



The European Parliament in Brussels

How Malta will be represented

On Monday, June, 10th, 2002, Malta provisionally closed negotiations on the “institutions” chapter which deals with the representation that each new member country will get if it joins the EU. In this information note, MIC Head, **DR SIMON BUSUTTIL**, explains the outcome of negotiations in this area.

This area deals with the representation of each member country within the EU, in other words, the ‘voice’ that each country would have as an EU member. This makes it one of the most politically sensitive areas because there are clear implications related to a country’s national status, its wider international role but also its sovereignty and to a certain extent its identity. Clearly, each candidate country, not least Malta, wants to ensure that its voice can be reasonably heard within the EU institutions.

Negotiations on Institutions: Chronology

December 2000	Nice Summit decides on institutional reform for enlargement
February 2001	Nice Treaty signed
June 2001	Nice Treaty rejected in Irish Referendum
May 2002	Council decision on Maltese language
June 2002	Negotiations closed

Malta’s voice in the EU: At a glance

EU Institution/Body	Malta	How Malta compares
European Commission	One Commissioner	Same as other countries
European Parliament	5 seats	Luxembourg 6, Germany 99
Council of Ministers	One Minister / 3 votes	One Minister per country / Luxembourg 4 votes, Germany 29
European Court of Justice	One judge	Same as other countries
Court of First Instance	At least one judge	Same as other countries
European Court of Auditors	One member	Same as other countries
Economic and Social Committee	5 seats	Luxembourg 6 seats, Germany, 24
Committee of Regions	5 seats	Luxembourg 6 seats, Germany, 24
European Central Bank	Central Bank of Malta Governor in ECB General Council	Same as other countries (outside euro-zone)
European Investment Bank	Minister in Board of Governors	Same as other countries

What are “EU institutions”?

EU institutions are the structures that run the European Union. Their major characteristic is that they were set up to operate distinctly from the countries which form the EU. So in the same way as, for example, the Maltese Parliament operates at national level, so too, EU institutions operate at European level, that is above the national level.

But although operating at EU level, EU institutions are composed of individuals who are nationals of EU countries and who represent different interests depending on the institution in which they work, whether national interests (Council), the interests of citizens (Parliament) or the common European interest (the Commission).

There are five EU structures which are designated as the official institutions of the EU. These are the European Commission, the Council of Ministers, the European Parliament, the European Court of Justice and the Court of Auditors. There are other important structures, which have a treaty-assigned role. These include the Economic and Social Committee, the Committee of Regions and most recently, the European Central Bank. There are also several bodies (see table on previous page) that are established by EU law to perform specific functions.

The Nice Treaty

Before proceeding with enlargement, EU countries wanted to reform the institutions in order to prepare them to cope with a membership of up to thirty countries. Reform was agreed in December 2000, in Nice, France, after almost one year of tough negotiations among the governments of EU countries. However, because agreement required the support of all EU countries (unanimity), a compromise had to be found which did not please everyone. Nor did it please all the candidate countries which, as non-members, were not part of the negotiations that led to the Nice agreement. Malta was no exception.

The Nice agreement led to the signing of the Treaty of Nice in February 2001. In order to enter into force, the treaty needs to be adopted (ratified) by all EU countries. However, in June 2001, it was rejected in a referendum held in Ireland, casting doubt on the process of enlargement.

On the assumption that the treaty will enter into force, during negotiations on institutions, EU countries used the Nice agreement as the basis for their negotiating position and resisted calls by candidate countries, including Malta, to review certain decisions.

And despite the Nice agreement, institutional reform will still be discussed again in the context of the ongoing debate on the “Future of Europe” which is taking place in a special convention known as the European Convention. Candidate countries, including Malta, are already involved in the European Convention. The outcome of the deliberations in the Convention will form the basis of decisions that will be taken in a special conference that is likely to be called in 2004 between the governments of the EU countries. This conference is known as an “intergovernmental conference”. But by then, enlargement is expected to have taken place and the new member countries, would be involved in the decision-making. This goes to show that the EU has evolved on an ongoing basis over the past fifty years. And it will continue to do so.

Outcome of negotiations

During negotiations on institutions, it was agreed that as an EU country, Malta will be able to exercise rights, on the same terms as other Member States, through participation in the EU institutions. Although all EU countries participate in all EU institutions, in some cases the actual representation differs according to size. Since as an EU country, Malta will be the smallest EU country, in some institutions its weight will not be the same as that of the larger countries, whereas in others, it will have equal weight (see table previous page).

The Maltese Language

One of the most important aspects relating to the workings of EU institutions is the language that can be used. Today, there are eleven official EU languages and after enlargement, this number is expected to go up to twenty.

With regards to the Maltese language, it was agreed that upon membership, the Maltese language will be recognised as an authentic language of the EU Treaties as well as an official and a working language to be used by the European institutions.

