
OPINION OF THE EUROPEAN CENTRAL BANK

of 5 December 2000

at the request of the Presidency of the Council of the European Union on a proposal to amend Article 10.2 of the Statute of the European System of Central Banks and of the European Central Bank

(CON/00/30)

(2000/C 362/12)

1. On 4 December 2000 the European Central Bank (ECB) received a request from the Presidency of the Council of the European Union for an opinion on a proposal to amend Article 10.2 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as the 'Statute').
2. The ECB's competence to deliver an opinion is based on Article 48 of the Treaty on European Union, since the proposal is submitted to an Intergovernmental Conference for the purpose of determining the amendments to be made to the Treaties on which the European Union is founded and intends to introduce institutional changes in the monetary area. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, this opinion has been adopted by the Governing Council of the ECB.
3. The proposal intends to enable the Council of the European Union, meeting in the composition of the Heads of States or Government and acting unanimously, to amend in the future by a simplified procedure, rather than convening a full-scale Intergovernmental Conference, the provisions of the Statute concerning the general voting rules of the Governing Council of the ECB.
4. The ECB takes note that the proposal foresees that both the ECB and the Commission have the right of initiative for commencing a simplified procedure in order to amend the abovementioned Article of the Statute, although such amendments would change the core institutional provisions of the ECB.

5. The ECB emphasises that the core constitutional principle of government of the monetary policy of the ECB is 'one member, one vote'. The ECB welcomes the intention not to change this core constitutional principle with regard to members with voting rights through the proposed amendment procedure. The ECB considers it essential to record this in a specific Declaration of the Member States to be annexed to the Treaty establishing the European Community.
6. The ECB understands that the voting rules foreseen in Articles 10.3 and 11.3 of the Statute will remain unchanged. It might be advisable to record this understanding in the abovementioned Declaration of Member States to be annexed to the Treaty establishing the European Community.
7. In order to avoid the possibility of amending the simplified procedure itself, the ECB recommends the insertion of the proposed new text at the end of Article 10 of the Statute as a new Article 10.6 instead of inserting it at the end of Article 10.2.
8. The ECB proposes the insertion of the following wording in the proposal: 'The recommendation of the ECB referred to in this Article shall be made in accordance with Article 41.2 of the Statute.'
9. In addition, the ECB proposes the replacement of the last sentence of the proposal with the following wording: 'The Council shall recommend these amendments for adoption by the Member States. The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.'
10. This opinion shall be published in the *Official Journal of the European Communities*.
Done at Frankfurt am Main, 5 December 2000.

The President of the ECB

Willem F. DUISENBERG
