

# PROCESS OF NEGOTIATION ABOUT VOTING SYSTEM IN THE COUNCIL DURING LISBON TREATY NEGOTIATION THE POLISH PROPOSAL

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# [ STARTING POINT ]

- Firstly I would like to oppose those who kept saying that in 2007 there was **a unique moment in the integration process.**
- **Reforming the EU is a constant process.** ‘Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity’ (Schuman’s Declaration 1950).
- Treaties, institutions, regulations are not perfect and must be permanently adopted to our needs.

# STARTING POINT

- The legal foundation of the Communities and the EU was composed of the founding Treaties of the EC (1957) and the EU (1992), amended by such revision treaties as the Single European Act (1986), Maastricht Treaty (1993), Amsterdam Treaty (1996), Nice Treaty (2001) and the accession treaties, including the last Accession Treaties (2005 and 2007).
- In 2007 we did not struggle with a disaster in the EU - on contrary there was the **Nice Treaty which functioned.**
- Nice Treaty was not perfect but it works. **It still works.**

# NICE TREATY AND CONSTITUTIONAL TREATY

- There was a call for changes, but to repeat - **changes must serve a purpose to people and to the EU** (Nice Treaty, Laeken Declaration). They have to make the Union stronger.
- It would be useful to recall the 2001 Laeken Declaration, which mandated the works on the Constitutional Treaty. **The Declaration referred to a more democratic, transparent and effective Union, with higher democratic legitimacy.**
- **Did the abandon Constitutional fulfill these needs?**

# **STOP AND GO**

- In 2005 it became obvious that the Constitutional Treaty would not come into force.
- Reflection period started and...
- January 2007 aims of the German Presidency: Berlin Declaration, Energy package, Mandate for the IGC
- Method of working: cabinet diplomacy, Sherpas.

