

**NOTE**

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de: la délégation roumaine

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Objet: **CIG 2003**

- *Réponse de la Roumanie 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 roumaine 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?*

Romania considers that the legislative function should continue to be exercised, as it is the case currently, by the Council's formations.

The distinction between the legislative and the executive functions should be ensured by separating the items on the agenda in two categories.

- 2. Should the public legislative part be concerned only with laws and framework laws adopted under the normal legislative procedure (joint adoption by the European Parliament and the Council) or with all laws and framework laws?*

Whenever the Council exercises the legislative function (adopting all laws and framework laws), its meeting should be public.

## **II. THE FORMATIONS OF THE COUNCIL**

- 3. Should the European Council's decisions 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?*

Romania is of the opinion that the list of Council's formations should be decided by the European Council by consensus, as stipulated in the draft Constitutional Treaty. In line with the decision by the European Council in Seville, the number of Council's formations should be limited.

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

- 4. Should other Council formations apart from the Foreign Affairs Council have a fixed Presidency? Which formations? Of what duration? Using what procedure (election by the members of the Council formation concerned)?*

Romania believes that the Presidency of the Council's formations, apart from the Foreign Affairs Council, should be held by the Member States representatives, on the basis of an equal rotation. This principle should be clearly stated in the Constitutional Treaty. Detailed arrangements for the Council Presidency should be submitted to a European Council decision.

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

Romania is in favour of a Team Presidency system for the Council's formations.

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?*

The number of the Member States composing the Team Presidency may be limited, but not less than three.

- b) *What should be the duration of its term? a year? 18 month? longer?*

Romania considers that the duration of the term of the Presidency of each Council's formations should be at least one year (as stipulated by the draft Constitutional Treaty).

- 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 will take into account political and geographical balance and the diversity of Member States as defined in Article 23(4) of the draft Convention)?*

Romania is of the opinion that the Constitutional Treaty should provide only the general principles for the formation of the Team Presidency, on a basis of an equal rotation, taking into account European political and geographical balance and the diversity of Member States.

- d) *Should the allocation of different Council formations within the team be fixed in advance or left to the discretion of the Member States in the team?*

Romania considers that the allocation of different Council formations within the team should be left to the decision 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)?*

Romania considers that a "chain of command" should be maintained between the Presidency of the General Affairs Council and that of COREPER.

8. *Should committees/working parties subordinated to a particular Council automatically be chaired by the Member State holding the Presidency of the Council in question (vertical structure)?*

Romania considers that committees/working parties subordinated to a particular Council should automatically be 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?*

Romania believes that the PSC and other external relations working parties should be coordinated by the Foreign Affairs Minister, and the representatives of the European External Action Service could chair these structures.

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 of Foreign Affairs could participate?*

Romania considers that the coherence in the Council's proceedings should be ensured by an informal coordination between the representatives of the Member States in the Team Presidency, and the European Minister of Foreign Affairs. The way to organize this coordination should be left to the discretion of the concerned representatives.

11. *Should the detailed arrangements for the rotation of the Presidency of the Council be the subject of the 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?*

Romania considers that the detailed arrangements for the rotation of the Presidency of the Council should be subject of a European decision taken by the European Council.

