

PRESIDENCY NOTE

Subject : *IGC 2000: Size and composition of the Commission*

The Presidency suggests making a more detailed practical and technical analysis of some of the ideas put forward at the informal European Council in Biarritz which have been the subject of an initial exchange of views by the representatives. The aim of such analysis is to clarify the subject so that the European Council can make a fully informed assessment.

At this stage in the discussion on the size and composition of the Commission, the following main questions arise:

- (i) the conditions for and timing of any changeover to a Commission consisting of one national from each Member State;
- (ii) the conditions for and timing of any changeover to a Commission with an upper limit;
- (iii) the principle and practical details of egalitarian rotation in the case of a Commission with an upper limit;
- (iv) the organisation of the college.

1. The conditions for and timing of any changeover to a Commission consisting of one national from each Member State

Several options have been mooted for the changeover to a system of "one national from each Member State" and the following are the three main ones:

- (i) on a fixed date corresponding in principle to that on which a new Commission comes into office (e.g. 1 January 2005) irrespective of the situation then obtaining with regard to the number of accessions;
- (ii) at the point in time when, as a result of accessions completed or scheduled (i.e. subject to ratification) the Union reaches [20] or more Member States;
- (iii) a combination of these two approaches, i.e. specifying a date conditional upon the existence of a particular situation in the accession process.

It should be noted that, in line with the Amsterdam Protocol, the changeover to a system of "one Commissioner per Member State" should be accompanied by the application of new weighting arrangements.

2. The conditions for and timing of any changeover to a Commission with an upper limit

The problems are in theory the same as those analysed in point 1 above, i.e. there are three possibilities:

- a fixed date which would in principle correspond to that on which a new Commission comes into office (e.g. [1 January 2005][1 January 2010]);
- the date from which accessions completed or scheduled (i.e. before ratification) increases the number of Member States of the Union to[22][25][27];
- a combination of the two.

If there were agreement on a timetable, this would still leave a number of questions to be resolved:

- (i) the question of the number of members of a Commission with an upper limit [15][20][more]. It should be noted here that an egalitarian rotation (see 3 below) only makes sense if the difference between the number of Member States of the Union and the number of Commissioners is sufficiently great;
- (ii) the question of the enshrining this principle and the corresponding arrangements in the Treaty.

3. **Egalitarian rotation**

Principle

The principle of equal treatment of Member States should be included in an appropriate form in the Treaty in conjunction with the provision determining the maximum number of Commissioners. The Feira Report proposed that this principle should be defined as the principle *"that the difference between the total number of terms of office held by nationals of any given pair of Member States may never be more than 1."*

In addition to the arithmetic, the principle of egalitarian rotation could also refer to certain balances which should be maintained in the composition of each particular college and more specifically the geographical balance or indeed the question of the arrangements to be made for the applicant States.

Arrangements

Application of these principles should lead to the drawing up of a list of the successive compositions of the Commission according to the nationalities of its Members. It needs to be decided when and by what procedure such a list would be drawn up.

4. **Internal organisation of the Commission**

On organising the Commission and increasing its President's powers, see the draft Article 219 TEC annexed hereto.

**ORGANISING THE COMMISSION AND INCREASING ITS
PRESIDENT'S POWERS**

ARTICLE 219 TEC

- 1. The President shall define the political guidelines which the Commission must follow in carrying out its task and shall decide on its internal organisation in accordance with the following paragraphs.**
- 2. The responsibilities incumbent upon the Commission shall be structured and allocated among its Members in such a way as to cover the Union's main fields of activity as well as particular tasks required in specific or temporary situations. The President may reshuffle the allocation of responsibilities during the Commission's term of office.**
- 3. The President may appoint, from among the Members of the Commission, Vice-Presidents responsible for coordinating Commission action in a specified area.**
- 4. The President may ask a Member of the Commission to resign.**
- 5. The Commission shall act by a majority of its Members. The meeting of the Commission shall be valid only if the number of Members laid down in its Rules of Procedure is present.**

ARTICLE 217 TEC

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Article 215 TEC may have to be adjusted accordingly.