

NOTE

de: la délégation grecque

Objet: **CIG 2003**

- *Réponse de la Grèce 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 grecque 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 exercise of the legislative function and a part dedicated to other activities should be determined for each Council formation.

All Council formations should exercise legislative functions; otherwise, they are bound to lose their political character and dynamics and thus the interest of their participants (i.e. the respective ministers). So the provision of the Draft Constitution for a legislative Council (along with the General Affairs Council) should be dropped.

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 public legislative part of the Council formations should be concerned with all laws and framework laws in the spirit of transparency and simplification of 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 initial decision on the list of Council formations should be taken within the framework of the Intergovernmental Conference. The list should be in line with the one agreed in Seville, allowing for the separation of the GAERC into two formations (GAC and Foreign Affairs Council). The list could be annexed to the Constitution.

However, future amendments on the list of Council formations should preferably be agreed in the European Council by a qualified majority, as it would be unwise to fix in a rigid manner the Council formations.

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)?

With the exception of the Foreign Affairs Council, the fixed Presidency should not be applied to the Council formations. They must be subject to the rotation system on a strict equal basis among Member States.

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

Greece is in favour of the introduction of a system of Team Presidencies. In the enlarged European Union, this system would allow Member States to share in the function of the Presidency at regular time scales.

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?

A Team Presidency should preferably consist of 3 Member States. Greece will consider any other alternative proposal on its merits.

- (b) what should be the duration of its term? a year? 18 months? longer?

The duration of the Presidency term should be one year.

- (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)?

The composition of the teams should be fixed in advance on a predetermined order based on the criterion of equal rotation and taking into account the political and geographical balance and the diversity of Member States as defined in Article I- 23(4) of the draft Constitution.

- (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?

The allocation of the different Council formations within the Team Presidency should be fixed in advance.

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 order to enhance coordination under the team presidency, it would be advisable for the Member States chairing the General Affairs Council to chair the Coreper, thus maintaining a certain degree of chain of command.

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 application of the vertical structure is essential to the coordination of each Council formation. So, as a rule, committees / working parties subordinate to a particular Council should be chaired by the Member State holding the Presidency of the respective Council, unless the Council itself decides otherwise.

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?

We reserve comment on this issue pending a more detailed description of the role of the Minister of Foreign Affairs of the EU and of the European External Action Service that will assist him.

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?

Greece is of the opinion that such an informal coordinating structure would hardly be a constitutional-type provision.

We believe that there could be an informal structure for coordination (not built into the Constitution) between the representatives of the Member States holding the Presidency, in which the Presidents of the European Council, of the Commission, of the European Parliament and the Minister for Foreign Affairs could participate on an ad hoc basis and following a consensual decision of the team Presidency to invite them.

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 essential elements and parameters of the future arrangements for the rotation of the Presidency must be agreed at the same time as the Treaty establishing the Constitution. The very specific arrangements (i.e. list of Member States in the Presidency), could be fixed at a latter stage by a unanimous decision of the European Council.

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