

NOTE

de: la délégation polonaise

Objet: **CIG 2003**

- *Réponse de la Pologne 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 polonaise 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?

Poland favours the presently functioning model, in which the legislative function is performed by each Council formation. We believe this to be a better solution from the point of view of ensuring the necessary expertise in the legislative process as well as committing various sectors of the national administration to the process of integration. At the same time, the General Affairs Council could monitor the consistency of legislation being processed in the respective Council formations.

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?

In our view all the legislative works of the Council of Ministers should be conducted in a transparent manner. Therefore we support the second option, i.e. that debates within the Council on all laws and framework laws should be accessible to the public.

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?*

We could envisage the situation in which the European Council decides by qualified majority on the list of Council formations. It is preferable to have a rather small number of formations which would be in line with the decisions taken in Seville.

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)?*

We propose that all the other formations of the Council of Ministers apart from the Foreign Affairs Council and the General Affairs Council have, as a rule, a presidency for two years. The presidency would not be attributed to a specific person but to one Member State within the Team Presidency. The Member States within the Team Presidency should decide by themselves which country holds the presidency in which formation. The division of labour would be done on the basis of specialisation.

As to the General Affairs Council and the COREPER the half-yearly rotation system should be continued, but it should be in line with the sequence of the Team Presidencies, e.g. members of the team would rotate at the helm of the GAC and COREPER. Consistently, we propose to change the Article I- 23(4) in order to allow half-yearly presidencies in the GAC.. We believe that the option should be preserved for the sectorial councils to rotate on annual basis among members of the Team Presidency, so as to take account of the national political cycles and the demands of the job.

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

Yes, as explained above it should apply to all the Council formations except the Foreign Affairs Council which would have the Foreign Minister of the Union at the helm. In the GAC and the Coreper we should retain the half-yearly rotation system which would exclude dominance of the Team Presidency by one of the participating states and would ensure the necessary efficiency.. The other formations would be allocated for two years.

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?

Our model for Team Presidency is based on the assumption of four countries holding the Team Presidency for two years. The European Council should at an appropriately early stage decide on the composition and the sequence of the Team Presidencies, according to the criteria listed above. Team Presidencies should reflect the balance between small, medium-sized and large countries as well as the geographical balance. The Member States within the Team will decide on the allocation of formations, at least a year before taking over the presidency.

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. There is a need for horizontal consistency as far as the chain of command is concerned and therefore it is all the more important to retain the half-yearly rotation in the General Affairs Council.

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. Vertical chain of command should be extended not only to the relationship between the General Affairs Council and the Coreper but also to the respective committees and working groups. The attribution of the presidency of working groups should be conducted on the basis of expertise provided by the members of the team. The presidency of a working group would be assumed for the period of 2 years.

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?

Yes. His representatives should chair the working parties related to external affairs. We also believe that the Foreign Minister should have a deputy who could chair the PSC. The Team Presidency could assist the Foreign Minister in the task of chairing external relations working parties. However, it has to be made that the Foreign Minister is in the driving seat as far as the entire exercise is concerned.

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?

Yes. Co-ordination will be necessary between members of the Team Presidency. At the same time, we should avoid creating new structures or institutions. Therefore we believe that the President of the General Affairs Council should chair an informal Steering Committee consisting of the Presidents of the respective Council formations. The Steering Committee would draft the Presidency's programme and oversee its implementation. It would meet four times a year. President of the General Affairs Council would be responsible for working together with the President of the European Council and President of the European Commission on the preparation of the work of the European Council. Such a system would ensure efficiency, cohesion and proper division of labour. It would also preserve the advantages of the system of rotation such as bringing European politics closer to the electorate and ensuring that all Member States take part on an equal basis in running the European Union.

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 European Council should decide by unanimity on the detailed arrangements concerning the Team Presidencies. It should take place at an appropriately early stage prior to the entry into force of the Constitutional Treaty. We have a preference for the term in office of the Chair of the European Council to be in line with that of the Team Presidency.

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