

## Reply from Slovenia to the questionnaire from the Presidency (15 October 2003)

**Caption:** The reply from Slovenia, 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 slovène, Note de la délégation slovène – Réponse de la Slovénie au questionnaire sur la fonction législative, les formations du Conseil et la présidence du Conseil des ministres (doc. CIG 9/03), CIG 29/03 DELEG 20, Bruxelles, 15.10.03, <http://www.consilium.europa.eu/igcpdf/fr/03/cg00/cg00029.fr03.pdf>.

**Copyright:** (c) European union

**URL:** [http://www.cvce.eu/obj/reply\\_from\\_slovenia\\_to\\_the\\_questionnaire\\_from\\_the\\_presidency\\_15\\_october\\_2003-en-6365aa67-bafe-4b25-a655-f3a7be21a7ae.html](http://www.cvce.eu/obj/reply_from_slovenia_to_the_questionnaire_from_the_presidency_15_october_2003-en-6365aa67-bafe-4b25-a655-f3a7be21a7ae.html)

**Publication date:** 18/12/2013

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

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

**CIG 29/03**

**DELEG 20**

**NOTE**

---

de: la délégation slovène

---

Objet: **CIG 2003**

- *Réponse de la Slovénie 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 slovène 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  
or  
should a legislative function (public) and a part dedicated to other activities be determined for each Council formation?

*In case the solution proposed in the Constitutional Treaty, Article 23, Title IV, is interpreted as the establishment of a special, exclusively legislative council, Slovenia would not agree.*

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?

*Public legislative part should be concerned with all laws and framework laws.*

**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?

*European Council's decision on the list of Council formations should be taken unanimously. The list should be confined to a smaller number of formations in line with the decision 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)?

*The presidency of Council formations, other than that of Foreign Affairs, should be held by Member State representatives within the Council on the basis of equal rotation.*

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

*The issue of the presidency should be dealt within the overall imperative of maintaining the institutional balance and further enhancing the community method. This also means clearer delimitation of responsibilities of institutions. The provisions of the Council of Ministers should be defined in a manner that makes it completely clear that the system of equal rotation applied to the presidency of the different Council formations will continue to be based on a strict equality between Member States. Every Member State should have an equal access to the presidency of every Council formation. The Presidency system must be written into the Constitutional Treaty and not be left up to the European Council to determine. One of the crucial issues of Team Presidency is the question of co-ordination. If the Team Presidency system were to be adopted, it should be made clear in the Constitution, that it would be the General Affairs Council that would have responsibility to co-ordinate the Team 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?

*If it is decided to opt for a team presidency, all the main categories of differences should be represented in a team (north/south, east/west, rich/poor, new/old, big/small).*

- (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)?

*It seems almost impossible to accommodate all the questions connected to the implementation of the principle of equal rotation without somehow fixing in advance the number of Member States in a team.*

- (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?

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, definitely, in a close co-operation with the Commission.*

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, except for the current practice of committees/working parties chaired 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?

*Yes.*

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?

*Any co-ordination in order to achieve greater coherence in the Council's proceedings should be the responsibility of the General Affairs Council.*

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?

*Arrangements for the rotation of the Presidency of the Council should be subject of a unanimous decision by the European Council. It should be adopted and defined 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.