

Medlemmerne af Folketingets Europaudvalg  
og deres stedfortrædere

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Som aftalt på mødet den 5. december 2003 i Folketingets Europaudvalg, fremsendes vedlagt udenrigs- og finansministerens talepunkt til samrådsspørgsmål F og G. Det talte ord gælder.

Endvidere vedlægges brev fra finansministeren bilagt oplæg fra den økonomiske og finansielle komité til brug for ministrenes drøftelse på det uformelle ECOFIN-møde i Stresa samt et ledsagende brev fra formanden for den økonomiske og finansielle komité, hr. Caio Koch-Weser.

4. december 2003

## Udkast til talepunkt til brug for Finansministerens samråd i Folketingets Europaudvalg den 5. december 2003

[Folketingets Europaudvalg har stillet følgende samrådsspørgsmål F med en række underpunkter. Samrådsbesvarelsen er organiseret som én sammenhængende besvarelse, der tager højde for alle delspørgsmål.]

[Samrådsspørgsmålet lyder:

Spørgsmål F: Vil finansministeren redegøre for følgende forhold i forbindelse med det uformelle Ø-rådsmøde i Stresa den 12.-13. september 2003:

*Hvornår stod det klart for ministeren, at den italienske formand for ØKOFIN fremsendte en række ændringsforslag til forfatningstraktaten, selv om der på ØKOFIN-mødet ikke var blevet truffet beslutning herom?*

*Har ministeren reageret overfor den italienske formand på fremsendelsen af de ikke-besluttede ændringsforslag? Har ministeren meddelt den italienske formand, at forslaget om at svække Europa-Parlamentets indflydelse på EU's budget ikke kan støttes af Danmark?*

*Synes ministeren, det er tilfredsstillende, at medlemmerne af Folketingets Europaudvalg er henrykket af at erfare om de fremsendte ændringsforslag fra dagspressen?*

*Vil ministeren kommentere den kritik af regeringens håndtering af sagen om Ecofin-Rådet's behandling af spørgsmålet om traktatændringer - herunder spørgsmålet om mangelfuld orientering af Folketingets Europaudvalg - som flere folketingsmedlemmer har fremført, bl.a. i spørgetiden og i spørgetimen?]*

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## Opfølgning på samråd i Folketingets Europaudvalg den 5. december 2003

I opfølgning af samrådet i Folketingets Europaudvalg fredag den 5. december fremsender jeg hermed det oplæg, som den økonomiske og finansielle komité foreslog ministrene drøftede på det uformelle ECOFIN-møde i Stresa vedrørende Konventets udkast til forfatningstraktat. Oplægget fremsendes med henblik på, at udvalgets medlemmer kan se den fodnote, som jeg omtalte på samrådet, jf. det ligeledes oversendte talepapir.

Den omtalte fodnote fremgår af side 1 i dokument EFC/ECFIN/313/03/ final. Indholdet af fodnoten er ligeledes fremhævet i det ledsagende brev fra formanden for den økonomiske og finansielle komité, hr. Caio Koch-Weser, der også vedlægges.

Jeg vil gerne derudover som nævnt i samrådet påpege, at dokumentets karakter fremgår af overskriften som er "Reflection paper by the ECOFIN ministers".

Jeg vil også henlede opmærksomheden på spørgsmålet om de flerårige finansielle rammer, jf. omtalen af denne sag på side 4-5 i dokumentet. Som det fremgår arbejdes der i oplægget fra den økonomiske og finansielle komité med tre mulige optioner. I sit papir til ministerpræsident Silvio Berlusconi, valgte Giulio Tremonti kun at præsentere én af disse optioner.

