

Unclear EU treaty provisions causing 'nervousness'

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EUOBSERVER / BRUSSELS - Although the ink has barely dried on the EU's new treaty, analysts are already scratching their heads as to how the document, with its unclear division of power between the EU's top politicians, is going to work in practice.

Come 2009, when the Reform Treaty is supposed to click into place, there will be three big jobs to be had in Brussels - the president of the European Commission; the president of the European Council and the EU High Representative for Foreign Affairs and Security Policy.

The three have overlapping job descriptions that are set to be defined only by the strength of the personalities involved, meaning that the treaty, agreed in October after years of wrangling, could be laying the ground for a political hornet's nest.

Igor Sencar, Slovenia's EU ambassador, says there are "at least 40 elements" in the treaty that have to "considered and understood" during the course of next year.

Speaking at the European Policy Centre think tank in Brussels on Wednesday, Mr Sencar – whose country will run the EU during the first half of next year – says he already feels the "nervousness" in Brussels about the lack of clarity in the document.

The questions run from pinning down the exact powers of the EU president; agreeing who the president will be; to sorting out the funding, personnel and scope of the diplomatic service as well as looking at issues such as whether the EU's police body, Europol, needs to be adjusted and how national ministers will fit into the EU decision-making process.

Mr Sencar indicated that the issues will have to be dealt with by EU leaders and that a "common view" should be drawn up by the end of next year.

Picking holes

Meanwhile academics and commentators in Brussels are already picking holes in the proposed political set-up contained in the new treaty.

Dr Andreas Maurer from the German thinktank Stiftung Wissenschaft und Politik in a recently published paper notes that the future EU president, who can hold office for up to five years risks becoming EU leaders' "play ball" because the office lacks its own ministry.

"Does the new president have sufficient personnel, administrative and financial resources at his disposal" to carry out duties such as leading, preparing and giving a sense of continuity to leading EU projects, such as on climate change and energy, asks the paper.

It also questions whether EU leaders will really stand behind the president on major issues and points out that there could be a "legitimacy" problem because the president is not actually accountable to anyone – neither MEPs or MPs.

The foreign minister post creates its own set of problems partly because it is not completely clear where his or her duties begin and that of the council president and commission president end.

Dr Maurer's paper notes that the new foreign minister, who will be both vice-president of the commission as well as chairing the regular EU foreign minister meetings, will have an "unusually large range of duties."

A crucial point will be whether the foreign minister assumes the trade and development aspects of EU foreign policy when chairing the foreign ministers' meeting.

If the minister does, "it will put into question" the "autonomy and the political profile of the commission" – which traditionally has strong powers in this area.

Hierarchy between commissioners?

The foreign minister's possible portfolio in the trade and development area also have important implications for the hierarchy among commissioners.

If it is decided that common foreign and security policy should influence these areas then it is likely to mean that the commissioners responsible for trade and development will become junior commissioners, answering to the foreign minister.

The new set-up is also likely to cause all sorts of frictions concerning how the president interacts with the team presidencies of the EU, whereby three member states take charge of the EU in different sectors such as competitiveness or energy.

Meanwhile, European commission president Jose Manuel Barroso has already publicly expressed concern about the role of his institution in the future.

"The danger exists that the governments will handle problems among themselves, without taking into account the European institutions," he said in an interview last month.

Experts believe the answers to these questions will shape whether the EU will be a bloc of 27 member states or run according to the wishes of the big countries, such as France.

Speaking to EUobserver, Dr Maurer said the questions are so sensitive that they are being largely left unspoken until after the Irish vote on the new treaty, probably in May or June.

Ireland is to be the only country that has a referendum on document, which has to be approved by all member states before it can go into force.

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