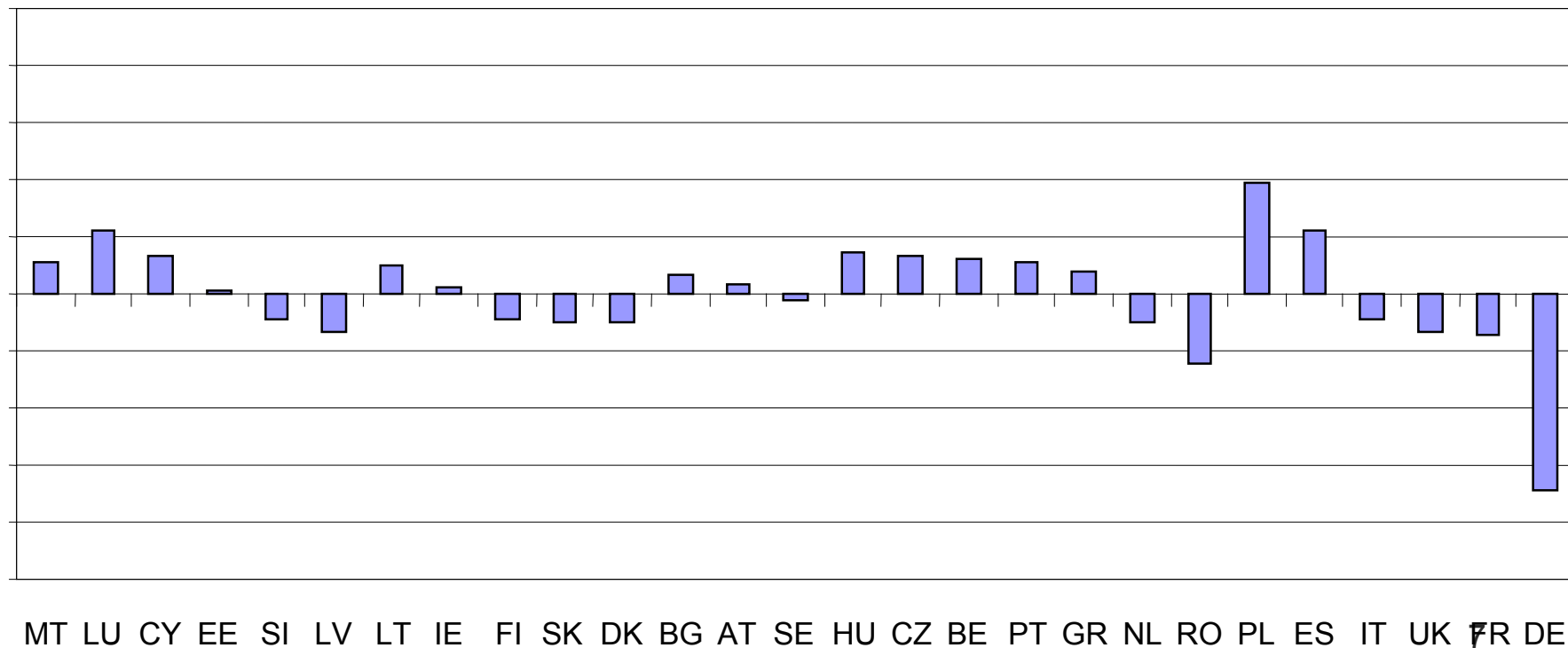
# EQUAL INFLUENCE SYSTEM

## Polish proposal to define qualified majority

- The Polish Government put forward a proposal that constituted a compromise between Nice and the Constitutional Treaty.
- The double-majority system proposed in the **Constitutional Treaty was the basis of the equal-influence voting system.**
- Poland expressed a will to recognize the flaws in the Nice system and accepted re-weighting of our own voting power. We also understood the motives, especially on the part of Germany, for wanting to change the Nice voting system.

# CHANGE IN VOTING POWER UNDER THE NICE TREATY

Change in voting power under the Nice Treaty in relation to the system  
where the citizens of all Member States  
have the same influence on a decision taken by the Council



