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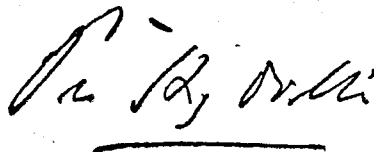
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I forbindelse med det kommende rådsmøde (almindelige anliggender og eksterne forbindelser) den 30. september 2002 vedlægges Formandskabets udkast til kommenteret dagsorden vedrørende dagsordenens punkt 2 om forberedelse af Det Europæiske Råds møde i Bruxelles.


P. H. Olsen



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 September 2002

12375/02

**ELARG 290
POLGEN 41**

NOTE

From : The Presidency

To : The Council

Subject : *European Council (24-25 October 2002)*
- *Annotated draft agenda*

According to the Seville European Council Conclusions the General Affairs and External Relations Council, acting on a presidency proposal, shall draw up an annotated draft agenda at least four weeks before the meeting of the European Council. The agenda should distinguish between items to be approved or endorsed without debate, items for discussions with a view to political guidelines, items for discussions with a view to decisions as well as items for discussion but not intended to be the subject of conclusions.

Against this background the Presidency submits the following annotated draft agenda, which was examined by Coreper at its meeting on 25 September 2002. As discussions on the issues mentioned are still ongoing the draft agenda does not at this stage distinguish between the various categories of discussions. This will only become clear in the process up to the GAEC on 21 and 22 October.

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The Presidency intends to limit the agenda to the following items:

- I. Enlargement
- II. Kaliningrad

The European Council will also hear a progress report on work in the European Convention from its President, Mr. Valéry Giscard d'Estaing.

The meeting will be preceded by an exposé by the President of the European Parliament, Mr. Pat Cox, followed by an exchange of views.

I. ENLARGEMENT

1. In the light of the Commission's regular reports and strategy paper and based on a recommendation from the Commission the European Council is expected:

- to decide on the candidate countries which fulfil the Copenhagen criteria and with which the negotiations can be concluded by the Copenhagen European Council on 12-13 December, so that the Accession Treaty can be finalised and signed by Spring 2003;
- to have an exchange of views on the situation of the other candidate countries and on that basis mandate the General Affairs and External Relations Council to prepare the decisions to be taken at the Copenhagen European Council on:
 - = an updated pre-accession strategy and roadmap for Bulgaria and Romania;
 - = the elements of the next stage of Turkey's candidature.

Budgetary and financial issues (2004-2006)

2. On the basis of the financial framework agreed at the Berlin European Council, the European Council is expected to decide on the open financial and budgetary issues in order to be able to present the relevant Common Positions to the candidate countries in early November. In that context, it will decide on the following specific issues:

- (a) Agriculture:
 - Overall allocation, including the question of granting direct payments to new Member States, including any transitional measures,
 - Possible guidelines for solving other major outstanding issues;
- (b) Structural Funds and the Cohesion Fund:
 - Overall allocations, including allocations for each candidate country;
- (c) Internal policies
 - Overall allocation, including the financial package for the decommissioning of Ignalina and Bohunice NPPs and the institution building facility;
- (d) Decision in principle on a possible programme for Northern part of Cyprus;
- (e) The question of possible transitional budgetary compensation measures for the candidate countries, as well as the form they should take and the criteria on which they should be based.

Monitoring

- 3. The European Council is expected to agree on the framework for continued effective monitoring of progress achieved by candidate countries in transposing and implementing the *acquis* and the commitments taken in the negotiations, with emphasis on strengthening judicial and administrative capacity.

Institutional Issues

- 4. The European Council is expected to take a position on:
 - (a) the QMV threshold to apply after 1 January 2005;
 - (b) the principles for allocating EP seats for 2004 - 2009;
 - (c) the necessary transitional arrangements concerning:
 - = the weighting to be given to each new Member State in 2004,
 - = the QMV threshold in 2004,
 - = the allocation of EP seats up to June 2004;
 - (d) the order of the rotation of Presidencies in the enlarged Union.

Other issues

5. The European Council is expected to determine:
- (a) the modalities of the participation of new Member States in the European Development Fund;
 - (b) arrangements for the participation of the new Member States in the ECSC Fund.

II. Kaliningrad

6. The European Council is expected to take stock of issues relating to transit between Kaliningrad and other parts of the Russian Federation and to take any decisions necessary in view of the EU-Russia Summit on 11 November in Copenhagen.

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Work on many of the questions listed above has already started and will continue in the Enlargement Working Party (assisted by relevant experts when appropriate) and in COREPER. A report on institutional issues and a report on budgetary and financial issues are being submitted to this session of the Council. The Presidency will draw on that work in preparing papers setting out the state of play on the topics on which political guidelines should be given or a decision will have to be made to facilitate final negotiation of a balanced, overall package in the European Council, prepared by the General Affairs and External Relations Council immediately preceding it.



