

Interview with Valéry Giscard d'Estaing from Le Figaro (22 January 2003)


Caption: Interview with the President of the European Convention, Valéry Giscard d’Estaing, published in the French daily newspaper Le Figaro in January 2003. During the interview, Mr Giscard d’Estaing explains the role and operation of the EU institutions, and talks about the European Convention debates surrounding their reform.

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Valéry Giscard d'Estaing: We need to review the composition of the European Commission

By Baudouin Bollaert, Pierre Rousselin and Jean de Belot

***Le Figaro* — France and Germany have proposed a two-headed Presidency for the European Union, which would comprise a Council President appointed for five years and a Commission President elected by the European Parliament. What is your view on that?**

Valéry Giscard d'Estaing — They are not proposing a two-headed Presidency. They are simply suggesting that the Council Presidency should no longer be a rotating Presidency. We are all familiar with the drawbacks of the rotating six-month Presidency: the lack of continuity, the changing priorities and the fact that the President is not a person familiar to the public. And what with ten new Member States joining, it would be utterly pointless to maintain the current six-monthly rotation system because a Member State's Presidency of the Union would — in that case — come round only once every 12 and a half years! That's why France and Germany are suggesting that it should be scrapped altogether. I think that this is a positive initiative which should hold the Convention's attention.

Does that not point to the creation of a system in which the President of the Commission would be some kind of head of government?

That is the kind of thing that our German friends have in mind, but it is not as straightforward as that. In the European system, certain major powers remain the responsibilities of the Member States. A 'Prime Minister of Europe' would not be Prime Minister for the whole range of competences. As for the Commission's role, well, it acts as guardian of the Treaties, submits legislative proposals which reflect the European interest and carries out a number of tasks with which it is entrusted by the Council. Yet it has no delegation of power, for example, in defence or foreign policy matters ... I shall, by the way, be requesting that the Convention take over the definitions used in the Treaty of Rome as regards the respective roles of the Council and Commission.

The fact remains that European integration is forging ahead of its own free will, and the Constitution will not be able to rein it back indefinitely. After 50 years devoted to economic integration culminating in the crowning achievement of the single currency, we are now at the start of a second phase which might also last for 50 years. We are witnessing, on the one hand, the arrival of a significant number of new Member States and, on the other, an acknowledgement by the Heads of State or Government that the Union has a political dimension, a dimension which did not feature in the Treaty of Rome but was subsequently introduced into the Maastricht Treaty.

Is it a good idea to politicise the election of the Commission President?

You are now raising an issue that has not yet been addressed, one which will have to be considered. I'm referring, of course, to the future of the European Commission. The Commission has evolved in keeping with the successive enlargements. It started out as a college — college implying only a few members — acting by consensus. The states *per se* were not represented in it: that is how things were under the Treaty of Rome. But, over time, things have changed, and nowadays the states want to be involved in the three institutions, and that is effectively a retreat from the European ideal.

A politicised Commission might be the result if the Commission President is elected by Parliament. Any appointment would be the result of a majority vote, and there would, therefore, be some opposition to it. In those circumstances, it would be difficult for a President to embody the common European good and be impartial; mind you, in the past, we have had Commission Presidents with Socialist or Christian-Democrat backgrounds who remained perfectly neutral in their conduct.

Does that mean that you are against Parliament electing the Commission President?

I am very mindful of the debates in the Convention, and I shall not try to second-guess its conclusions. However, a distinction must be made between the method for selecting a potential President and the method for investing him in office. In nation states, Prime Ministers are never selected by the national parliament; they are confirmed, or invested in office, by it. In my view, it is perfectly reasonable that the European Parliament should ratify the choice of President of the Commission. How the candidates for the role of President might be selected or put forward is an issue that calls for further consideration. I believe that that is the road that we should be following, rather than one where Parliament itself looks for a candidate and puts him in office.

But, there is still one issue that has not been addressed at any point: the composition of the Commission. This is a major — and indeed difficult — matter that the Convention has to review.

Was not that issue decided at the Nice Summit? Will this mean going back on the decisions taken in Nice?

