

**CONFERENCE  
OF THE REPRESENTATIVES  
OF THE GOVERNMENTS  
OF THE MEMBER STATES**

**Brussels, 15 October 2003**

**CIG 9/03**

**PRESID 1**

**TRANSMISSION NOTE**

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from: the Presidency

to: Delegations

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*Subject: IGC 2003*

*– Questionnaire on the Legislative Function, the Formations of the Council  
and the Presidency of the Council of Ministers*

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Delegations will find attached the questionnaire on the Legislative Function, the Formations of the Council and the Presidency of the Council of Ministers that was circulated on 19 September 2003.

**THE LEGISLATIVE FUNCTION/  
THE FORMATIONS OF THE COUNCIL/  
THE PRESIDENCY OF THE COUNCIL OF MINISTERS**

(questionnaire)

During bilateral discussions organised by the Presidency, the need emerged:

- for the Council's legislative function to be more clearly defined;
- for the list of Council formations to be fixed;
- for the arrangements for rotation of the Presidencies of the Council formations to be clarified.

## I. THE LEGISLATIVE FUNCTION

1. Should exercise of the legislative function be conferred on a single Council formation  
or  
should a legislative function (public) and a part dedicated to other activities be determined for each Council formation?
2. Should the public legislative part be concerned only with laws and framework laws adopted under the normal legislative procedure (i.e. joint adoption by the European Parliament and the Council)  
or  
with all laws and framework laws?

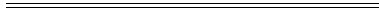
## II. THE FORMATIONS OF THE COUNCIL

3. Should the European Council's decision on the list of Council formations – as envisaged by the Convention – be taken **unanimously** as stipulated in the draft Convention? by a **qualified majority**? or by a **simple majority**? Should the list be confined to a small number of formations in line with the decision taken in Seville?

### III. THE PRESIDENCY OF THE COUNCIL OF MINISTERS

4. Should other Council formations apart from the Foreign Affairs Council have a **fixed Presidency** (i.e. not applying the rotation system provided for in Article 23(4))?  
which formations?  
of what duration?  
using what procedure (election by the members of the Council formation concerned)?
5. Should there be a **Team Presidency** system for the Council formations that continue to use the rotation system?
6. If it is decided to opt for a **Team Presidency** system
  - (a) how many Member States should there be in the "team"? three? four? five?
  - (b) what should be the duration of its term? a year? 18 months? longer?
  - (c) should the **composition** of the teams be fixed in advance or left open on the basis of criteria to be determined, with due regard for the principle of **equal rotation** (which would take into account political and geographical balance and the diversity of Member States as defined in Article 23(4) of the draft Convention)?
  - (d) should the **allocation** of the different Council formations within the team be fixed in advance or left to the discretion of the Member States in the team?
7. Given the need for increased coordination under a Team Presidency system, should a "**chain of command**" be maintained, at least partially, with the Member State chairing the General Affairs Council also chairing Coreper [I and II]?
8. Should committees/ working parties subordinate to a particular Council automatically be chaired by the Member State holding the Presidency of the Council in question (**vertical structure**)?
9. By the same token, if the Foreign Affairs Minister chaired the Foreign Affairs Council, should the PSC and other external relations working parties be chaired by a representative of the Foreign Affairs Minister?
10. In order to achieve greater coherence in the Council's proceedings, should there be an **informal structure for coordination** between the representatives of the Member States holding the Presidency, in which the President of the European Council, the President of the Commission and the Minister for Foreign Affairs could participate?

11. Should the detailed arrangements for the rotation of the Presidency of the Council be the **subject of a decision to be taken unanimously** \* by the European Council? If so:
- should it be adopted at the same time as the Treaty establishing the Constitution?
  - could it be adopted later if the **essential elements of the future arrangements** were agreed at the same time as the Treaty establishing the Constitution?



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\* At present, the list setting out the order in which Member States assume the Presidency is adopted by the Council unanimously.