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 September 2002

12378/02

LIMITE

**ELARG 291
POLGEN 42**

NOTE

from : the Presidency
to : Council

Subject : Accession negotiations
– Institutional questions

1. At its meetings on 11, 18 and 25 September the Permanent Representatives Committee examined, on the basis of Notes from the Presidency, various key institutional issues arising within the framework of the accession negotiations and on which the European Council, as prepared by the General Affairs Council, will be called on to take a position at its Brussels meeting on 24/25 October.

2. These issues concern:
 - the establishment of the QMV threshold to apply after enlargement from 1 January 2005;

 - the number of MEPs for the new 2004-2009 Parliamentary term;

 - the transitional agreements to apply in 2004 for
 - = the QMV threshold,

- = the number of MEPs from the date of accession and until the election of a new Parliament;
- the order of Presidencies after enlargement.

3. This note sets out

- hereafter, in summary form, the outcome of discussions in the Committee;
- in the Annex, suggestions from the Chair on each of these issues, presented in the light of the discussions and intended to provide the basis for further work.

I. ESTABLISHMENT OF THE QMV THRESHOLD TO APPLY AFTER 1 JANUARY 2005

1. Coreper examined the following three options:

- Option 1, which involves fixing of the QMV threshold at the next lowest level below the current level (i.e., at 71,03%), irrespective of the number of Member States joining at the first enlargement. The threshold would increase substantially with the next enlargement (or if one of the Laeken countries would join later) and reach 73,9% when all 12 countries foreseen in the Nice treaty have joined;
- Option 2, which takes a linear approach, with the QMV threshold rising with the number of candidates joining until the threshold of 73,9% obtaining for a Union of 27 is reached; this option can therefore cater automatically for a situation in which fewer than 10 new members were to accede. Its two variants differ, because of the different approaches employed for the calculations, as regards the slope of the linear progression; in practical terms, for a Union of 25, the first variant would lead to a threshold of 72,27% (blocking minority 90 votes) and the second to a threshold of 73,04% (blocking minority 88 votes);

- Option 3, which would consist in fixing the blocking minority at the 91 votes laid down in Declaration No. 21 for a Union of 27 members as from the first enlargement irrespective of the number of countries joining at that moment (the QMV threshold percentage would obviously vary according to the number of countries acceding: for a Union of 25 it would be 71,96%).
2. Discussions revealed very substantial support for Option 2, with majority opinion in favour of the first variant (giving a blocking minority of 90 votes in a Union of 25); 3 delegations, however, preferred Option 1.
 3. In the light of the debate the Presidency proposes that agreement should be reached on the basis of Option 2 (first variant) as set out at Annex under I.

II. PRINCIPLES FOR ALLOCATING SEATS IN THE 2004-2009 EUROPEAN PARLIAMENT

1. The Nice texts establish a 732-member Parliament for an EU of 27 countries and lay down the number of MEPs for each Member State. They also provide that, if fewer than 12 countries accede, the number of seats not taken up will be shared out on a pro-rata basis among all the other Member States (both old and new) so as to get as close to 732 seats as possible, provided however that none of the existing Member States should end up with more MEPs than it has at present.
2. Having heard opinions from round the table, the Presidency proposes that the methodology as described in the Annex under II should be used to establish the membership of the 2004-2009 Parliament.¹

¹ In accordance with the discussion in Coreper, the Presidency may come back to this issue in light of contacts with the European Parliament.

III. TRANSITIONAL ARRANGEMENTS TO APPLY IN 2004

A. QMV threshold

1. As the new system of vote weightings will only be applicable as from 2005, it is necessary to decide on the weightings to be given to the new Member States in 2004 and then to fix the level of the QMV threshold.
2. All delegations were able to accept the Presidency's approach that:
 - the vote weightings should be those appearing in the tables set out in the Presidency report to the Feira European Council to illustrate the linear extrapolation of the current system (division of Member States into groups according to population size, each group attracting a different weighting);
 - the QMV threshold should be fixed at a level as close as possible to the current level of 71,26%, viz, at either 71,7% (giving a threshold of 89 votes out of 124) or 70,97% (giving 88 votes out of 124).
3. Some delegations having expressed a preference for a threshold of 88 votes and others having adopted an open position, the Presidency proposes that agreement be reached on this basis (cf table of vote weightings and the QMV threshold given in the Annex under III.A) in the context of a global compromise on QMV threshold in the enlarged community.