Med venlig hilsen

Thor Pedersen

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**ECONOMIC AND FINANCIAL COMMITTEE**

**THE PRESIDENT**

Brussels, 9 September 2003

Mr Giulio TREMONTI  
President of the Council of the European Union (Ecofin)  
C/o Secretary-General of the Council  
Rue de la loi, 175  
B – 1048 Brussels

Dear Minister,

**Informal Ecofin discussion on the Intergovernmental Conference**

I am transmitting herewith a status report on the work of the Economic and Financial Committee on the forthcoming Intergovernmental Conference (European Convention).

You will find two documents in preparation for the discussion of the Informal Ecofin on 13 September. The first paper identifies issues for further discussion by ministers, and one which sets out a number of drafting suggestions of a more technical nature on many of which ministers at previous meetings have already reached a high degree of consensus. Following the Informal Ecofin meeting, the intention is to merge the papers into a single document.

I should like to point out that some Member States are still in the process of adopting their formal positions for the IGC involving national parliaments. For these Member States and their ministers, the views in these papers would not prejudice the outcome of national processes. One Member State could not support any proposal to amend the Convention's text.

I would like to draw your attention to the fact that all Protocols/Declarations will have to be repeated in the new Constitution to remain valid. One Protocol that is specifically under threat is the Protocol defining the role of the Ecofin Council in European Council meetings discussing EMU (*"The conference affirms that the President of the European Council shall invite the Economic and Finance Ministers to participate in European Council meetings when the European Council is discussing matters economic and monetary union."*). Were this Protocol to be deleted, the institutional role of the Ecofin ministers may, subsequent to Sevilla, be further eroded.

Yours sincerely,

*[signed]*

**Caio Koch-Weser**

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**ECONOMIC AND FINANCIAL COMMITTEE**

Brussels, 5 September 2003

EFC/ECFIN/313/03 final

***Draft***

*Reflection paper by the Ecofin ministers*

**Common views on priority items of Ecofin concern in the Draft Constitutional Treaty<sup>1</sup>**

**Points for discussion by the Informal Ecofin**

The European Council in Thessaloniki on 20 June decided that the Convention's Draft Constitutional Treaty is a good basis for starting the Intergovernmental Conference. In order to improve the consistency of the Constitution, ministers at previous meetings came close to consensual drafting suggestions for a number of amendments which are often of technical nature (see separate note). This note identifies a few issues for further discussion at political level, and offers suggestions for amendments:

1. *The establishment of a single Legislative Council;*
2. *Assuring strong budgetary surveillance;*
3. *The Union's finances and the financial provisions;*
4. *Preserving the Lamfalussy process;*
5. *Improving the decision-making process for the euro area.*

### **1. Legislative Council**

Article I-23.1 establishes a "Legislative and General Affairs Council" to enact European laws and European framework laws: "*The Legislative and General Affairs Council shall ensure consistency in the work of the Council of ministers. ... When it acts in its legislative function, the Council of Ministers shall consider and, jointly with the European Parliament, enact European laws and European framework laws, in accordance with the provisions of the Constitution. In this function, each Member State's representation shall include one or two representatives at ministerial level with relevant expertise, reflecting the business on the agenda of the Council of Ministers.*"

Ecofin ministers consider that it is not efficient and coherent to separate legislative proposals

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(framework laws and laws) from the general management of European economic and financial affairs and therefore suggest to drop the Legislative Council in Art. I-23.1<sup>2</sup>. Particularly in view of their responsibility to drive forward the Lisbon agenda, it is important that Ecofin ministers retain a general overview on matters in their competence, and with that knowledge continue to be responsible for all legislation that falls within their domain. In case the Legislative Council remains in the Draft Constitution, Art. I-23.1 should be reformulated as follows so that the respective Council formations continue to legislate on matters within their competency: "*The Legislative and General Affairs Council shall ensure consistency in the work of the Council of ministers. ... When it acts acting in its their legislative function, the Council of Ministers respective Council formations shall consider and, jointly with the European Parliament, enact European laws and European framework laws, in accordance with the provisions of the Constitution. In this function, each Member State's representation shall include one or two representatives at ministerial level with relevant expertise, reflecting the business on the agenda of the Council of Ministers.*"