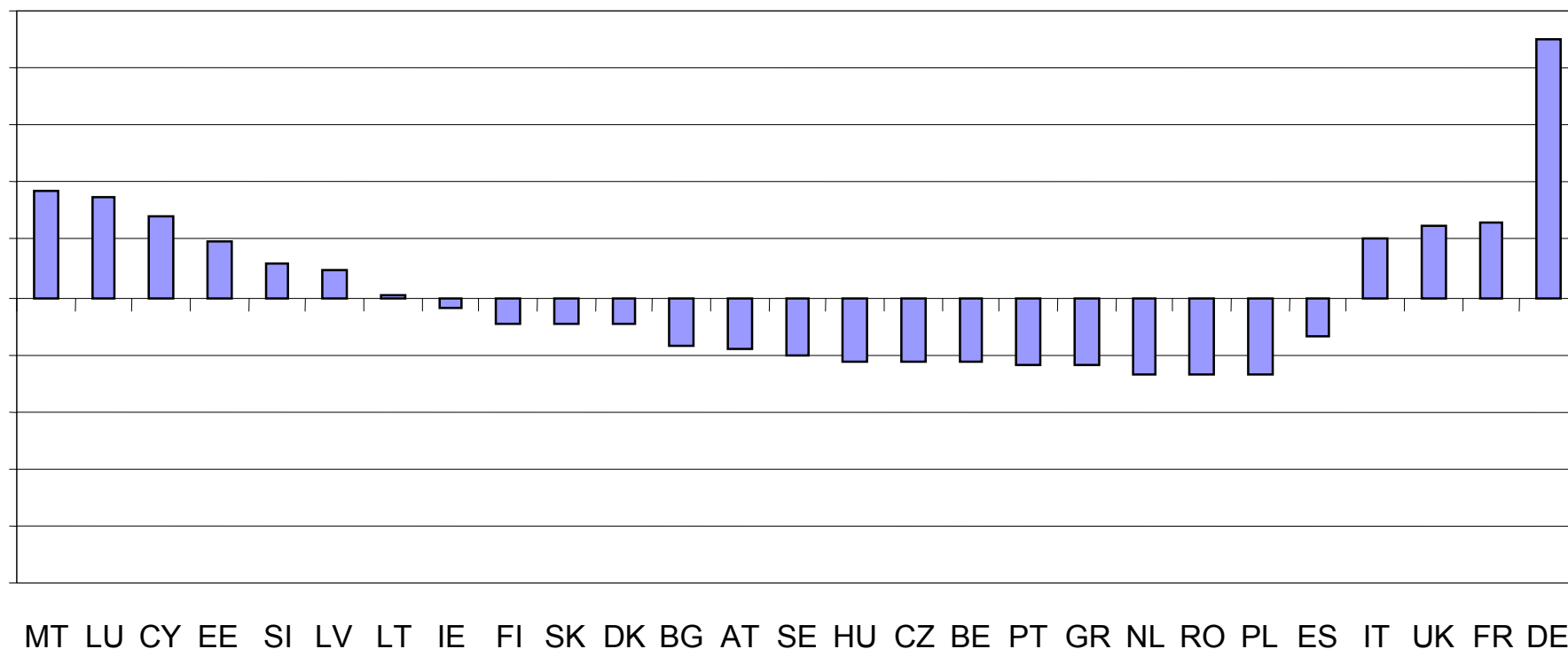
## **CHANGE IN VOTING POWER UNDER THE NICE TREATY**

- The Nice system favors Poland and Spain while limiting the influence of the citizens of Germany and Romania.
- From this perspective, the efforts of Germany to change the vote-counting system are justified.



# CHANGE IN VOTING POWER UNDER THE CONSTITUTIONAL TREATY

Change in voting power under the Constitutional Treaty in relation to the system  
where the citizens of all Member States  
have the same influence on a decision taken by the Council



## **WHY DOES THE CONSTITUTIONAL TREATY NOT RESPECT THE RULE OF EQUAL INFLUENCE OF CITIZENS OF ALL MEMBER STATES ON DECISIONS MADE IN THE UNION?**

- The Constitutional Treaty differentiates the influence of citizens on decisions being made depending on the country they come from.
- The Constitutional Treaty ensures the biggest influence to citizens of the smallest and the biggest states. This privileged position is to the detriment of the influence on decisions taken by the Council of the citizens of small and medium-sized states.
- The preference for citizens of the smallest states ensues from application of the requirement of a specified number of Member States supporting the adopted decision and is fully justified due to the nature of the Union.
- The preference for the biggest states results from the adoption of the population criterion instead of a formula ensuring the equal influence of each citizen on a decision taken by the Council.

## EQUAL INFLUENCE SYSTEM

### Polish proposal to define qualified majority

- In this connection, **a modified population criterion was proposed:** in addition to the criterion of the number of Member States, any decision made by the Council would be required to represent approximately 62% of the **population weighting in the EU-27 based on the principle of equal influence.**
- The Polish proposal **ensures equal influence of the citizens of all Member States on EU decisions, regardless of how big the population is, while maintaining a balance between big, medium and small states in the decision-making process.**

# [ EQUAL INFLUENCE SYSTEM ]

## Polish proposal to define qualified majority

- It is a **simple** and legible proposal that is **universal** in nature, since it would not require modification upon subsequent enlargements.
- It also **enhances the democratic nature of the Union**.  
“Art I-45.

### **The principle of democratic equality.**

In all its activities, the Union shall observe the principle of equality of its citizens, who shall receive equal attention from its institutions, bodies, offices, and agencies”.

- The equal influence system **guarantees high effectiveness of decision-making**, also with regard to administrative efficiency.

# THE MAIN GOALS OF POLISH PROPOSAL

- To fulfill the need of creating the strong EU.
- What makes the European Union “strong and coherent”?
- The real strength of the Union follows **from the will of all its members** to support and deepen integration as the best guarantee of their own prosperity.
- Cohesion, on the other hand, means **the feeling of participation** in the decision-making process and **shared responsibility** for the lines and pace of the Union’s development. Cohesion depends on a sense of genuine and equal participation in decision-making.

# THE MAIN GOALS OF POLISH PROPOSAL

- To respect the rule of democratic equality for all citizens

“Art I-45.

## **The principle of democratic equality.**

In all its activities, the Union shall observe the principle of equality of its citizens, who shall receive equal attention from its institutions, bodies, offices, and agencies”.

# **POLAND'S PROPOSED MODIFICATION OF ARTICLE I-25**

## **Definition of qualified majority within the European Council and the Council**

- 1. If an adoption of a decision by the Council requires a qualified majority, the weight of the votes of each Member State in the Council and the qualified majority threshold shall be defined so that the influence of each European Union citizen on decisions being made under this procedure is equal.

The European Council shall adopt unanimously a European decision defining the weight of votes of individual Member States.

- 2. Without prejudice to paragraph 1, a qualified majority shall be defined as more than half of members of the Council.