B. Number of MEPs from the date of accession and until the election of a new Parliament

The proposal of the Presidency is set out in Annex under III.B.

IV. ORDER OF PRESIDENCIES AFTER ENLARGEMENT

1. The Presidency is of the opinion that the two main possible approaches for establishing the order of Presidencies (simple alphabetical order or the current system of always including a large Member State in any succession of 3 Presidencies) both give rise to a number of disadvantages. First and foremost among these is that some of the new Member States would have a relatively short time to prepare their Presidency after accession; experience however showed that at least 2 years were necessary for proper preparation.
2. The proposed solution consists in continuing with the present rotation order until the end of 2006 and deciding on the question of the order of Presidencies as from 2007, as soon as possible and at the latest 1 year after the first enlargement.
3. All delegations were able to endorse this approach.
4. The Presidency therefore proposes that this solution be agreed in the terms set out in the Annex under IV.

**I. VOTE WEIGHTINGS AND QMV THRESHOLD TO APPLY AFTER
1 JANUARY 2005**

<i>Germany</i>	29
<i>United Kingdom</i>	29
<i>France</i>	29
<i>Italy</i>	29
<i>Spain</i>	27
<i>Poland</i>	27
<i>Netherlands</i>	13
<i>Greece</i>	12
<i>Czech Republic</i>	12
<i>Belgium</i>	12
<i>Hungary</i>	12
<i>Portugal</i>	12
<i>Sweden</i>	10
<i>Austria</i>	10
<i>Slovakia</i>	7
<i>Denmark</i>	7
<i>Finland</i>	7
<i>Ireland</i>	7
<i>Lithuania</i>	7
<i>Latvia</i>	4
<i>Slovenia</i>	4
<i>Estonia</i>	4
<i>Cyprus</i>	4
<i>Luxembourg</i>	4
<i>Malta</i>	3
TOTAL EU	321

As of the same date, acts of the Council shall require for their adoption at least [232] votes in favour cast by a majority of the members where the Treaty requires them to be adopted on a proposal from the Commission. In other cases, for their adoption, acts of the Council shall require at least [232] votes in favour, cast by at least two-thirds of the members. When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.

In the event of fewer than [ten] new Member States acceding to the European Union under the forthcoming Treaty of Accession, the threshold for the qualified majority shall be fixed by Council decision by applying a strictly linear, arithmetical interpolation, rounded up or down to the nearest vote, between 71% and the level foreseen above for EU-25 (72.27%).

II. PRINCIPLES FOR ALLOCATING SEATS IN THE 2004-2009 EUROPEAN PARLIAMENT

In an EU of 25 Member States, each Member State is allocated a number of seats representing the sum of:

(a) *the seats allocated to it in Declaration No. 20 attached to the Final Act of the Nice Treaty*

and

(b) *the seats resulting from the application to the 50 seats foreseen for Bulgaria and Romania in that Declaration of a coefficient representing that Member State's relative share in the total number of seats provided for in the same Declaration, the figures thus obtained being rounded off so that the final result will be as close to 732 seats as possible.*

The application of the above method shall not result in any of current Member States receiving a higher allocation of seats than at present.

III. TRANSITIONAL ARRANGEMENTS TO APPLY IN 2004

A. VOTE WEIGHTING AND QMV THRESHOLD

MEMBER STATES	VOTES
Germany	10
United Kingdom	10
France	10
Italy	10
Spain	8
Poland	8
Netherlands	5
Greece	5
Czech Republic	5
Belgium	5
Hungary	5
Portugal	5
Sweden	4
Austria	4
Slovakia	3
Denmark	3
Finland	3
Ireland	3
Lithuania	3
Latvia	3
Slovenia	3
Estonia	3
Cyprus	2
Luxembourg	2
Malta	2
TOTAL EU	124

Acts of the Council shall require for their adoption at least 88 votes in favour cast by a majority of the members where the Treaty requires them to be adopted on a proposal from the Commission. In other cases, for their adoption, acts of the Council shall require at least 88 votes in favour, cast by at least two-thirds of the members.

B. NUMBER OF MEPs FROM THE DATE OF ACCESSION AND UNTIL THE ELECTION OF A NEW PARLIAMENT

The number of seats for each of the new Member States from the date of accession until the election of a new Parliament will be calculated by applying the same method as used for calculating the number of seats allocated to the present Member States.

IV. ORDER OF PRESIDENCIES AFTER ENLARGEMENT

The office of President shall be held in turn by each Member State in the Council. In order to give new Member States the time to prepare for their Presidency the present rotation order will continue until the end of 2006. The Council will decide on the question of the order of Presidencies as soon as possible and at the latest one year after accession of the first new Member States.