

EUROPEAN UNION COMMON POSITION

Subject : Chapter 30: Institutions

This position of the European Union is based on its general position for the Accession Conference with Bulgaria (doc. CONF-BG 2/00) and subject to the negotiating principles endorsed by the Conference (doc. CONF-BG 14/00), in particular:

- "– any view expressed by either party on a chapter of the negotiations will in no way prejudice the position which may be taken on other chapters;
- agreements – even partial – reached during the course of the negotiations on chapters to be examined successively may not be considered as final until an overall agreement has been established."

The EU notes that the *acquis* in the present chapter includes the provisions of the Treaties concerning the composition and operation of the institutions and other organs and bodies, the secondary law concerning other bodies, committees and agencies, and the *acquis* on inter-institutional relations, transparency, languages, the Staff Regulations and other administrative provisions concerning the European Civil Service.

The institutional reforms needed for enlargement were established by the Intergovernmental Conference at Nice. The contents of the agreement reached at Nice now need to be included in the accession negotiations with a view to their integration into the Act of Accession. For this reason, this position is also based on the conclusions of the Intergovernmental Conference in Nice, in particular:

- the provisions set out in the *Treaty of Nice* and the annexed *Protocol on the enlargement of the European Union*, including particularly the provisions for adjustment of the institutions in the perspective of enlargement,

- the common position set out in the Declarations of the Intergovernmental Conference at Nice with a view to an enlarged Union of 27 Member States, including particularly *Declaration no. 20 on the enlargement of the European Union* relating to the distribution of seats in the Parliament, the weighting of votes in the Council, and the composition of the Economic and Social Committee and the Committee of the Regions, and *Declaration no. 21 on the qualified majority threshold and the number of votes for a blocking minority in an enlarged Union.*"

The EU recalls that the Treaty of Nice is still in the process of ratification, which, as underlined by the European Council at Barcelona is due to be completed by all Member States by the end of 2002 in order to allow enlargement to proceed as planned. As a consequence this position is subject to the ratification of the Treaty of Nice.

The EU underlines that negotiations on the chapter Institutions are related to the adaptation of the institutional structure of the Community to enlargement. Contrary to all other chapters, the *acquis* in this chapter does not require specific legal approximation and implementation measures by candidate countries prior to accession. New Member States will exercise their rights, on the same terms as other Member States, through participation in the EU institutions.

The EU recalls its determination to bring the accession negotiations with the candidate countries that are ready to a successful conclusion by the end of 2002, so that those countries can take part in the European Parliament elections in 2004 as members. In this context, the European Council at Laeken agreed that, if the present rate of progress of the negotiations is maintained, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, the Czech Republic and Slovenia could be ready for that date.

The EU notes that, based on this objective of accessions prior to the dates of entry into force of certain provisions of the Nice Treaty, such as 2005 concerning the weighting votes in the Council, or the date of the next election term concerning the new distribution of seats in the European Parliament, *transitional arrangements* will need to be defined at a later stage of the negotiations, once the countries concerned and their date of accession are clear.

Furthermore, whereas the decisions taken in Nice envisage an enlarged Union of 27 Member States, insofar as the first round of enlargement will involve less than twelve countries, this position will have to be adjusted as regards voting in the Council in accordance with Declaration 21 to the Treaty of Nice, once the countries concerned and their date of accession are determined.

Institutions

European Parliament

The EU notes that in accordance with Declaration N°20 to the Nice Treaty, 17 members from Bulgaria will be elected to the European Parliament as from the next term following the 2004 elections, out of the total of 732 seats allocated to the 27 Member States of the enlarged EU. The distribution of seats is given in the table attached in Annex 1.

Insofar as the Accession Treaty will have been signed until 1 January 2004 with less than twelve new Member States, the EU notes, that following Article 2 (3) of the Nice Treaty Protocol on enlargement the number of members to be elected in both present and new Member States will have to be temporarily increased for the 2004-2009 European Parliament term by application of a *pro rata correction* to be decided by the Council, so that the total number of members remains as close as possible to 732. Such a correction will however not lead to the number of members to be elected in each Member State being higher than that provided for by the current Treaties for the 1999-2004 term. The Council will have to adopt a decision to that effect, once it is determined which countries will have ratified the Act of Accession. However, the EU notes that this does not require any provision in the Accession Treaty.

Furthermore, the same methodology for adjusting the number of seats shall be applied with regard to those new Member States with which the Act of Accession will be signed only after 1 January 2004. In this case, the maximum number of Members of the European Parliament may, by way of derogation, temporarily exceed 732 during the 2004-2009 European Parliament term.

