

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

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

CIG 24/03

DELEG 15

NOTE

de: la délégation maltaise

Objet: **CIG 2003**

- *Réponse de Malte 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 maltaise 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?

Malta is in favour of the latter option.

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?

Malta is in favour of the latter option.

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?

The decision by the European Council should be taken unanimously, with the list confined to a small number of formations in line with the Seville decision.

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)?

Malta is of the opinion that no other Council formation apart from that on Foreign Affairs should have a fixed Presidency.

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

Malta is in favour of the Team Presidency system for the formations using the rotation system. However, the Member State of the nationality of the European Council President would not form part of a team during the term of such Presidency.

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?
 - (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)?
 - (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?

The team should consist of four Member States, with the duration of each term being of one year. The 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 which would take into account political and geographical balance and the diversity of Member States. The allocation of the different Council formations within the team should be fixed sufficiently in advance.

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]?

To ensure consistency and continuity, 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**)?

Committees/Working Parties should be chaired by the Member State holding the Presidency of the related Council formation.

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?

The PSC and other external relations working parties should be chaired by a representative of the Minister of Foreign Affairs.

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?

Malta is in favour of such an informal structure for coordination.

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?

The decision on the detailed arrangements for the rotation of the Presidency of the Council should be taken unanimously, and could be adopted later if the essential elements of the future arrangements were agreed at the same time as the Treaty establishing the Constitution.

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