

Reply from the United Kingdom to the questionnaire from the Presidency (15 October 2003)

Caption: The reply from the United Kingdom, dated 15 October 2003, to the questionnaire on the legislative function, the formations of the Council and the Presidency of the Council of Ministers, submitted by the Presidency on 19 September.

Source: CIG 2003 / Délégation du Royaume-Uni, Note de la délégation du Royaume-Uni– Réponse du Royaume-Uni au questionnaire sur la fonction législative, les formations du Conseil et la présidence du Conseil des ministres (doc. CIG 9/03), CIG 34/03 DELEG 25, Bruxelles, 15.10.03, <http://www.consilium.europa.eu/igcpdf/fr/03/cg00/cg00034.fr03.pdf>.

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URL:

http://www.cvce.eu/obj/reply_from_the_united_kingdom_to_the_questionnaire_from_the_presidency_15_october_2003-en-389c610a-1e8f-4a1c-bfa6-947eb339c120.html

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**CONFÉRENCE
DES REPRÉSENTANTS
DES GOUVERNEMENTS
DES ÉTATS MEMBRES**

**Bruxelles, le 15 octobre 2003 (21.10)
(OR. en)**

CIG 34/03

DELEG 25

NOTE

de: la délégation du Royaume-Uni

Objet: **CIG 2003**

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

ANNEX**I. THE LEGISLATIVE FUNCTION**

1. Should exercise of the legislative function be conferred on a single Council formation

UK view: No

or

should a legislative function (public) and a part dedicated to other activities be determined for each Council formation?

UK view: Yes

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)

UK view: No

or

with all laws and framework laws?

UK view: Yes

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?

UK view: The decision should continue, as now, to be taken by simple majority, on the grounds that it is purely procedural. The treaty text should maintain the flexibility of the European Council to change the list of formations to meet changing needs. The list should indeed be confined to the small number of formations in line with Seville, although after the IGC we will need to review the exact list and division of responsibilities.

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)?

UK view: Yes. The General Affairs Council should be chaired by the Chair of the European Council. This will be important to ensure consistency and proper coordination under a system of Team Presidencies (see answer to 7).

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

UK view: Yes. This seems to us to be the only way to introduce greater continuity and burden-sharing to the Council of Ministers, while retaining the advantages of equality through rotation.

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?

UK view: The two are closely linked. We do not have a strong preference; our priority should be to achieve a balance between continuity and equality in the allocation of portfolios. Based on this, the simplest solution might be for four Member States to be in the team for two years. Each Member State would chair two formations at any one time (the FAC and GAC would have fixed chairs.) The members of the Team would rotate through the 8 Councils during their 2 year term, changing every 6 months.

- (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)?

UK view: The exact order of rotation should be fixed in advance by a decision of the Council (as now) with due regards for the principle of equal rotation as defined in I.23(4). But there is no need for this to be decided at the IGC.

- (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?

UK view: The allocation should be fixed in advance as part of the rotation. This would allow each Member State equal access to each formation. This model has the merits of transparency, visibility and equality, although we are happy to consider alternatives.

For the sake of consistency, individual Member States might chair two complementary formations at the same time (e.g ECOFIN and Competitiveness, or Environment and Agriculture and Fisheries.)

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]?

UK view: We agree on the need for increased coordination. This, however, can most effectively be done by the Chair of the European Council, whose job will be to ensure delivery of the agenda set by the European Council. He should therefore chair the General Affairs Council. The Council Secretariat should also play a greater coordinating role: the Secretary General of the Council should therefore chair Coreper.

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**)?

UK view: Yes, as a general rule. But we should maintain the flexibility we currently have for elected chairs (which work well for the ECOFIN preparatory bodies – EPC and EFC); we should also consider greater use of chairing by the Council Secretariat.

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?

UK view: This will be difficult to finalise before we have agreed the precise role of the “European Minister for Foreign Affairs”. Time constraints will make it impossible for the “European Minister for Foreign Affairs” himself to chair these.

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?

UK view: Yes. Such an informal coordinating structure will be important and will have a distinct role from the General Affairs Council, although will need to work closely with it. (The General Affairs Council will remain a formal negotiating forum, where all Member States are represented, and will among other things prepare European Councils. The Team coordination structure would focus on delivery of the European Council's agenda in the separate sectoral Councils.) The Chair of the European Council should chair this structure in order to maximise coordination and consistency across the Council of Ministers.

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?

UK view: Yes, although we would be happy for the decision to be taken by qualified majority. Our priority at this stage should be to establish the essential elements of the future arrangements (e.g. principle of teams of x members, principle of equal rotation, duration, chairmanship of GAC, FAC and COREPER). Some of this will require us to insert further detail in the Constitutional treaty itself (e.g. Article I.23.4). If this is the case, we would be happy for the more detailed arrangements to be agreed at a later stage.

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