

FICHE AMENDEMENT

Proposition d'amendement à l'Article 17 bis

Déposée par Olivier Duhamel, titulaire
Anne van Lancker, titulaire
Pervenche Berès, suppléante

Article 17 bis (Nouveau 17 ter) - Les formations du Conseil

Paragraphe 1

1 - Le Conseil des Affaires générales assure la cohérence des travaux du Conseil des ministres. Il prépare avec la participation de la Commission les réunions du Conseil européen. ***Il est présidé par le Président de la Commission.***

Justification

La cohérence des politiques européennes sera mieux assurée par une synergie entre la Commission et le Conseil des ministres.

AMENDMENT FORM

Suggestion for amendment of: PART I OF THE CONSTITUTION, TITLE IV: The Union's Institutions, Article 17 : The Council of Ministers

By Ms / Mr : BROK; SANTER; TAJANI; VAN DER LINDEN; ALTMAIER; AZEVEDO; BASILE; BREJC; CUSHNAHAN; DEMETRIOU; DOLORES; FOGLER; FRENDON; KAUPPI; KELEMEN; KORHONEN; KRASTS; KROUPA; LAMASSOURE; LENNMARKER; MAIJ-WEGGEN; MLADENOV; PIKS; RACK; VAN DIJK; WITTBRODT; WÜRMELING; ZIELENIEC; ZILE

Status : - Member - Alternate

Suggestion

TITLE IV: The Union's Institutions

Article 17 : The Council of Ministers

1. The Council of Ministers shall *form the House of States whenever it enacts legislation* jointly with the European Parliament, ~~enact legislation~~, and shall carry out policy-making and co-ordinating functions, as laid down in the Constitution *without prejudice to the competences of the Commission and in cooperation with her*.
 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 commit the Member State in question, and cast its vote.
 3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.
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Explanation (if any) :

According to the amendment to Article 15, the Constitution should clarify the role of the Council as House of States.

Additionally, the Council has to respect its role as laid down in the Constitution, especially respecting the executive role of the Commission.

AMENDMENT FORM

Suggestion for amendment of Article : 17

Suggestion for Part I

By Mr : Vytenis Povilas Andriukaitis, Algirdas Gričius, Gintautas Šivickas, Eugenijus Maldeikis

Status : Member, member, alternate, alternate

Article ~~17~~ 16c: 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 commit the Member State in question, and cast its vote.
3. Except where the Constitution provides otherwise, decisions of the Council **of Ministers** shall be taken by qualified majority.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 17

By Mr. Esko HELLE

Status : - Alternate

~~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 commit the Member State in question, and cast its vote.~~
 - ~~3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.~~
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Explanation (if any):

The whole article 17 can be deleted because its provisions have been transferred into Article 16.

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

By Ms / Mr :

Status : - Member - Alternate

PART I OF THE CONSTITUTION

TITLE IV: The Union's Institutions

Article 17 : The Council of Ministers

1. The Council of Ministers shall, jointly with the European Parliament **AND NATIONAL PARLIAMENTS**, enact legislation, and shall carry out policy-making and co-ordinating functions, as laid down in the **TREATY [DELETE: Constitution]**.
2. The Council of Ministers shall consist of a representative of each Member State at ministerial level for each of its formations. Only **MINISTERS [DELETE: this representative]** may commit the Member State in question, and cast its vote. **CIVIL SERVANTS MAY SPEAK FOR A MEMBER STATE BUT MAY NOT VOTE.**
3. Except where the **TREATY [DELETE: Constitution]** provides otherwise, **ALL** decisions of the Council shall be taken **IN PUBLIC MEETINGS** by qualified majority.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 17 Déposée par Messieurs:

Alberto Costa - membre
Guilherme d'Oliveira Martins – suppléant

Article 17 Le Conseil

1. Le Conseil assure le développement de l'Union, établit des orientations et des priorités, définit et garantit la coordination de politiques, conformément au Traité constitutionnel.
2. La Présidence est exercée successivement par chaque État membre, pour une période de six mois, dans l'ordre décidé par le Conseil, statuant à l'unanimité.
3. Au niveau plus élevé, le Conseil, sous la forme de Conseil européen est composé des Chefs d'État ou de gouvernement des États membres, ainsi que du Président de la Commission, ayant pour mission de donner à l'Union les impulsions nécessaires à son développement et de définir ses orientations et ses priorités politiques générales. Le ministre des Affaires étrangères participe à ses travaux.
4. Au niveau ministériel, le Conseil est composé d'un représentant nommé par chaque État membre, pour chacune de ses formations. Ce représentant est seul habilité à engager l'État membre qu'il représente, et à exercer le droit de vote. Le Conseil a des fonctions de définition de politiques et de coordination.
5. Les formations du Conseil sont le Conseil des affaires générales, le Conseil des affaires étrangères, le Conseil des affaires économiques et financières, ainsi que le Conseil de justice et de sécurité. Le Conseil peut également, dans sa formation d'affaires générales, décider de se réunir sous la forme d'autres formations.

