

**NOTE**

---

de: la délégation finlandaise

---

Objet: **CIG 2003**

- *Réponse de la Finlande au questionnaire sur la fonction législative, les formations du Conseil et la présidence du Conseil des ministres (doc. CIG 9/03)*
- 

Les délégations trouveront en annexe la réponse de la délégation finlandaise 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?
  
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?

Finland's answer:

- 1: All Council formations should continue to exercise legislative functions and related activities as has been the case until now.
- 2: The public legislative part should concern all laws and framework laws, as well as delegated regulations 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?

Finland's answer:

3. The list of Council formations (not part of the Constitutional Treaty) should be adopted unanimously by the Council, and should be based on the list of Council formations approved in Seville, notwithstanding the need to separate more clearly the External Affairs and the General Affairs formations. The overall aim should be to limit the number of Council formations to max. 10.

### 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?

---

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

Finland's answer:

4. Finland does not support the nomination of any fixed Presidencies. The Council Presidency is a task for the Member States, who should be able to decide freely, whom they see fit to exercise this function at different levels and formations. This applies to all Council formations; we do not support the proposal to let the Union Minister for Foreign Affairs chair the External Affairs Council.

5. Council Presidency must also in the future be based on a system of strictly equal rotation between the Member States. On this basis, we are also ready to consider different models for a Team Presidency as long as they provide real added value as to the better, more coherent and transparent management of Council work. Whatever model we choose, it should cover all Council formations at all levels (no tailored or fixed solutions).

6. a + b) A model, which is consistent with the above-mentioned principles, could consist of teams of 4-5 Member States who share the Presidency for a period of 2-2,5 years. The Council multi-annual work programmes should be synchronized with the duration of the Team Presidency. Individual Presidency programmes would no longer be needed.

c) The Composition of the Teams must be based on strictly equal rotation, and should change every full round. To assure proper preparation, the new set of Teams would need to be determined unanimously by the Council in good time, preferably at least 2 terms in advance.

d) The allocation of Council formations should be fixed in principle so, that the Members of the Team would be in an equal position. In our model, every member of the Team would in turn chair all Council formations on a ministerial level, as well as Coreper I and II, during a period of 6 months. The preceding Presidency in each formation should work in close cooperation with the incoming one.

7. Yes. Coreper I and II should be chaired by the Member State chairing the General Affairs Council. In our model, this is automatically so as all Council formations and Coreper are in turn chaired by one single Member State.

8. The Presidencies of the committees and working parties should be decided by the Member States party to the Team among themselves. One Member State would hold the Presidency of a committee or working group during the whole period to be covered by the Team.

9. In our model, the Foreign Affairs Council is chaired by the same Member State chairing all other Council formations, not by the Union's Minister for Foreign Affairs. The Presidencies of the External relations committees and working parties (COPS etc.) should be decided by the Member States party to the Team among themselves for the whole period to be covered by the Team (see point 8.)

10. No special informal structure is needed, as all meetings of the Council of Ministers are chaired by one single Member State. Coordination can be assured by Coreper and the General Affairs Council, who together with the Commission are also responsible for the preparation of the meetings of the European Council. The eventual President of the European Council should not have any role in the daily management of the Union and its legislative work.

11. The basic system for the Council Presidency (eventual model for Team Presidency, system to be applied on ministerial/committee/working group level etc.) must be included in the Constitution, for example as a separate protocol, and not be left for the European Council to decide. The composition of and rotation within the Teams should not, however, be written in the Constitution but decided by the Council by the same procedure as the list of Council formations, i.e. unanimously. After every full round, the new set of Teams would need to be determined. This should be done in good time, preferably at least 2 terms in advance, to ensure proper preparation and planning.