

**CONFÉRENCE
DES REPRÉSENTANTS DES
GOUVERNEMENTS
DES ÉTATS MEMBRES**

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CIG 53/03

DELEG 28

NOTE DE TRANSMISSION

des: délégations du Benelux

Objet: *CIG 2003*

- Contribution des pays du Benelux concernant, d'une part, les modalités d'élection du président du Conseil européen et d'autres personnes à la tête des institutions de l'UE et, d'autre part, les modalités d'élection du président de la Commission européenne*
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Les délégations trouveront ci-joint une contribution des pays du Benelux ainsi qu'une lettre d'accompagnement concernant, d'une part, le mode d'élection du président du Conseil européen et des autres responsables des institutions de l'UE et, d'autre part, le mode d'élection du président de la Commission européenne.

His Excellency Franco Frattini
Minister of Foreign Affairs
Rome

The Hague, 18 November 2003

On behalf of the Benelux countries we would like to put forward two draft protocols on (1) the procedure for the election of the President of the European Council and other office-holders of EU institutions and (2) the procedure for the election of the President of the European Commission.

Both in the Convention and in the IGC the Benelux countries have made joint proposals on institutional issues. These proposals were based on the conviction that the institutions that guard the general interest of the Union have to be strengthened. Reinforcement of the community method was - and still is - the guiding principle of the Benelux. In our view the attached proposals are in line with this principle, without undermining the institutional balance arrived at in the Convention.

The Benelux countries will table these two proposals at the Focal Points Meeting in Rome on 20 and 21 November 2003. We trust that you will include them in the agenda for the Ministerial Conclave in Naples on 28 and 29 November 2003 and allow room for discussion on each of them.

Jaap de Hoop Scheffer
Minister of Foreign Affairs
of the Kingdom of the Netherlands

Atzo Nicolai
Minister for European Affairs
of the Kingdom of the Netherlands

“Equal access” to office of the elected President of the European Council

Principles underpinning the election to the office of President of the European Council and other office-holders of EU institutions

The draft Treaty states that the European Council shall elect its President. The Convention concentrated its work on the extent of the President’s powers and duties whereas the procedure for electing the President and the principles that should be observed in the election process have not been thoroughly discussed. Therefore the Benelux countries suggest to take up the matter during the Intergovernmental Conference. The debate should also include the principles guiding the election to other top EU office-holders and in particular the President of the Commission and the Union Minister for Foreign Affairs.

The Benelux countries do not wish to alter the provision in the draft Treaty. What they suggest is to embody in a Protocol existing election practice which takes into account the geographical and demographic diversity of the Union and its member states.

Protocol on the election of the President of the European Council and other office-holders of EU institutions

The High Contracting Parties,

Desiring to ensure in a Protocol the principles guiding the election of the President of European Council and other top office-holders of EU institutions

Have reached agreement on the following provision, which shall be appended to the Treaty establishing a constitution for Europe

Article 1.

1. The election of the President of the European Council shall be considered in conjunction with the election of the President of the European Commission and the appointment of the Union Minister for Foreign Affairs. During the elections to these offices, the geographical and demographic diversity of the Union and its member states has to be respected.

Procedure for the election of the President of the European Commission

Principles underpinning the election of the President of the European Commission

The Benelux countries feel that the discussion in the Convention on the issue of the procedure for the election of the President of the European Commission has resulted in a better procedure than the one provided for in the current Treaty. Nevertheless we think it can be further improved. This can be done by intensifying the prescribed consultation between the European Council and the European Parliament, without, however, altering the institutional balance contained in the Convention outcome. Thus their joint responsibility for the success of the entire process will be increased, which will be an improvement for all concerned. The draft-protocol set out below is an elaboration of the procedure as foreseen by the draft Conventional Treaty. It determines the principles underpinning the appropriate consultations between the European Council and the European Parliament as mentioned in article 26, paragraph 1, of the draft-Treaty.

Protocol concerning the principles underpinning the procedure for the election of the President of the European Commission

The High Contracting Parties,

In order to intensify the co-operation between the European Council and the European Parliament in the procedure for the election of the President of the European Commission and thereby increasing their joint responsibility for the success of the entire process,

Desiring to determine the principles underpinning the appropriate consultations between the European Council and the European Parliament as mentioned in article 26, paragraph 1, of the Treaty establishing a constitution for Europe,

Have reached agreement on the following provision, which shall be appended to the Treaty establishing a constitution for Europe.

Article 1

1. In the procedure for the election of the President of the European Commission, the European Council and the European Parliament are summoned to have appropriate consultations.
2. Appropriate consultations shall in any event include:
 - a joint debate by the European Parliament and the European Council on the President's profile; and, subsequently,
 - the drawing up of the profile by the European Parliament on the basis of which the European Council proposes a candidate
3. The European Council and the European Parliament will, within one year after entering into force of the Treaty, conclude an Inter-institutional Agreement in which the arrangements for appropriate consultations are established in detail, on the basis of the principles mentioned in paragraph two.

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