The EU notes that if accessions take place before the end of the 1999-2004 term, a transitional arrangement concerning the number of Members of Parliament for the remainder of the present term will have to be defined, once the countries concerned and their date of accession are determined

Council

The EU notes that in accordance with Declaration N°20 to the Nice Treaty, Bulgaria will be allocated 10 votes out of a total of 345 votes in the Council as from 1 January 2005 on the assumption of a Union of 27 Member States. The number of votes allocated to each Member State is given in the table attached in Annex 2. The EU furthermore notes that, according to Declaration 21 to the Nice Treaty, the qualified majority in a Union of 27 Member States will be reached with 255 votes.

Insofar as in 2005 not all the twelve negotiating countries have yet acceded to the Union, the EU notes that a definition of the new qualified majority threshold on the basis of Declaration 21 to the Treaty of Nice is required in the Act of Accession. This can only be done when it is determined which candidate countries will join the Union and when they will accede.

Furthermore, the EU notes that insofar as accessions take place before 2005, a transitional arrangement covering the period until 1 January 2005 concerning the individual number of votes and the qualified majority threshold will need to be defined, once the countries concerned and the date of accession are determined.

Commission

The EU notes that in accordance with the Nice Treaty Protocol on enlargement, Bulgaria is entitled to see as from accession one of its nationals as Member of the Commission, as will be the case for the other new Member States. The Commissioners from the new Member States will enlarge the existing Commission until the end of its current term of office. The new total number of Commissioners for the remainder of the current term of office will be decided unanimously by the Council after the completion of the ratification of the Accession Treaty, pursuant to Article 213 (1) subparagraph 2 EC Treaty. With effect from the term of the new Commission starting in 2005, the Commission will comprise one national from each Member State, until the Union reaches 27 members.

Court of Justice and Court of First Instance

The EU notes that as from accession, one judge from Bulgaria will be appointed to the Court of Justice and at least one other judge to the Court of First Instance by common accord of the governments of the Member States in accordance with the provisions of the Treaties as amended by the Nice Treaty.

Should the Court of Justice so request, the Council, acting unanimously, may increase the number of Advocates-General in accordance with Article 222 EC Treaty and Article 138 EAEC. Otherwise, Bulgaria as all the other new Member States will have to be integrated into the existing rotation arrangement for their appointment (Article 9 of the Statute).

The EU furthermore notes that the provisions of the Statute of the Court of Justice governing the number of judges in the Court of First Instance (Article 48) and the rotation system (Article 9 on the number of judges and Advocates-General subject to replacement every three years) will be adapted accordingly.

The EU confirms that the composition of the judicial panels, once they have been established, and the appointment of members from Bulgaria and the other applicant countries thereon, will be determined by the Council, in accordance with the provisions of the Treaties as amended by the Nice Treaty.

Court of Auditors

The EU notes that as from accession, one member from Bulgaria will be appointed to the Court of Auditors. The new member will be nominated by the Council acting by qualified majority, after consultation with the Parliament, in accordance with the provisions of the Treaties as amended by the Nice Treaty.

Other organs and bodies established by the Treaties

Economic and Social Committee

The EU notes that in accordance with Declaration N°20 to the Nice Treaty, as from accession 12 representatives of the various economic and social components of organised civil society from Bulgaria will be appointed as members of the Economic and Social Committee. In a Union of 27 Member States the Committee will in total consist of 344 members in the composition indicated in the attached table (Annex 3).

The EU notes that the Economic and Social Committee will take over the tasks of the Consultative Committee of the European Coal and Steel Community, which will cease to exist with the expiration of the Treaty establishing the European Coal and Steel Community on 23 July 2002.

Committee of the Regions

The EU notes that, in accordance with Declaration N°20 to the Nice Treaty, 12 members from Bulgaria, holding each a regional or local electoral mandate or being politically accountable to an elected assembly, will be appointed to the Committee of the Regions. In a Union of 27 Member States the Committee will in total consist of 344 members in the composition indicated in the attached table (Annex 4).

Euratom Scientific and Technical Committee

The EU notes that upon accession, the number of members of the Committee will be adequately increased, in order to allow for appointments "ad personam" of additional members from the new Member States by the Council after consultation of the Commission.

European Central Bank

The EU recalls that Bulgaria will be granted a derogation for the adoption of the Euro in accordance with Article 122 (1) of the EC Treaty. The Governor of Bulgaria's national central bank will be a member of the General Council of the European Central Bank. As soon as Bulgaria adopts the Euro, the Governor of the national central bank will also be a member of the Governing Council.

European Investment Bank

The EU notes that as from accession, Bulgaria will become a shareholder of the European Investment Bank and one member from Bulgaria will be appointed to the Board of Governors and an appropriate number of Directors and Alternates to the Board of Directors, the composition and functioning of which may be modified by the Council in accordance with Article 266 EC Treaty as revised by the Nice Treaty.

Committees

The EU notes that members from Bulgaria will be appointed to all Committees established by the Treaties in accordance with the existing applicable rules. This will be ensured, as appropriate, through technical adaptations to the provisions establishing the committees and their rules of procedure.

