

NOTE

de: la délégation slovaque

Objet: **CIG 2003**

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

*The following is a working position of **Slovakia** on some questions put by the Presidency. Slovakia thus reserves the right to alter its position on any of the issues below, depending on forthcoming discussions of Member States.*

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?

Slovakia does not consider creation of a single Council formation with legislative functions to be a step towards increasing legitimacy and strengthening democracy in decision making of the EU. We are concerned that such a step could lead to less effective work of the Council. We do not recommend changing actual arrangements, when every Council formation exercise its legislative function.

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?

Slovakia is of the opinion that the European Council should decide by unanimity. We consider the list of Council formations as approved by the European Council in Seville in June 2002 to be sufficient for a smooth work of the Council. It is not necessary to specify this list in the Constitutional treaty, instead the decision should be left to the European Council and be adopted in accordance with its rules of procedure.

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))?

No.

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

Yes.

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?

Slovakia would prefer a model of a team presidency that would consist of four countries and lasted two years or five countries for two and a half 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)?

Composition of the teams should be left open on the basis of criteria to be determined with due regard for the principle of equal rotation.

- (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?

Allocation of the different Council formation should be 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]?

Yes.

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**)?

Yes.

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?

PSC and other external relations working parties should be chaired by representatives of Member States holding the team Presidency.

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?

There is a clear need for coordination between the Members States holding Presidency. Formal meetings of Team Presidency with the permanent President of the European Council (other representatives i.e. President of the Commission, Minister of Foreign Affairs) could be useful at the beginning of a term of the team presidency to discuss the presidency program and before the closing of a term to evaluate it. If a need arises a meeting could be convened on ad-hoc basis.

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 the Council should be adopted by the European Council acting unanimously at the same time as the Constitutional Treaty.

