair to the Irish presidency and the Commission

<http://www.bundesregierung.de/Anlage609779/Joint+letter+from+Chirac+Schröder+and++Blair.pdf>.

6. COM (2004) 29 of 21 January 2004.
7. Proposal for a Directive of the European Parliament and of the Council on services in the internal market, (COM 2004) 2 of 13 January 2004. http://europa.eu.int/eur-lex/pri/en/lip/latest/doc/2004/com2004_0002en01.doc
8. Communication from the Commission to the Council and the European Parliament: Building our common Future - Policy challenges and budgetary means of the enlarged Union 2007-2013, COM (2004) 101 of 10 February 2004. http://europa.eu.int/eur-lex/en/com/cnc/2004/com2004_0101en02.pdf
9. Commission Communication: Third progress report on economic and social cohesion, COM (2004) 107 of 18 February 2004. http://europa.eu.int/eur-lex/en/com/rpt/2004/com2004_0107en.html
10. The turnout at the referendum held on 14 September 2003 was 81.2%; the "no" votes added up to 56.1%, while 41.8% of the votes cast were in favour.

Tomorrow Europe

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Annex: Composition of the Commission and qualified majority voting from 1 May to 1 November 2004

Composition of the Commission

From 1 May 2004, a national for each new Member State will join the current Commission. During a transitional phase running from 1 May 2004 to 30 October 2004, the Commission will therefore comprise 35 members.

With effect from 1 November 2004, the Commission will comprise one national per Member State. The biggest Member States (Germany, Spain, France Italy and the United Kingdom) thus lose at that time the opportunity of proposing a second member of the Commission, irrespective of how many Member States the European Union has at that date.

As from the first Commission which will be appointed once the Union reaches 27 Member States, there will be fewer Commissioners than there are Member States. The Commissioners will be selected by a system of rotation that will be fair to all countries.

In concrete terms, once the accession treaty for the twenty-seventh Member State has been signed, the Council will have to take a unanimous decision:

- on the exact number of Commissioners;
- on the arrangements for a fair system of rotation, bearing in mind that all Member States will be treated on an equal footing and that each Commission must satisfactorily reflect the different demographic and geographic characteristics of the Member States.

The ten new Member States have nominated their candidate commissioners, who will join the 20-strong Prodi Commission from 1 May 2004.. The heads of state and government will need to approve these nominations at the spring European Council on 25-26 March. The Commissioners from the new Member States will be full members of the College and will play a full and active role in the decision-making process. While they will not have specific portfolios, they will each be associated with the work of an existing Commissioner in order to ease their integration into the Commission's work. The new Commissioners will each have a cabinet. The President reserves his right to change these arrangements, if necessary.

Country	Candidate	Associate Commissioner
Cyprus	Markoš Kiprianou (44) Finance Minister	Michael Schreyer (Budget)
Czech Republic	Pavel Telicka (38) Former chief negotiator of the accession treaty. Replaces Milos Kuzvart (43), Environment Minister, proposed initially	David Byrne (Health and consumer protection)
Estonia	Siim Kallas (55) Former Prime Minister	Pedro Solbes (Economic and monetary affairs)
Hungary	Péter Balázs (62) Former member of the Convention, representing the government	Michel Barnier (Regional policy and institutional reform)
Latvia	Sandra Kalniete (51) Foreign Affairs Minister	Franz Fischler (Agriculture, fisheries and rural development)
Lithuania	Dalia Grybauskaite (47) Finance Minister	Viviane Reding (Education and culture)
Malta	Joe Borg (51) Foreign Affairs Minister	Poul Nielson (Development and humanitarian aid)
Poland	Danuta Hübner (55) European Affairs Minister, former government representative to the European Convention	Pascal Lamy (Trade)
Slovakia	Jan Figel (43) Negotiator of the accession treaty	Erkki Liikanen (Enterprise and the information society)
Slovenia	Janez Potocnik (45) European Affairs Minister	Günter Verheugen (Enlargement)

*Weighting of votes in the Council
(Provisions of the Accession Treaty)*

From 1 May 2004 to 31 October 2004

For their adoption, acts of the Council shall require at least:

- 88 votes in favour where this Treaty requires them to be adopted on a proposal from the Commission,
- 88 votes in favour, cast by at least two-thirds of the members, in other cases.

From 1 November 2004 onwards

Acts of the Council shall require for their adoption at least 232 votes in favour cast by a majority of the members where this Treaty requires them to be adopted on a proposal from the Commission.

In other cases, for their adoption acts of the Council shall require at least 232 votes in favour, cast by at least two-thirds of the members.

The Treaty also allows for a member of the Council to request verification that the qualified majority represents at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question is not adopted. However, this condition applies only if verification is requested.

Weighting of votes in the Council

Member States	From 1 May 2004 (adhesion date) to 30 October 2004	From 1 November 2004
Germany	10	29
United Kingdom	10	29
France	10	29
Italy	10	29
Spain	8	27
Poland	8	27
Netherlands	5	13
Greece	5	12
Czech Republic	5	12
Belgium	5	12
Hungary	5	12
Portugal	5	12
Sweden	4	10
Austria	4	10
Slovakia	3	7
Denmark	3	7
Finland	3	7
Ireland	3	7
Lithuania	3	7
Latvia	3	4
Slovenia	3	4
Estonia	3	4
Cyprus	2	4
Luxembourg	2	4
Malta	2	3
TOTAL UE	124	321
Qualified majority threshold	88	232