

NOTE

de: la délégation estonienne

Objet: **CIG 2003**

- *Réponse de l'Estonie 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 estonienne 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?**

Estonia is of the opinion that the present system in which the legislative function of the Council is conducted by different council formations should not be changed. Therefore, the provisions of the draft Treaty, which provide for the creation of a single legislative and general affairs council, should not be maintained.

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?**

Estonia holds the view that the public legislative part of the work of different council formations should concern all laws and framework laws adopted by the Council.

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?**

Estonia supports the wording of article 23(3) of the draft Treaty, according to which the concrete list of different Council formations is to be adopted by the European Council. Taking into account the importance of the issue, we are of the view that the European Council decisions on the list of Council formations should be taken unanimously. As for the number of Council formations, it should be 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)?**

Estonia holds the view that the Presidency of all Council formations should be based on the system of equal rotation between the Member States. The issue of the Presidency of the Foreign Affairs Council will have to be discussed together with the whole complex question of the institution of the Foreign Affairs Minister, which is a separate agenda point at the IGC.

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

As an alternative to the present rotation system, Estonia supports the Team Presidency system. However, in order to make the Team Presidency system acceptable and efficient, a number of conditions have to be met. Firstly, respect for the principle of equal rotation of Member States should be explicitly stipulated in the Treaty. Secondly, the organisation of coordination between different Member States presiding over different Council formations, as well as coordination between different levels of decision-making (Coreper, working groups) should be elaborated, in compliance with the general quest for simplicity and transparency, as well as efficiency and continuity.

- 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?**

Estonia sees the advantages of a team of 3 members for 18 months or of a team of 5 members for 2,5 years. We find that the different proposals should be subject to further discussions, taking into account that some states have also suggested other models.

The composition of the teams should not be fixed in advance, but the criteria should be clearly defined in the Treaty, guaranteeing the respect for the principle of equal rotation. Also the allocation of the different Council formations should not be fixed in advance, but should be subject to a unanimous decision of the Member States in the team. The idea of rotation within the team should also be discussed.

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]?**

Estonia is of the view that the chain of command under a Team Presidency should be maintained, 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)?**

Committees and working parties subordinate to a particular Council should be automatically chaired by the Member State holding the Presidency of the Council in question.

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?**

Estonia is of the view that if the Foreign Affairs Council is chaired by a Member State, the PSC and other external relations working parties should be chaired by the Member State holding the Presidency of the Foreign Affairs Council. If, on the contrary, the Foreign Affairs Council is chaired by the Foreign Affairs Minister (see point 4), then the PSC and other external relations working parties should be chaired by the Foreign Affairs Minister or, in his absence, by his representative.

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?**

We attach importance to horizontal coherence, but see no need to include provisions on such informal coordination in the Treaty.

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?**

The detailed arrangements for the rotation of the Presidency of the Council should be subject of a unanimous decision of the European Council. Essential elements of the future arrangements should be stipulated in the Treaty.

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