### **2. Assuring strong budgetary surveillance**

***The rules for the multilateral surveillance procedure must remain under Council***

**responsibility:**

Article III-71.6 on the adoption of the rules of the multilateral surveillance procedure reads: “*European laws may lay down detailed rules for the multilateral surveillance procedure referred to in paragraphs 3 and 4.*”

The ministers consider that Article III-71.6 needs to be amended as follows: “*European laws of the Council of Ministers may lay down detailed rules for the multilateral surveillance procedure referred to in paragraphs 3 and 4. The Council of Ministers shall act after consulting the European Parliament.*”

Reason: Ministers, as a matter of the highest priority, consider that in this article the co-operation procedure of the current Treaty should be replaced by the consultation rather than the co-decision procedure as proposed by the Convention. The Convention text could give Parliament a role in regard of possible future changes to the Stability and Growth Pact (the SGP in part expressly refers to Art. III-71.4) which runs counter to the institutional responsibility of Member States for budgetary policy. Member States, in line with the

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framework of Art. 71.3-4, must continue to be free to determine the detailed rules of the multilateral surveillance, otherwise their ownership by Member States and therefore effectiveness could be weakened.

***Preserving the effectiveness of peer pressure in the excessive deficit procedure:***

Article III-76.6 reads as follows: *The Council of Ministers shall, on a proposal from the Commission, having considered any observations which the member State concerned may wish to make and after an overall assessment, decide whether an excessive deficit exists. In that case it shall adopt, according to the same procedures, recommendations addressed to the Member State concerned with a view to bringing that situation to an end within a given period. ...*”

Ministers agree that the second sentence of Art. III-76.6 should be reformulated as follows: “*... In that case it shall adopt, according to the same procedures on a recommendation from the Commission, recommendations addressed to the Member State concerned with a view to bringing that situation to an end within a given period.*”

Reason: Ministers agree to the changes introduced by the Convention in Article III-76.6 which gives the Commission the right to *propose* instead of recommend to the Council to take a decision on the *existence* of an excessive deficit. Consequently, unanimity in the Council will be necessary to modify a Commission proposal in those cases where the Commission



objects to a modification. However, Ministers consider it important for exerting effective peer pressure that texts on *subsequent policy measures* can continue to be easily negotiated among the Member States and thus can be “owned” by them. Recommendations on *measures* to bring the excessive deficit situation to an end should therefore be based on Commission recommendations rather than proposals.

### **3. *Maintaining the inter-institutional balance in the budgetary procedure***

Also in future, the raising of resources for the Community budget and the matching between expenditure and revenue remain the responsibility of the Member States. Therefore, while the European Parliament should have an appropriate role on the spending of resources, its powers must be matched with its responsibilities.

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#### ***The multi-annual financial framework:***

Article I-54 paragraphs 2 and 3 read: “2. *A European law of the Council of Ministers shall lay down the multiannual financial framework. The Council of Ministers shall act after obtaining the consent of the European Parliament, which shall be given by a majority of its component members.* 3. *The annual budget of the Union shall comply with the multiannual financial framework.*”

Two questions are to be considered on the multi-annual financial framework: i) **the powers of the European Parliament**, i.e. whether Parliament should have to give its consent by an absolute majority of its component members as proposed by the Convention, or by a simple majority of votes cast or, alternatively, whether the EP should be consulted with no consent requirement; ii) **the voting requirements in the Council**, i.e. whether the Council shall act by qualified majority voting, as proposed by the Convention, or by super-qualified majority or by unanimity.<sup>3</sup>

The resulting drafting amendment to be proposed could therefore be one of the following (consensus yet to be achieved):

Option 1: “*A European law of the Council of Ministers shall lay down the multiannual financial framework. The Council of Ministers shall act unanimously after obtaining the consent of the European Parliament, which shall be given by a majority of its component members consulting the European Parliament.*” This would provide for consultation of Parliament, and unanimous voting in the Council.

