



THE CASE FOR AN EMPTY CHAIR

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Since the first direct election of the European Parliament in 1979, the Union has evolved a five year rhythm, anchored to the election date of the Parliament. The Treaty of Lisbon reasserts the legitimacy of this starting point by urging the Council of Ministers to take into account the results of the European Parliament Elections when nominating the President of the Commission. The new Parliament meets in Strasbourg in July and approves, or rejects, the name so proposed. Once agreement has been reached on the President of the Commission, Parliament proceeds to vet the individual Commissioners put forward by the new President. In the autumn it approves, or rejects, the full Commission. By such means it is supposed that the legitimacy of the President of the European Commission is enhanced and an ideologically coherent programme emerges.

As we saw in 2004 such transition years can be very messy, especially if they coincide with a major enlargement. There is some evidence that the Barroso Commission has transcended its awkward birth, partly because of this newly acquired ideological mandate. Of course the process can be improved in small ways. I may be irredeemably 'northern' in believing that when Commissioners swear their oath in front of the European Court in Luxembourg, that they should also undertake to serve a full five years. The increasing tendency for Commissioners to move to other jobs, in Nicosia or Rome for example, weakens the coherence of the Commission in the last eighteen months of its mandate. We need to establish the concept of term limits in the reverse sense in which it is used in the USA. I have no objection to Commissioners serving more than one term, but each term should be a full five years.

The ECPA published a book of essays (Everything Flows: Essays on Public Affairs and Change) focused on the events of 2004 and particularly on the Dutch Presidency in the second half of that year. I delivered several copies of it to the Administrative Ministry in Stockholm some time ago. 2004 may have been difficult, but 2009 will make it look like a picnic. The problem this time is not a major new enlargement, rather it is the arrival of a new and contentious Treaty. It was not supposed to be this way. The Constitution was supposed to have been safely bedded down half way through the five year period. Europe's political classes have been so worried about getting the ratification of the Treaty completed, that they have not looked at the unfortunate impact of a treaty which is supposed to come into force on 1st January 2009. With the Treaty's ratification comes the new President of the European Council and the enhanced role for the High Representative, who is also to be a Vice President of the European Commission. It is of course possible that the ratification date of the Treaty will drift for a couple of months due to Belgian delay or Italian mischief-making. However it has to be in place by March so that the European Parliament election can go ahead with the correct number of MEPs.

Enter the French Presidency and an old fashioned idea about stitching up all the jobs in one package. Big versus small, new versus old, left versus right, etc are supposed to be agreed in time to crown President Sarkozy's Christmas celebrations. It would be helpful if the Council had agreed on the job description of the new President of the Council. It is my understanding however that the powers that be are still working with alternative packages of power, depending on whether the successful candidate is a 'big figure' or a 'small figure'. Pity the Council Secretariat who have to make the system work in detail. Pity also the Czech and Swedish Presidencies. They will have to test drive the continuing role of National Presidencies under the most adverse circumstances. The new President of the Council may be chairing meetings of the European Council and the new High Representative chairing meetings of the Foreign Affairs Council, but national Presidencies are still required to chair everything else. Logically it would make more sense to have the term of the President of the Council start six months after the election of the European Parliament, in order to instil some continuity into the system.

This is not just a matter of institutional tidiness. The Sarkozy proposal, if rumour is to be believed, would have a deal done that involved not only the Presidents of the three Institutions and the High Representative, but also the Deputy Secretary-Generalship of the Council. Neither Commission nor Parliament should touch such a deal with a bargepole. Provided David Cameron does not pull the

Conservative MEPs out of the EPP-ED before the European elections, the Centre Right is almost certain to continue to be the largest Group in Parliament. It would undoubtedly support a second term for President Barroso. What would kill any legitimacy in the European Parliament campaign would be a pre-arranged agreement between the Centre Right and the Socialists to share the Presidency. Especially if it was declared six months before the election started! Something will have to give and it should not be the credibility of the Commission and Parliament.

If the Council insists on filling the chair of the President of Council from the moment the Treaty comes into effect, it cannot expect to also arrange a cosy inter-institutional deal. However if it really wants that deal, the solution should not be too difficult. The Council can agree to prolong the mandate of Mr Solana as High Representative until 1st July 2009. The rest of the solution has a good French pedigree. Its called the 'Empty Chair'. I am sure the ghost of President de Gaulle would approve! Let the President's chair remain vacant until the negotiations following the result of the European Parliament elections. Then, and only then, is the time for seeking a comfortable deal. Alternatively we could all grow up and try picking the best person for each of the jobs, without worrying about bogus balance.



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