

**CONFÉRENCE
DES REPRÉSENTANTS
DES GOUVERNEMENTS
DES ÉTATS MEMBRES**

**Bruxelles, le 15 octobre 2003 (21.10)
(OR. en)**

CIG 25/03

DELEG 16

NOTE

de: la délégation autrichienne

Objet: **CIG 2003**

- *Réponse de l'Autriche au questionnaire sur la fonction législative, les formations du Conseil et la présidence du Conseil des ministres (doc. CIG 9/03)*
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Les délégations trouveront en annexe la réponse de la délégation autrichienne au questionnaire sur la fonction législative, les formations du Conseil et la présidence du Conseil des ministres (voir doc. CIG 9/03).

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?

The legislative function should not be conferred on a single Council formation. Each Council formation should be responsible for both legislative and non-legislative work within its area of responsibility. In each Council formation legislative agenda items (public in accordance with Art 49 para 2) should be separated from other items.

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?

The transparency provision of Art 49 para 2 applies to all legislative procedures.

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?

The current practice should be kept. On the basis of general orientations given by the European Council the General Affairs Council should decide on further Council formations in accordance with Art. III-247 par.3 (simple majority).

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)?

Apart from the Foreign Affairs Council no Council formation should have a fixed or elected Presidency.

5. Should there be a **Team Presidency** system for the Council formations that continue to use the rotation system?

Austria is prepared to examine alternatives to the current rotation system with an open mind. However, we will not accept a new model unless it respects the principle of equality between member states, ensures the necessary chain of command between Council bodies and provides a clear added value to the present 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?

Subject to the conditions mentioned under point 5) Austria would be willing to consider a Team Presidency model.

(a), (b)

A team presidency could consist of 4-5 Member States for a period of 2 - 2,5 years.

(c), (d)

Ministerial level and Coreper

Each team member **chairs all formations** of the Council of Ministers and the Coreper meetings during a six month period. The composition of the teams would be decided in advance respecting the principle of strictly equal rotation and taking into account political and geographical balance and the diversity of Member States.

Subordinated working group level

The Chairs of the committees/ working parties should be decided by Member States in the team. Chairs at this level should be held for a period of 2 - 2,5 years.

(see answer to point 8.)

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]?

In our model (point 6) there is no need for increased coordination as the **chain of command would be maintained.**

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**)?

The Chairs of the committees/ working parties should be decided by Member States in the team. Chairs at this level should be held for a period of 2 - 2,5 years. Alternatively, the Chairs of the committees/ working parties could be elected by their members from among the representatives of the Member States in the team.

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?

No.

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?

Coordination is a core function of the General Affairs Council. Austria strictly opposes informal structures for coordination.

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?

Detailed arrangements for the rotation of the Presidency of Council of Ministers formations should be agreed as a part of the institutional package by this IGC.

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