Yes, we shall be forced to do so. The compromise adopted in Nice failed to take account of the true role and nature of the Commission. The Head of State of one of the applicant countries told me recently that he felt that appointment to the Commission should be based not on ethnic considerations but on the criteria of competence and commitment to Europe. He added that it is more important to have a good transport Commissioner, for example, than to have a Commissioner of his own nationality. He is quite right, of course, but he is in the minority. At the moment, the generally accepted principle is one Commissioner per Member State, with a maximum of 25 commissioners. The largest Member States by population have even been stripped of their right to nominate a second Commissioner, a right conferred on them by none other than the Treaty of Rome.

A Commission whose composition is at odds with its intended function is destined to become weak. Those who want to see it keep its role as guardian of the spirit of Europe should help it to redefine its true nature. And that means having as many Commissioners as there are actual duties for them to perform and the President of the Commission choosing men and women on the basis of their individual skills and commitment to Europe, all the while maintaining, of course, some kind of geographical balance.

Are you going to propose this as a solution?

That is not my job, but I am going to ask people to give some thought to the issue. It will not be possible to ratify the future constitutional Treaty before the next Commission has been installed. Unfortunately, the timetable makes that impossible. So the next Commission will be the Commission defined in Nice and appointed under the current procedure. And the public will find out that there is no correlation between the nature of the Commission and the demographic, political and economic reality of the Union. It may well react negatively, especially when it realises, for example, that the newcomers to the Union will have more commissioners all together than the founding countries ... but we can at least look ahead, whether to 2009 and the appointment of a new Commission, or earlier, if the governments were to agree to the immediate implementation of the Constitution. At all events, 2009 will see the emergence of a Union of more than 25 countries, given that Romania and Bulgaria are expected to join by 2007, and the Nice Treaty provides for the possibility of renegotiating its composition.

But what about the Member States without representation in the Commission? How will you satisfy them?

Besides the three Presidencies — of the Council, Commission and Parliament — we shall, no doubt, have to elect robust personalities to preside over the various Council of Ministers configurations (such as the General Affairs Council, a ‘Legislative Council’, or ECOFIN), and, of course, appoint a future ‘Minister for Foreign Affairs of the European Union’, not to mention the Commissioners themselves. So there is plenty of scope for a significant number of states to exercise responsibilities within the Union. I think that that is a better way forward than seeking to have each and every country represented in each of the Union’s institutions, since that would make for an unwieldy Union.

Are you not afraid that there might be some kind of rivalry in future between the Council and the Commission?

If the respective roles of these two institutions are clearly defined, there is no reason for there to be any competition between them. I think we shall become used to the idea that it is for the President of the Union to make declarations on matters involving the long-term outlook and the Union's position on the international stage and that it falls to the President of the Commission to make proposals and take action when it comes to the internal affairs of the Union. They will have no reason to fight, because they will not be operating within the same area of competence. Streamlining the Council is a self-contained objective: it has no repercussions on the workings of the Commission, because the two institutions do not operate in the same legal or political arena.

The European Community was forged in the light of three factors, namely the Member States, the various peoples and the European interest. Each of these factors has been enshrined in one of the institutions; thus, the Member States have been enshrined in the Council, the people in the European Parliament and the European interest in the Commission. Accordingly, these institutions are not of the same nature. They each have different functions. But is this a sensible arrangement? Can it be substituted with another? I think not, and, in any case, that is not what the French and Germans have in mind in their proposal.

Would it not make more sense to set up a praesidium to encompass the President of the Council, the President of the Commission and the President of the European Parliament?

Why do you want to centralise power? Given that we have the most diversified entity on the planet, much more so than the Chinese or the Americans, we need a diversified organisation. The separation of powers, a doctrine so dearly advocated by Montesquieu, signifies the multiplication of powers. Having a single structure would mean that the people of Europe would have to consider themselves unified, but that is not the case today. In the future Constitution, we shall go so far as to say that our national identities must be preserved.

The Constitution must be clear and straightforward; it will comprise three European institutions and two branches of action, one dealing with the common objectives of the Union, which is where the Commission takes charge, and the other aimed at converging the policies of the Member States, which is where the Council is in the driving seat. And, to be perfectly honest, the Council is not operating satisfactorily and needs to be refocused on Europe's interests if it is to stem its current decline into intergovernmentalism. Three institutions is not many. In France, we have four: President, Prime Minister, National Assembly and Senate ... Obviously, it would be better if, instead, there was a much more developed, even formally organised, system of relations between the Council President and the Commission President.

