

**CONFERENCE
OF THE REPRESENTATIVES OF THE GOVERNMENTS
OF THE MEMBER STATES**

Brussels, 7 October 2003

CIG 6/03

NOTE

from: Presidency
to: Delegations

Subject: IGC 2003
– Preparation of the IGC ministerial meeting on 14 October 2003:
questionnaires

In view of the IGC ministerial meeting on 14 October 2003, delegations will find attached two questionnaires: on the Composition of the Commission and on the Union Minister for Foreign Affairs. These two documents will serve as a starting point and a basis for discussions during the above-mentioned meeting.

QUESTIONNAIRE

THE COMMISSION

1. The Nice Treaty provides a formula designed to ensure the efficiency of the Commission, whilst taking into account the need for a gradualist approach. Under the Nice provisions, the College is composed of one Commissioner per Member State. However when the Union consists of 27 Member States, a system of "capping" shall be agreed upon, providing for the number of Commissioners to be lower than the number of Member States.
2. With the same objective of efficiency, but taking also into account the strong demands of many States to be always "represented" in the College, the draft Constitutional Treaty proposes a different solution, starting from 1 November 2009. It provides for a Commission consisting of a College comprising its President, the Union Minister of Foreign Affairs/Vice-President, and thirteen European Commissioners selected on the basis of a system of equal rotation between the Member States. It also provides for non-voting Commissioners, appointed by the President, from all other Member States.
3. Contacts between the Presidency and delegations have shown that some Member States consider that these provisions should be improved.
 - **Should the relationship between the two tiers of Commissioners be clarified, and in particular should there be a more precise indication in the text of the role of the "non-voting" Commissioners?**
 - **Should it be stated that they take part in the College without voting rights and can be appointed by the President to specific tasks?**
 - **What else could this role consist of?**
 - **The President chooses the European Commissioners out of three candidates proposed by each Member State. Is this procedure to be maintained?**
4. Are there other formulas able to ensure both the parity of Member States and the efficiency of the Commission?
 - **Which ones?**

QUESTIONNAIRE

THE FOREIGN MINISTER

The concept of the Foreign Minister

1. The creation of a Union Minister of Foreign Affairs, according to the formula of the "double-hat", combines in one post the responsibilities currently falling to the High Representative, the Commissioner for External Relations as well as the presidency of the Council. The basic concept of the double-hatted Foreign Minister has not been called into question by any delegation. Its primary purpose is to improve coherence in both the formulation and expression of the Union's external relations policy. Its effectiveness depends on the concept of "double-hatting". In practice this means that the Minister combines:
 - a. being a member of the Commission, with specific responsibility there for external relations. According to Article I-27.3, the Foreign Minister is responsible within the Commission for handling external relations and in this area he is bound by Commission procedures. The same article states also that is responsible for coordinating other aspects of the Union's external action¹;
 - b. having an autonomous role for the CFSP within the structure of the Council. On CFSP, the draft Constitutional Treaty includes a comprehensive and fairly clear set of provisions covering the Minister's responsibilities. These build on the existing responsibilities of the High Representative, but also include several important new provisions such as the formal (and excepting the Member States, exclusive) power of initiative. In this area the Minister acts independently of the Commission since the text is clear that he is not bound by Commission procedures for CFSP (Article I-27.2).
2. There is a number of specific provisions in the text of the draft Constitutional Treaty on which delegations seek clarification or have different interpretations. These concern some aspects of the Minister's status within the Commission, and his role in relation to the Council.

¹ In order to fulfil this role, he would be assisted by an European Service for External Action to be created within one year after the entry into force of the Constitutional Treaty.

The Minister's status within the Commission

3. The Foreign Minister is:
 - a. according to Article I-25.3, a member of the Commission included in the system of equal rotation for the selection of Commissioners and bound by collegiality rules;
 - b. according to Article I-27.3, one of its Vice-Presidents.

However there is a number of specific provisions in the draft text which are interpreted differently by delegations.

- **Does the Minister's position in the Commission give him full voting rights, including on non external relations issues?**
- **Does the Minister's status in the Commission make him subject to the same rules of accountability, including the obligation to resign if the Commission is subject to a censure motion by the European Parliament? Equally is the Foreign Minister obliged to resign at the request of the President of the Commission? What will be, in this case, the role of the European Council which has the main responsibility for the appointment and the removal of the Foreign Minister?**

The Foreign Minister and the Foreign Affairs Council

- **Taking into account that the Draft Constitutional Treaty clearly states that the Foreign Minister should chair the Foreign Affairs Council (Article I-23.2), who represents the Commission in the Foreign Affairs Council?**