# Equal Influence System vs. CT

	Constitutional Treaty	Equal System (Polish proposal)
<b>DE</b>	<b>170</b>	<b>96</b>
FR	125	82
UK	124	82
IT	121	81
ES	89	70
<b>PL</b>	<b>79</b>	<b>65</b>
RO	45	49
NL	34	43
GR	23	35
PT	22	34
BE	22	34
CZ	21	34
HU	21	34
SE	19	32
AT	17	30
BG	16	29
DK	11	25
SK	11	25
FI	11	24
IE	8	22
LT	7	19
LV	5	16
SI	4	15
EE	3	12
CY	1	9
LU	1	7
MT	1	7
<b>Total</b>	<b>1011</b>	<b>1011</b>



# EQUAL INFLUENCE SYSTEM

## Polish proposal to define qualified majority

- The proposal's main thrust was to ensure **balance among big, medium and small states**, ensuring that each Member State, regardless the size, has the feeling of equal participation in the decision-making process.
- The new system also enhanced the democratic legitimacy of the decision-making process: **the influence of each EU citizen on a decision was practically the same**. The proposal therefore respected the rule of democratic equality for all citizens, as referred to in the Constitutional Treaty itself (Art. I-45 of the Constitutional Treaty).

# EQUAL INFLUENCE SYSTEM

## Polish proposal to define qualified majority

- A double majority based on the principle of equal influence **guaranteed the Union's decision-making system high effectiveness**. The proposal raised the effectiveness to approx. 15%, i.e., higher than under the Constitutional Treaty, which would yield effectiveness of some 13%.

# **[ POLAND – GERMANY. WHERE IS THE PROBLEM? ]**

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- Assuming as a reference the Nice Treaty's voting system, the number of votes for Poland in relation to the largest Member States drops significantly. The number of votes for Germany, the most populous EU state, would be higher than in the remaining 3 largest Member States.

	Polish proposal	Treaty of Nice
DE	96	29
FR	82	29
UK	82	29
IT	81	29
ES	70	27
PL	65	27
RO	49	14
NL	43	13
GR	35	12
PT	34	12
BE	34	12
CZ	34	12
HU	34	12
SE	32	10
AT	30	10
BG	29	10
DK	25	7
SK	25	7
FI	24	7
IE	22	7
LT	19	7
LV	16	4
SI	15	4
EE	12	4
CY	9	4
LU	7	4
MT	7	3
Sum	1011	345

## [ THE DAY AFTER... ]

- Is the voting system important?
- It has been argued that **the voting system in the Council is not that important.** Those who claim that it is not the formal power of voting that is crucial, but rather prudent policy planning, a comprehensive approach and skilled diplomacy, should be mindful of the considerable difference of potentials in that sphere between the old EU members and the states that joined the Union just three years ago.

## [ THE DAY AFTER... ]

- **The new members** (their governments, political parties, regions, vocational and business self-government bodies, interest groups) **can hardly be blamed** that they only have a fraction of the political experience, cooperation skills, as well as familiarity with the complicated rules of the political-diplomatic game and multifaceted, protracted negotiations, possessed by West European countries. **That is why formal voting power is so important to us.**
- The concerns about the **Pandora's Box**

## DRAFT MANDATE FOR IGC

- Come back to classical method of revising treaties. Thus we work on existing treaties (Nice) and we change only these parts which we want e.g. all have to agree.
- You cannot change provisions that have never entered into force (CT). By the same rule, you cannot say that those provisions are a closed chapter.

# [ THE POLISH – CZECH RESPONSE ]

## The first draft of the mandate – Sherpas proposal

- “if there is justified necessity to change the definition of the QMV within the Council as established in the existing treaties (Art.205 EC Treaty), the IGC, in preparation of the new definition, will bear in mind the need for the Union to become more democratic, more transparent and more efficient and will respect the principle of the equal influence of each citizen on decisions taken by the Council which would be achieved by degressive proportionality of the votes of the Member State vis-à-vis its population”.



# THE PROBLEM WITH THE POLISH PROPOSAL AT THE BRUSSELS SUMMIT

## Questions about procedures

### What is an IGC mandate ?

- A mandate elaborates the subject matter to be addressed by a conference. Generally speaking, an IGC mandate **does not have to be formalized**. Past practice indicates that IGC mandates have had the form of Commission documents (Dooge Committee Report and White Paper on completing the Internal Market before the adoption of the Single European Act), declarations attached to treaties (e.g. “Amsterdam leftovers” , described in the Declaration attached to the Amsterdam Treaty as the mandate for the Nice Treaty), and Council documents (Laeken Declaration annexed to Council conclusions).