Euratom Supply Agency

The EU notes that persons from Bulgaria will be appointed to the Agency in accordance with the existing applicable rules. The EU points out that technical amendments will be needed to the Agency's Statutes, in order to ensure the participation of Bulgaria in the Agency's capital and Advisory Committee. On the occasion of accession of Bulgaria and other new Member States, the EU intends to modify Article V of the Statutes of the Euratom Supply Agency in order to convert the currency in which the capital is expressed from European Monetary Agreement (EMA) unit of account into €, and to express the capital shares per Member State in total amounts of € instead of percentages.

Committees, agencies and other bodies established by secondary law

Committees

The EU notes that members from Bulgaria will be appointed to all Committees established by secondary law in accordance with the existing applicable rules. This will be ensured, as appropriate, through technical adaptations to the legal acts establishing the committees and their rules of procedure.

Agencies

The EU notes that the representation of Bulgaria in the various agencies, which will have been established by the date of accession, will be applied in accordance with the existing applicable rules.

Other issues

Enhanced Cooperation

The EU points out that, with regard to the Treaty provisions on enhanced cooperation as revised by the Nice Treaty, the minimum number of Member States required to establish enhanced cooperation will remain at eight in an enlarged Union.

Geographical scope

The EU notes that Article 299 of the EC Treaty will need to be amended in order to include Bulgaria in the Union's geographical scope.

Language regime

The EU notes that as from accession, Bulgarian will be recognised as an authentic language of the Treaties as well as an official and a working language to be used by the European institutions. Article 314 of the EC Treaty, Article 225 EAEC and both Council Regulations N°1 of 15 April 1958 determining the languages to be used by the European Economic Community and by the European Atomic Energy Community will be amended accordingly. The rules on languages in proceedings before the European Court of Justice will have to be adapted as well.

European Civil Service

The EU confirms that following accession the Staff Regulations and Conditions of Employment will be applied to EC officials and other EC civil servants from Bulgaria.

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Subject to Bulgaria's acceptance of the above considerations, the EU notes that, at this stage, this chapter does not require further negotiation. In view of the above considerations, the EU may return to this chapter at a later stage.

However, the EU notes that it will be necessary to further address the issues of the number of Members of Parliament and voting in the Council, and to return as appropriate to this chapter when the date of the first accessions and the countries acceding on that date have been determined, to consider the above-mentioned issues.

Annex 1

Annex 2

1. THE EUROPEAN PARLIAMENT	2. THE WEIGHTING OF VOTES IN THE COUNCIL
Member States / EP seats	Members of the Council / Weighted votes
Germany 99	Germany 29
United Kingdom 72	United Kingdom 29
France 72	France 29
Italy 72	Italy 29
Spain 50	Spain 27
Poland 50	Poland 27
Romania 33	Romania 14
Netherlands 25	Netherlands 13
Greece 22	Greece 12
Czech Republic 20	Czech Republic 12
Belgium 22	Belgium 12
Hungary 20	Hungary 12
Portugal 22	Portugal 12
Sweden 18	Sweden 10
Bulgaria 17	Bulgaria 10
Austria 17	Austria 10
Slovakia 13	Slovakia 7
Denmark 13	Denmark 7
Finland 13	Finland 7
Ireland 12	Ireland 7
Lithuania 12	Lithuania 7
Latvia 8	Latvia 4
Slovenia 7	Slovenia 4
Estonia 6	Estonia 4
Cyprus 6	Cyprus 4
Luxembourg 6	Luxembourg 4
Malta 5	Malta 3
Total 732	Total 345

Annex 3Annex 4

3. THE ECONOMIC AND SOCIAL COMMITTEE	4. THE COMMITTEE OF THE REGIONS
Member States / Members	Member States / Members
Germany 24	Germany 24
United Kingdom 24	United Kingdom 24
France 24	France 24
Italy 24	Italy 24
Spain 21	Spain 21
Poland 21	Poland 21
Romania 15	Romania 15
Netherlands 12	Netherlands 12
Greece 12	Greece 12
Czech Republic 12	Czech Republic 12
Belgium 12	Belgium 12
Hungary 12	Hungary 12
Portugal 12	Portugal 12
Sweden 12	Sweden 12
Bulgaria 12	Bulgaria 12
Austria 12	Austria 12
Slovakia 9	Slovakia 9
Denmark 9	Denmark 9
Finland 9	Finland 9
Ireland 9	Ireland 9
Lithuania 9	Lithuania 9
Latvia 7	Latvia 7
Slovenia 7	Slovenia 7
Estonia 7	Estonia 7
Cyprus 6	Cyprus 6
Luxembourg 6	Luxembourg 6
Malta 5	Malta 5
Total 344	Total 344