Option 2: *“A European law of the Council of Ministers shall lay down the multiannual financial framework. The Council of Ministers shall act by a superqualified majority vote<sup>4</sup> after*

*obtaining the consent of the European Parliament, which shall be given by a majority of its component members.* “ This second option would reduce the requirement within Parliament from absolute majority of component members proposed by the Convention to simple majority of votes cast, in line with the general rule set out in Art. III-240, which would make it easier for the Council to obtain consent, and change the qualified majority within the Council to superqualified majority.

Option 3 could be to stipulate consultation with Parliament, but to retain qualified majority

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voting within Council: *“A European law of the Council of Ministers shall lay down the multiannual financial framework. The Council of Ministers shall act after obtaining the consent of consulting the European Parliament, which shall be given by a majority of its component members.”*

The pros and cons of the 3 options should be considered in the context of the other elements of the budgetary package, notably the role of the Council in the annual budget, and the degree of their deviations from the current procedure for the Financial Perspectives and the changes proposed relative to the Convention text. The budgetary procedure consists of a political package made up notably of the multi-annual financial framework, the annual budget, and the financial regulation (and the staff regulation). Ministers might focus in particular on maintaining budget discipline over the multi-annual financial framework ceiling and not opening decisions to marginal interests. The role of Parliament should be appropriate; a formal consent procedure in the multi-annual financial framework could be considered provided the Constitution provides for a real co-decision on the annual budget (see below). Whilst recognizing that unanimity might not be the best way of ensuring budgetary discipline and may risk blockages, the majority requirements in the Council might be somewhat upgraded to maintain the Council’s assurance of discipline.

***The Union's Annual Budget:***

Article III-310.8 reads: *If, within the twenty-one days referred to in paragraph 5, the Conciliation Committee does not approve a joint text or if the Council of Ministers rejects the joint text, the Parliament may, within fourteen days, acting by a majority of its component members and three fifths of the votes cast, confirm its amendments. Where the Parliament amendment is not confirmed, the position of the Council of Ministers on the budget item which is the subject of the amendment shall be deemed to be adopted. However, if the Parliament, acting by a majority of its component members and three fifths of the votes cast, rejects the joint text, it may ask for a new draft budget to be submitted."*

So as to provide better incentives for Parliament and Council to work together on a budget consensus, and to provide a fallback in case of disagreements, Art. III-310.8 should be amended to read: *"If, within the twenty-one days referred to in paragraph 5, the Conciliation Committee does not approve a joint text or if the Council of Ministers rejects the joint text, the Parliament may, within fourteen days, acting by a majority of its component members and three fifths of the votes cast, confirm its amendments. Where the Parliament amendment is not confirmed, the position of the Council of Ministers on the budget item which is the subject of the amendment shall be deemed to be adopted. However, if the Parliament, acting by a majority of its component members and three fifths of the votes cast, rejects the joint text, it may ask for a new draft budget to be submitted. a budget providing, in the case of each budget item which is subject to disagreement, for the lowest amount proposed either by the Council or the Parliament or, where it is higher, the figure in the budget law for the previous year shall be adopted."*

Reason: The role of Council in the annual budget is the pivotal element of the budgetary package. At present the Council has the last word on compulsory expenditure, the Parliament has the last word on non-compulsory. The draft Constitution shifts that balance in favour of the Parliament by giving it the final say on all expenditure, albeit with an enhanced majority requirement, through eliminating the distinction between compulsory and non-compulsory expenditure. An upgrading of the role of the Council seems necessary to ensure that budget

discipline is maintained and to improve the incentives for Parliament and Council to work together to achieve budget consensus. The proposed text is closer to the current annual budgetary procedure than the Convention text.