This means that all EU treaties and EU laws will be drawn up also in the Maltese language and will have an official legal status. Similarly the EU’s official publication, known as the Official Journal, will also be compiled in Maltese. Within individual EU institutions, the Maltese language can be used by Maltese representatives. However, on a day-to-day basis, English and French are normally used as working languages in most institutions.



EU leaders during signing ceremony of the Nice Treaty

Maltese citizens will be able to write in Maltese to EU institutions, including cases where they submit a complaint, and get a reply in Maltese. And when applying for a job that requires knowledge of EU languages, Maltese will be regarded as a valid language.

According to a Commission report, for each new language, the EU will need 110 extra staff for translation and another 40 new interpreters. However, EU languages also come at a price. According to the Commission, the current eleven languages cost the EU budget an average of two euros (EUR 2) per person every year.

The Commission

The Commission has an important role in the EU because this is where most new EU initiatives are formulated and prepared. After enlargement, there will be one Commissioner for every EU country, including Malta. In 2005, the large countries - Germany, France, Britain, Italy and Spain - which currently nominate two Commissioners, will lose their second Commissioner.

Although Commissioners are bound to act independently, small countries argue that the right to appoint a Commissioner gives them the peace of mind that the Commission truly reflects the collective interests and is not being dominated by the interests of large countries.

When the EU enlarges to 27 countries the size of the Commission should be reduced using a rotation system that treats members equally. This will not happen at the next enlargement due in 2004 because no more than ten countries are expected to join. However, when it does happen, the decision on the new number of Commissioners will require the unanimous agreement of all countries. This means that Malta will not lose its Commissioner unless it agrees to do so.

The European Parliament

The European Parliament is increasingly becoming an important decision-making body in the EU, alongside the Council of Ministers. Members of the Parliament do not sit by country but according to their political group. Currently, the largest Parliamentary Group is the European People's Party (Christian Democrats), followed by the Socialist Group, the Liberals and the Greens.

Parliamentarians represent the interests of EU citizens and are elected through elections held once every five years in every EU country. The next elections are due in June 2004, that is, after the next enlargement. New member countries, including Malta, will be able to participate in these elections.

After enlargement there will be 732 seats in Parliament. The largest EU country, Germany, will have 99 seats. Malta, the smallest, would have five. But Luxembourg, with a population which is only marginally larger, will have six seats. This decision, which was taken in Nice, was contested by Malta which insisted that the minimum threshold of seats for any member state in Parliament should be six.

Although the EU has not changed its position adopted in Nice, the fact that Bulgaria and Romania will not be joining at the next enlargement means that the seats originally envisaged for these two candidate countries can be re-distributed among the other countries, both current and new members. This would be a temporary measure for the next term of Parliament running between 2004 and 2009. Unless the Nice agreement is re-opened with other candidate countries, Malta has requested that through this temporary measure, it should be allocated a sixth seat in the European Parliament. This will be decided when the countries that will join and the date of membership are known.

The Council of Ministers

The Council of Ministers is the main decision-making body of the EU and takes decisions relating to new EU laws and policies. In this, it is more powerful than the European



Current Commission President, Romano Prodi

Parliament. In Council, which is composed of one minister from each member state, voting can take place either by unanimity or by qualified majority voting.

