

## AMENDMENT FORM

### Suggestion for amendment of Article 17: The Council of Ministers

By : Mr Dick Roche, Member ; Mr Pat Carey and Mr Bobby McDonagh, Alternates

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#### Article 17 : The Council of Ministers

1. The Council of Ministers shall, jointly with the European Parliament, enact legislation, and shall carry out policy-making and co-ordinating functions, as laid down in the Constitution.
2. The Council of Ministers shall consist of a representative of each Member State at ministerial level ~~for each of its formations. Only this representative may~~ **authorised to** commit the Member State in question, ~~and cast its vote.~~
3. **The office of President shall be held in turn by each Member State in the Council for a term of six months in the order decided by the Council acting unanimously.**

**The European Council acting unanimously may agree other arrangements for chairing some or all of the Council's formations or for chairing of the European Council.**

4. **The Council shall meet when convened by its President on his own initiative or at the request of one of its members or of the Commission.**
5. **The Council and the European Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General. The Secretary-General shall be appointed by the Council acting by a qualified majority.**

**The Council shall decide on the organisation of the General Secretariat.**

6. **A committee consisting of the Permanent Representatives of the Member States shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council.**
7. **The Council shall adopt its Rules of Procedure**
8. ~~Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.~~

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#### Explanation (if any) :

The Presidency of the Council should be as provided for under the current Treaties. The case for alternative arrangements, either in the Council of Ministers or in the European Council, has not been made.

Some have argued that the current system, under which the Presidency is rotated on the basis of

equality, will not be efficient in a Union of 25 or more Member States. We do not believe that the case has yet been made in a compelling way. However, if difficulties arise in ensuring the effectiveness and coherence of the Council's work, and the European Council believes that these difficulties can be remedied by putting alternative arrangements for the Presidency in place – including, possibly, team presidencies - it should be possible for it to do so by unanimous agreement. It should be noted that this does not set the threshold of support necessary to achieve change any higher, as the current Treaty under discussion will require unanimous support at the IGC for its proposals, including those in the area of the institutions.

The restoration of the post of fulltime Secretary General of the Council will assist in achieving greater efficiency and coherence in its work. Together with enhanced multi-annual programming, it will address concerns regarding continuity in the context of the rotating Presidency. Detailed arrangements should be set out in the Council's Rules of Procedure.

In paragraph 2, the current wording of Article 203 TEC is preferred as it allows greater flexibility to the Member State as to its representation in the Council.

It is important to set out how the Council is to be convened.

Voting arrangements in the Council should be set out in a single Article, 17b.

It is assumed that provision for other matters covered by the current Treaties will be included in the relevant Articles of Part Two of the Treaty.