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#### **4. Preserving the application of the Lamfalussy process for harmonising financial services legislation**

Article I-35 paragraphs 1 and 2 on legislative delegation read: *European laws and European framework laws may delegate to the Commission the power to enact delegated regulations to supplement or amend certain non-essential elements of the European law or framework law. The objectives, content, scope and duration of the delegation shall be explicitly defined in the European laws and framework laws. A delegation may not cover the essential elements of an area. These shall be reserved for the European law or framework law. 2. The conditions of application to which the delegation is subject shall be explicitly determined in the European laws and framework laws. They may consist of the following possibilities: .....* Article I-36 paragraphs 1 and 3 on implementing acts read: “ 1. Member States shall adopt all measures of national law necessary to implement legally binding Union acts. . 3. The European laws shall lay down in advance rules and general principles for the mechanisms for control by Member States of Union implementing acts.”

Ministers consider that the following indent should be added to Article I-35.2 to allow the Commission to be assisted by experts appointed by all Member States: *the law or framework law shall lay down in advance rules and general principles for the mechanisms for assistance by Member States with delegated regulations of the Union.”*

Reason: The Lamfalussy procedure for securities market regulation aims to improve the efficiency and flexibility of EU legislation in that area whilst preserving technical expertise and accountability. It was endorsed in a Resolution by Heads of State at Stockholm. Last year Finance Ministers agreed that it should be extended to the banking and insurance sectors. However, the European Parliament has always expressed dissatisfaction at the Council’s ‘call-back’ mechanism within the procedure which, it claims, by granting the Council a final opportunity to block certain technical implementing measures, upsets the ‘inter-institutional’ balance.

Ministers are concerned that, due to the unclear provisions of the Draft Constitution relating to legislative delegation (Article I-35) and to implementing acts (Article I-36), the Lamfalussy process will not be preserved. In particular, whereas according to the Lamfalussy procedure technical implementing measures at ‘level 2’ are agreed by committees of expert

representatives from all the Member States, under the Draft Constitution these committees could only have an advisory function, and the Commission would have *full competence* for technical implementing measures.

Therefore, Ministers believe that the present role of the 'level-2' committees should be preserved whilst allowing an equitable interinstitutional balance with European Parliament. Consequently, Article I-35 should (at least in the financial services area) allow the Council to impose certain requirements in respect of the exercise of delegated powers, comparable to Article 36.

If the amendment to Article I-35 can not be achieved, a joint Council-Commission declaration could be considered on the need for the Commission to, in the enactment of delegated regulations in the financial services area, be assisted by experts appointed by all the Member States.

In addition, to clarify the procedure, an interinstitutional agreement between the Council, the Parliament and the Commission could specify how delegated regulations in the financial services area should be enacted in practice, and set down some general principles for defining whether secondary legislation falls within Article I-35 - delegated legislation - or I-36 - implementing acts.

##### **5. *Improving the decision-making process for the euro area***

Article III-91.4 reads: *"The voting rights of members of the Council of Ministers representing Member States with a derogation shall be suspended for the adoption by the Council of Ministers of the measures referred to in the Articles listed in paragraph 2. A qualified majority shall be defined as a majority of the votes of the representatives of the Member States without a derogation, representing at least three fifths of their population. Unanimity of those Member States shall be required for any act requiring unanimity."*

Eurogroup Ministers suggest to amend Article III-91.4 as follows: *" 4. The voting rights of members of the Council of Ministers representing Member States with a derogation shall be suspended for the adoption by the Council of Ministers of the measures referred to in the Articles listed in paragraph 2. The same shall apply to (a) surveillance recommendations relating to Member States participating in the euro area – including on stability programs and*

*early warnings (Art. III-71(4)). (b) measures on excessive deficits relating to Member States participating in the euro area (Art. III-76(6)-(8) and (11)). A qualified majority shall be defined as a majority of the votes of the representatives of the Member States without a derogation, representing at least three fifths of their population. Unanimity of those Member States shall be required for any act requiring unanimity.”*