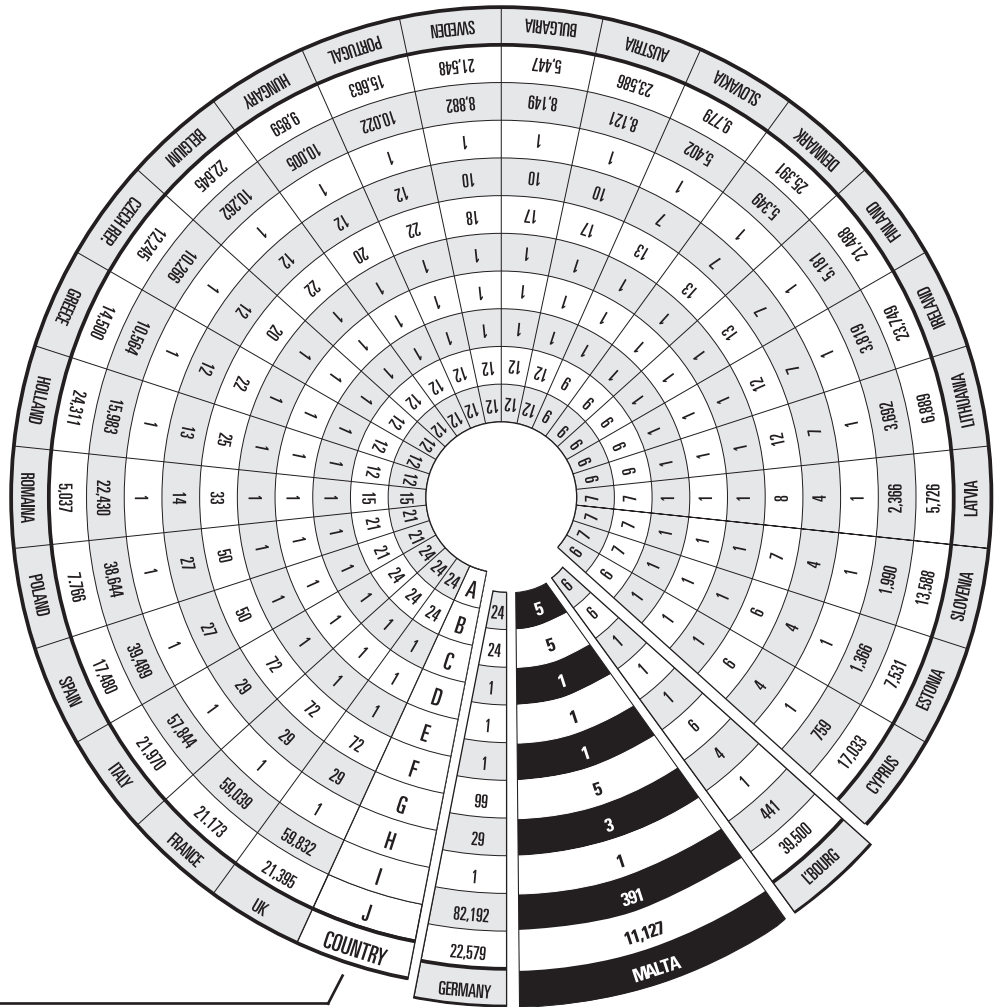
Unanimity means that the agreement of each EU country, including Malta, would be required for a decision to be adopted. Areas where unanimity has been retained include defence, foreign policy, taxation, social security, immigration and border controls. In all these areas, all EU countries, including Malta, would have equal weight.

However, most decisions in Council require the support of a qualified majority. In this case, a decision is adopted if it obtains the support of at least half the number of EU countries and of 258 votes out of a total of 345 (Malta has 3 votes, Germany 29). Apart from this double majority, countries may ask to verify that the decision represents the support of at least 62% of the total EU population. This system ensures that neither the large countries alone, nor small countries alone can obtain a qualified majority. Having said that, in practice, most decisions in Council are reached by consensus without resort to voting.

With respect to voting in Council, Malta claimed that the decision taken in Nice to give Malta one vote less than Luxembourg should be corrected. Again, since not all twelve candidate countries will join in 2004, temporary measures will be needed with respect to voting in Council. Malta's position is that if the Nice agreement remains unchanged, then through the temporary measures, it should be allocated a fourth vote in Council. However, this issue too will only be finalised when the countries that will join and their date of membership are known.



- A. Committee of Regions**
- B. Economic & Social Committee**
- C. Court of Auditors**
- D. Court of First Instance**
- E. European Court of Justice**
- F. Seats in European Parliament**
- G. Votes in Council of Ministers**
- H. European Commission**
- I. Population**
- J. GDP per capita in Euro**



Malta's representation in other EU Agencies

(Malta will be represented in the following EU agencies in accordance with their existing rules.)

European Centre for the Development of Vocational Training
European Foundation for the Improvement of Living and Working Conditions
European Environment Agency
European Agency for the Evaluation of Medicinal Products
Office for Harmonisation in the Internal Market (trademarks and designs)
European Training Foundation
European Monitoring Centre for Drugs and Drug Addiction
Community Plant Variety Office
European Agency for Safety and Health at Work
Translation Centre for the Bodies of the European Union
European Monitoring Centre on Racism and Xenophobia
European Agency for Reconstruction
European Food Safety Authority
European Air Safety Agency
European Maritime Safety Agency

EU Presidency

Each country, including Malta, will hold the presidency of the EU (Council) for a period of six months on the basis of rotation. The EU Presidency is one of the items that is being discussed in the European Convention on the Future of Europe and there are proposals to change the current system – although this will only be decided at the next intergovernmental conference expected in 2004, that is, after the new countries would have joined.

European Civil Service

If Malta joins the EU, Maltese citizens would be able to work with EU institutions on the same basis as other nationals of EU countries. The Staff Regulations and Conditions of Employment of the EU institutions will be applied to EU officials and other EU civil servants from Malta. The Commission is expected to present a Recruitment Strategy and give an indication of the number of persons to be recruited from the new member countries. Competitions for selection will be launched as soon as the Accession Treaty is signed and recruitment will be ready by January 2004.



Malta's official negotiating position paper on this area is also available from MIC or from:

www.mic.org.mt

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