What type of eminent persons do you consider best fitted to the jobs of President of the Union and President of the Commission?

The President of the European Council — and, by the way, the European Council's role will have to be clearly defined in the Constitution — would be appointed by the Heads of State or Government of the Union. This person would be a sort of *primus inter pares*, recognised and accepted by his peers and possessing indisputable political acumen and intellectual dexterity. He would not have any direct authority over the others, but he would certainly have influence.

The Commission President's profile is different. The role calls for someone capable of drafting proposals, of giving impetus to a system and of running the machinery, someone similar to what you might look for, actually, in a Prime Minister or a candidate for Prime Minister ...

Is appointing an EU Minister for Foreign Affairs a step forward?

Yes, and a very important one at that! The main issue is whether a mechanism can be installed that is capable of producing a common foreign policy. At the moment, that policy does not exist. I wouldn't be at all

surprised if, in the debates and voting in the UN Security Council, the EU states weren't singing from the same hymn sheet. What can be done about it? Well, the best way forward is to bring a federative element into the system, possibly in the form of a Union Foreign Minister, and that is why I feel that the French and German proposal is a positive one, and, judging from the reaction to it, it has every chance of achieving consensus in the Convention. This will be a huge milestone for the public. The Foreign Minister's work over the next four years will require great drive and involve significant research so that a common policy may be established.

What will be the Minister's status *vis-à-vis* the Commission, the institution which manages the budget for external action?

Given that international trade negotiations will continue to fall within the exclusive remit of the Commission, based on a mandate from the Council, we need to identify the way in which the common policies — the aid and cooperation policies essentially — can be coordinated. There are a number of possibilities. For example, the Minister for Foreign Affairs could take part in the Commission's discussions, even though the Commission has to remain independent of the Council. An alternative would be to create an EU Aid and Development Agency which would be headed by the Foreign Minister and have its affairs managed by members of the Commission and Council. That is something to be considered.

How do you feel about the warming up of Franco-German relations in the Convention?

To begin with, Germany's commitment was greater than France's. The German team was more active and was making a greater impact than the French team. Everything was disjointed, and they did not always raise the same arguments. You see, the Germans were ahead when it came to matters concerning the simplification of procedures and the areas of competence. But circumstances have changed, now that the French Parliament is making a bigger impact and Dominique de Villepin has come onto the scene. The French have shown their determination to seek out common positions with Germany. Everyone realises that France and Germany will not dictate the final drafting of the Constitution. The final text will have to be determined by a broader consensus. Nevertheless, everyone recognises the importance of the Franco-German 'motor'. It will make a significant — perhaps even decisive — contribution. The question is whether this Franco-German understanding will continue right to the end of the Convention. I think that it will, because the approach that they have adopted — looking for common positions on various levels — is based on solid work.

What is your view on France's new electoral system for the European elections?

An electoral system must be fair and straightforward. If it is not, the electorate will stay away from the ballot box. The government is right in seeking to regionalise the system. But should this be done at the level of the regions or, alternatively, groups of regions? Supposing that we are asked to vote as a constituency, for instance, in the Auvergne-Limousin-Centre group of regions, which stretches from Chartres all the way down to Aurillac, how can we expect any cohesion within it? Any plans to introduce regional sub-quotas would render the system obscure and result in absence from the polls! But, I shall say it again, abandoning the national lists in favour of a regional-based approach is, in itself, a step in the right direction that we shall be proposing in the Constitution.

You seem more optimistic now than you were at the end of last year about the success of the Convention ...

I am more optimistic, yes, because I have seen two or three positive trends develop.

Which ones?

You will see!

But one country on its own can still block everything ...

There are two ways of looking at this issue, one legal, the other political. There is a legal perspective because,

under the current system, treaty reform is determined by unanimity. Therefore, one or more Member States may block it. And there is a political dimension because, in an ever-evolving construction, at some stage or another you will have to make your mind up whether to put up with the blocking or take measures to get round it. In an unofficial working document, dubbed 'Penelope', the Commission deals with this matter very firmly, stating that the countries refusing to ratify the new constitutional Treaty would automatically exit the Union system. I personally am not saying that. I am simply saying that there is a two-sided problem, legal and political, that we shall absolutely have to look at when the Convention's work draws to a close.