# THE PROBLEM WITH THE POLISH PROPOSAL AT THE BRUSSELS SUMMIT

## Questions about procedures

**Can a Member State block a mandate in the Council conclusions?**

- As a rule, the European Council works by consensus. Thus, Presidency conclusions require the support of all parties. Any lack of agreement has to be indicated, as in the Council conclusions of December 2003 concerning CT: *The European Council noted that it was not possible for the Intergovernmental Conference to reach overall agreement. The Irish Presidency is requested on the basis of consultations to make an assessment of the prospects for progress and to report to the European Council.*

# THE PROBLEM WITH THE POLISH PROPOSAL AT THE BRUSSELS SUMMIT

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# INSTITUTIONAL FUTURE AFTER THE LISBON TREATY

- Is there a new **balance between the community and intergovernmental method within the new treaty?**
- On the one hand, the **strengthening of the European Parliament** and more qualified majority voting can be ascribed to the Community approach.
- On the other hand, the new rules strengthen the intergovernmental method by creating the permanent **chairman of the European Council, the High Representative of the UE foreign policy** and by **limiting the role of the rotation presidency system.**

# INSTITUTIONAL FUTURE AFTER THE LISBON TREATY

- **The most significant change towards intergovernmental approach is the shift to the double majority within the Council. It rather strengthens power of some governments within intergovernmental games in the Council.**

# NEW VOTING SYSTEM IN CT

## Implications for the cohesion states

### Blocking coalition of cohesion states

**The Nice Treaty:** for the qualified majority, the minority level is 91 votes

	Population	Votes
Poland	38,157	27
Romania	21,61	14
Grece	11,125	12
Portugal	19,57	12
Bulgaria	7,719	10
Czech Republic	10,251	12
Hangary	10,077	12
Bulgaria	7,719	10
Slovakia	5,389	7
Lithuania	3,403	7
Latria	2,295	4
Slovenia	2,003	4
Estonia	1,345	4
Malta	0,404	3
Total	122,345	124

**Now (in the Nice Treaty) it is 136% of blocking minority.** It means that acting together the cohesion states are able to block unwanted law.

**Constitutional Treaty:** the blocking minority level is obtained by total number of citizens – 172,5 mln. These countries have 123 mln citizens, which means that they wouldn't stop unwanted law.

# INSTITUTIONAL FUTURE AFTER THE LISBON TREATY

- Resort to intergovernmental mechanisms can lead to the **disturbance of balance between small and big actors of integration**. At the end of the day it can result in tensions as well as lessening in the common will for further integration.
- Demography.
- Future challenges.

Country	EU-6	EU -9	EU -10	EU -12	EU -15	EU -25	EU -27	EU -27
	1958-72	1973-80	1981-85	1986-94	1995	1.11.2004	1.01. 2007	1.11.2014
DE	4	10	10	10	10	29	29	81
UK	-	10	10	10	10	29	29	64
FR	4	10	10	10	10	29	29	64
IT	4	10	10	10	10	29	29	64
ES	-	-	-	8	8	27	27	49
PL	-	-	-	-	-	27	27	36
RO	-	-	-	-	-	-	14	25
NL	2	5	5	5	5	13	13	16
GR	-	-	5	5	5	12	12	9
CZ	-	-	-	-	-	12	12	9
BE	2	5	5	5	5	12	12	9
HU	-	-	-	-	-	12	12	9
PT	-	-	-	5	5	12	12	9
SE	-	-	-	-	4	10	10	9
BG	-	-	-	-	-	-	10	9
AT	-	-	-	-	4	10	10	9
SK	-	-	-	-	-	7	7	4
DK	-	3	3	3	3	7	7	4
FI	-	-	-	-	3	7	7	4
IE		3	3	3	3	7	7	4
LT	-	-	-	-	-	7	7	4
LV	-	-	-	-	-	4	4	4
SI	-	-	-	-	-	4	4	1
EE	-	-	-	-	-	4	4	1
CY	-	-	-	-	-	4	4	1
LU	1	2	2	2	2	4	4	1
MT	-	-	-	-	-	3	3	1
Total	17	58	63	76	87	321	345	500
QMV	12 (70,6%)	41 (70,7%)	45 (71,4%)	54 (71,1%)	62 (71,3%)	232 (72,27%)	255 (73,91%)	325 (65%)
Blocking minority	6 (35,5%)	18 (31%)	19 (30,2%)	23 (30,3%)	26 (29,9%)	90 (28,04%)	91 (26,38%)	175 (35%)