Reason: Eurogroup Ministers believe that Article III-88, which has been intended to allow euro area ministers to adopt measures specific to the eurozone Member States, will not enhance the decision making capacity of the euro area. It is more appropriate to extend the list of items under Article III-91.4 specifying the decisions reserved to euro area ministers by measures relating to the multilateral surveillance of euro zone countries, and measures relating to excessive deficits in euro zone countries”.<sup>5</sup>

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Udenrigsministeriet

## *Indholdsfortegnelse*

**Spørgsmål G: Ifølge Finansministerens svar på udvalgsspørgsmål nr. 10 til Europaudvalget (alm. del. bilag 184) indgik de ændringsforslag, der blev fremsendt fra det uformelle ECOFIN-rådsmøde i drøftelserne på udenrigsministermødet den 27. oktober 2003. I den forbindelse bedes udenrigsministeren redegøre for følgende:**

- var ministeren orienteret om, at de fra ECOFIN-formanden fremsendte forslag stammede fra et møde, hvor der ikke var blevet truffet nogen beslutninger? 19
  
- hvorledes harmonerer forslaget om at begrænse Europa-Parlamentets indflydelse på budgettet med det forhandlingsgrundlag, som et bredt flertal i Folketinget har tiltrådt? 20
  
- hvorledes blev Danmarks stilling til dette forslag tilkendegivet på mødet den 27. oktober 2003? 22

**- var ministeren orienteret om, at de fra ECOFIN-formanden fremsendte forslag stammede fra et møde, hvor der ikke var blevet truffet nogen beslutninger?**

**Som bekendt inkluderede formandskabet de af Tremonti oversendte forslag i listen over ikke-institutionelle spørgsmål [dokument CIG 37/03].**

**Som Finansministeren har redegjort for, blev de nævnte forslag fremsendt på egen hånd af den italienske finansminister Tremonti. Der var en uformel drøftelse af emner under regeringskonferencen på det uformelle rådsmøde. Der kan ikke træffes formelle beslutninger på et uformelt rådsmøde. Men det udelukker ikke, at man kan have en drøftelse af et emne.**



Jeg vil gerne henvise til de drøftelser, som vi netop har haft om det korte møde i regeringskonferencen på mandag.

Vi forventer som nævnt, at formandskabet vil foreslå en neutral tilbagefaldsmekanisme på det årlige budget, der giver incitament for begge institutioner til at indgå en aftale.

Som sagt kan Danmark støtte formandskabets forslag. Men vi kan også støtte andre landes forslag, hvis der er generel enighed om dem. Regeringen tager som vanligt forhandlingsoplæg til regeringskonferencen når den endelige kompromispakke foreligger fra formandskabet, dvs. i næste uge.

Jeg vil gerne minde om, at der i forhandlingsgrundlaget fra september, som blev bredt tiltrådt, bl.a. står, at Danmark i forbindelse med lovgivningsprocessen støtter en styrket rolle til Europa-Parlamentet. Parlamentet skal bl.a. have øget

medindflydelse på landbrugspolitikken. Der står videre, at vi ønsker at fastholde balancen mellem de tre centrale institutioner.

Det er min opfattelse, at både formandskabets forslag, og de af Tremonti oversendte forslag, holder sig inden for

**forhandlingsgrundlagets overordnede rammer.**

**Det skyldes især, at Europa-Parlamentets rolle ifht. EU's budget under alle omstændigheder styrkes i den kommende forfatningstraktat.**

**Europa-Parlamentet får medindflydelse (fælles beslutningstagen) på retsakter med regelbundne udgifter, hvor Rådet hidtil har haft eneret på beslutningerne. Det omfatter bl.a. landbrug og strukturfonde. På disse to områder, der jo udgør langt størstedelen af EU's budget, har Europa-Parlamentet i dag kun høringsret og udgifterne kan i udgangspunktet ikke røres i den årlige budgetprocedure. Det er en væsentlig styrkelse af Europa-Parlamentet, at de får fælles beslutningstagen på disse områder.**

