

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

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

CIG 10/03

DELEG 1

NOTE

du: Benelux

Objet: **CIG 2003**

- *Réponse du Benelux 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 du Benelux 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. In the view of the Benelux the Legislative Function should not be conferred on a single Council formation. Doing so would constitute an unacceptable diminishing of the role of the sectoral Councils.

The Benelux, as was expressed in the Benelux-memorandum of 4 December 2002, is in favour of distinguishing between the legislative and executive function of the Council's work. Such can be done within each Council-formation, including the General Affairs Council, whose coordinating role could entail the possibility of being seized of legislative proposals being discussed in other Council-formations, at the request of either the Commission or the respective Council-formation.

2. Article I-49 does not limit the requirement of public meetings solely to the normal legislative procedure. The Benelux sees no reason why the IGC should introduce such a limitation.

II. The Formations of the Council

3. As the Benelux made clear in its contributions to the Convention we should stick to the Council formations as they were agreed at Sevilla, with the exception of splitting up the GAERC in a Relex Council and a General Affairs Council.
The Convention text (art I-23 para 3) implies that decisions on the number of Council formations are taken by consensus. The Benelux sees no reason why the IGC should change this.

III. The presidency of the Council of Ministers

The Benelux considers the basic choice with regard to the Council presidency to be between three options: current system of rotation ("unitary rotation"), elected presidents and teampresidents. The questionnaire is rather biased in that it explores only the option of teampresidents in great detail.

The Benelux would like to have a balanced discussion, in which elected presidents and the current system of rotation are also thoroughly examined. Both options carry distinct advantages that need to be taken into consideration. Elected presidents can serve for longer than the current six months period which enables them to better ensure coherence of the Council-agenda. They can be chosen by their peers based on merits, which will ensure quality. A rotational presidency based on the current system carries the advantage of unity of command throughout the GAC and the sectoral Councils.

4. Questions 5 to 11:

We are looking forward to an open exchange with partners on the subject of team presidencies as one of the possible options. At this time it is not possible to give detailed answers to all questions regarding the nature and composition of team presidencies. However, some observations apply:

- Team presidencies raise the question of coordination within the team, especially the larger the team becomes. This coordination should be a responsibility of the member states that compose the team. Meanwhile the GAC is responsible for general coordination of all Council activities.
- The Member State chairing the GAC should also chair Coreper I and II. This member states bears a special responsibility, in that it needs to ensure coherence between the work in the Sectoral Councils and the GAC, in its role of preparing the European Council. Committees/working parties should be chaired by the member state holding the presidency of the Council in question.
- Membership of any team presidency should be based on equal rotation. Teams must be composed taking into account a geographical and demographical balance, determined in advance by unanimity.
