

Reply from Ireland to the questionnaire from the Presidency (15 October 2003)

Caption: The reply from Ireland, 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 irlandaise, Note de la délégation irlandaise – Réponse de l'Irlande au questionnaire sur la fonction législative, les formations du Conseil et la présidence du Conseil des ministres (doc. CIG 9/03), CIG 19/03 DELEG 10, Bruxelles, 15.10.03, <http://www.consilium.europa.eu/igcpdf/fr/03/cg00/cg00019.fr03.pdf>.

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

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

CIG 19/03

DELEG 10

NOTE

de:	la délégation irlandaise
Objet:	CIG 2003 - Réponse de l'Irlande 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 irlandaise au questionnaire sur la fonction législative, les formations du Conseil et la présidence du Conseil des ministres (voir doc. CIG 9/03).

ANNEXE**I THE LEGISLATIVE COUNCIL**

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?

A The legislative function of the Council of Ministers should continue to be carried out, as a present, in the relevant expert Council formations.

When the Council legislates, it should meet in public. This will cause a natural divide in the public/private exercise of each formation's functions.

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

A Whenever the Council legislates, it should meet in public (whatever the legislative instrument or procedure used).

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?

A The decision on Council formations might be taken by qualified majority vote in the European Council.

While there does not appear to be a need at present either to expand or to reduce the number and function of the formations identified at Seville (other, perhaps, than separating General Affairs from External Relations), to provide for greater flexibility in the future there is no need for this detail to be set out in the Constitutional Treaty.

III THE PRESIDENCY OF THE COUNCIL OF MINISTERS

4. Should other Council formations apart from the Foreign Affairs Council have a **fixed Presidency** (ie not applying the rotation system provided for in Article 23(4))?
Which formations?
Of what duration?
Using what procedure (election for the Council formations concerned)

A Ireland does not support amending the approach agreed at the Convention to provide for elected or fixed Presidencies in the Council formations. The Presidency should be carried out by Member States under a system of equal rotation as provided for in Article 23.4 of the Convention draft.

Ireland does not believe that the Foreign Minister should chair the Foreign Affairs Council. This places too great a responsibility in the hands of an individual, who will be fully occupied ensuring the external representation of the Union and carrying out the roles currently performed by the High Representative and the External Relations Commissioner. It also prevents the Council from playing its proper role in holding the Foreign Minister to account in the exercise of his/her functions. Rotation among Member States should apply. We are open to considering special arrangements in the Foreign Affairs formation, where continuity and coherence will be provided by the contribution of the Foreign Minister and the proposed External Action Service. We note, in particular, the arrangements for chairing of the UN Security Council (rotation among Member States every month) and believe these merit further study. The Member State chairing the Council would have no role in external representation.

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

A Ireland supports the Convention text which provides for Council formations to be chaired by Member States on the basis of an equal rotation. It is open to considering models through which this can be achieved, including a “Team Presidency system”.

If a Team Presidency system is adopted by the IGC, this should provide for each member of a team to have the opportunity to chair every Council formation during the team’s term in office.

In a Union of 25 or more Member States, continuing to strengthen the multi-annual and annual programming provided for at Seville will be vital to the success of whatever arrangement for the Presidency is agreed.

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 terms? 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 taken 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?

A (a) If the IGC decides to opt for a Team Presidency system, it will need to strike an appropriate balance between the need for the greatest possible coherence (which points towards a small team) and the need for each team to be representative of the Union in terms of geographic and demographic balance (which points towards a larger team). It should be possible to meet both requirements in a team of five, but we are open to other ideas.

(b) This question is linked to (a) above. While we are open to team Presidencies of shorter duration, there might be advantages in organising the team Presidency system to reflect the rhythm that operates in the Union’s other institutions. A period in office of 30 months might, therefore, be considered.

(c) The IGC should decide the essential elements governing a Team Presidency system (the period in office, the need for equality between Member States, the need for balance in its composition etc). There is no need for it to determine the composition of teams. However, the European Council will need to take an early decision in the matter to ensure that the Council is prepared, in good time, for the entry into force of the new Constitutional Treaty. In the future, it will be necessary to decide on team Members at least two teams in advance.

(d) If a team system is adopted, every Member State should have the opportunity to chair each formation of the Council during the team’s term in office. Once this principle is established, it should be possible for the members of the team to decide the sequence in which they chair each formation.

7. Given the need for 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]?

A Yes. The Member State chairing the General Affairs Council should also 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**)?

A Yes, in general. However consideration should also be given to the extent to which the Council Secretariat can chair more technical groups.

9. By the same token, if the Minister for Foreign Affairs chaired the Foreign Affairs Council, should the PSC and other external relations working parties be chaired by a representative of the Foreign Affairs Minister?

A As noted above, Ireland does not support the Foreign Minister chairing the Foreign Affairs Council. Ireland also considers that the PSC should continue to be chaired by the Member State chairing the Foreign Affairs Council. The question of how the CFSP and other external relation related working parties should be chaired will have to be considered by the IGC in the light of its decision regarding the chairing of the Foreign Affairs Council.

10. In order to achieve greater coherence in the Council's proceedings, should there be an **informal structure for coordinating** 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?

A The General Affairs Council should continue to coordinate the work of the Council of Ministers.

If the IGC decides to put a Team Presidency system in place, there will need to be arrangements for coordination between the members of the team. This should take place in a meeting of their GAC representatives (rather than a meeting of the individual Chairs of each Council formation).

There will also need to be appropriate coordination in the preparation of European Council meetings including all relevant figures.

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?

A Yes, unanimity is required for deciding on detailed arrangements for rotation. As noted above, the IGC should decide the essential elements of the system of rotation (the period in office, the need for equality between Member States etc). Details can then be decided by the European Council in good time for the entry into force of the Constitutional Treaty.