**På konklavemødet i Napoli signalerede Europa-Parlamentets repræsentanter kompromisvilje, særligt i forhold til at ligestille Rådet og Europa-Parlamentet i den årlige budgetprocedure.**

**- hvorledes blev Danmarks stilling til dette forslag tilkendegivet på mødet den 27. oktober 2003?**

**Formandskabet inkluderede forslagene om økonomiske og finansielle emner i listen på over 100 punkter vedrørende ikke-institutionelle spørgsmål. Der var en indledende drøftelse af disse på mødet i regeringskonferencen den 27. oktober.**

**I forbindelse med orienteringen af Folketingets Europaudvalg forud for mødet den 27. oktober, gennemgik jeg ikke specifikt de godt 100 ikke-institutionelle spørgsmål. Men jeg orienterede om,**

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**at der skulle drøftes en række ikke-institutionelle spørgsmål. Udvalget har modtaget listen over disse [dokument CIG 37/03].**

**På mødet den 27. oktober i regeringskonferencen gjorde jeg indledningsvist opmærksom på, at Danmark ikke havde rejst ønske om yderligere punkter på regeringskonferencens dagsorden. Jeg understregede også, at vi måtte undgå, at det balancerede kompromis fra Konventet faldt fra hinanden og at man fra dansk side ønskede, at listen over ikke-institutionelle emner der skulle drøftes, blev så kort som muligt.**

**Herudover sagde jeg på foreløbig basis, at ”Danmark kan støtte økonomi- og finansministrenes ændringsforslag, såfremt der er generel enighed herom. Det gælder særligt vedr. proceduren for uforholdsmæssigt store budgetunderskud, budgetproceduren og overførsel af tilsynsopgaver til ECB”. Det skete på foreløbig basis og fulgte samme linie som finansministerens.**

**Jeg vil gerne minde om, at Danmark ikke har fremsat ændringsforslag til Konventets tekst om økonomiske emner, men at vi naturligvis har deltaget aktivt i drøftelser i regeringskonferencen.**

- 1 The present note refers to the final document CONV 850/03 of 18 July 2003. Some Member States are in the process of adopting formal positions for the IGC. For those Member States and their ministers, the views in this paper do not prejudice the outcome of national processes, which may involve parliaments. One Member State could not support any proposal to amend the Convention's text.
- 2 The Article would then read: *"The Legislative and General Affairs Council shall ensure consistency in the work of the Council of ministers. ... When it acts in its legislative function, the Council of Ministers shall consider and, jointly with the European Parliament, enact European laws and European framework laws, in accordance with the provisions of the Constitution. In this function, each Member State's representation shall include one or two representatives at ministerial level with relevant expertise, reflecting the business on the agenda of the Council of Ministers."*
- 3 At present the basis for the multi-annual financial perspectives (laid down in the interinstitutional agreement) is simple majority of Council and consent of Parliament (and the Commission). In practice, the Council acts unanimously and the Parliament gives its consent with simple majority.
- 4 It must be noted, however, that the Draft Constitution does not provide for a super-qualified majority, neither in the broader context of Art. I-24 on qualified majority voting, nor in specific articles. It would therefore have to be defined ad hoc by adding to Art. I-54.2: *" The Council of Ministers shall act by the majority of Member States, representing at least [three quarters] of the population of the Union."*
- 5 Note: the Commission considers that this extension of the list of items under Art. III-91.4 is appropriate, although they believe that for effectiveness reasons this article should be further complemented by an additional provision indicating that the Ecofin Council meets in the composition of the Ministers of the Member States having adopted the euro for taking decisions on the provisions listed in Arts. III-91.2 and III-91.4, in order to establish a genuine Ecofin Council for the euro area.