FICHA DE ALTERAÇÃO

Proposta de alteração ao Artigo : 17

Apresentada por :

Alberto Costa - membro

Guilherme d'Oliveira Martins - suplente

Artigo 17º Conselho

1. O Conselho assegura o desenvolvimento da União, fixa orientações e prioridades, define e assegura a coordenação de políticas, nos termos estabelecidos no Tratado Constitucional.
2. A Presidência é exercida sucessivamente por cada Estado Membro, durante um período de seis meses, pela ordem decidida pelo Conselho, deliberando por unanimidade.
3. Ao nível mais elevado, o Conselho, tomando a designação de Conselho Europeu, é composto pelos Chefes de Estado ou de Governo dos Estados-Membros, bem como pelo Presidente da Comissão, cabendo-lhe dar à União os impulsos necessários ao seu desenvolvimento e definir as suas orientações e prioridades políticas gerais. O Ministro dos Negócios Estrangeiros participa nos seus trabalhos.
4. A nível ministerial, o Conselho é composto por um representante nomeado por cada Estado-membro, relativamente a cada uma das suas formações. Só esse representante tem poderes para vincular o seu Estado-membro e exercer o seu direito de voto. Cabem-lhe funções de definição de políticas e de coordenação.
5. Constituem formações do Conselho, o Conselho de Assuntos Gerais, o Conselho dos Negócios Estrangeiros, o Conselho de Assuntos Económicos e Financeiros bem como o Conselho da Justiça e Segurança, podendo ainda o Conselho, na sua formação de Assuntos Gerais, decidir reunir-se noutras formações.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17 de la Partie I

Déposée par Messieurs Santer, Michel, de Vries et Di Rupo

Qualité : - Membres

Article 17 : Le Conseil européen des ministres

- ~~1. — Le Conseil des ministres exerce, conjointement avec le Parlement européen, la fonction législative, ainsi que des fonctions de définition de politiques et de coordination selon les conditions fixées par la Constitution.~~
 - ~~2. — Le Conseil des ministres est composé d'un représentant nommé par chaque État membre au niveau ministériel pour chacune de ses formations. Ce représentant est seul habilité à engager l'État membre qu'il représente, et à exercer le droit de vote.~~
 - ~~3. — Sauf dans les cas où la Constitution en dispose autrement, le Conseil statue à la majorité qualifiée.~~
1. Le Conseil européen est l'organe qui donne à l'Union les impulsions nécessaires à son développement et définit les orientations et les priorités politiques générales.
 2. Le Conseil européen est composé des Chefs d'État ou de gouvernement des États membres, ainsi que du Président de la Commission. En règle générale, ils sont assistés par les Ministres représentant chaque Etat membre au Conseil des Affaires générales ainsi que par un membre de la Commission. Lorsque l'ordre du jour l'exige, les membres du Conseil peuvent décider de se faire assister par le Ministre compétent¹. Le Ministre des Affaires étrangères de l'Union participe à ses travaux.
 3. Le Conseil européen se réunit chaque trimestre sur convocation de son Président. Lorsque les circonstances l'exigent, le Président, de sa propre initiative ou à la demande du Président de la

¹ La déclaration numéro 4 à l'Acte final de Maastricht doit être prise en compte.

Commission, du Ministre des Affaires étrangères de l'Union ou d'un quart des Etats membres, convoque une réunion extraordinaire du Conseil européen.

4. Le Conseil européen présente au Parlement européen un rapport à la suite de chacune de ses réunions.

5. Le Conseil européen se prononce par consensus, sauf dans les cas où la Constitution en dispose autrement. Dans ces cas, le Président de la Commission ne participe pas au vote.

AMENDMENT FORM

Suggestion for amendement of Article : 17

Suggestion for Part I

By ~~Ms/~~ Mr : Georgios Papandreou and Mr Georgios Katiforis

Status : - Member Alternate

Article 17 : The Council of ~~Ministers~~

1. The Council of ~~Ministers~~ shall, jointly with the European Parliament, enact legislation, **exercise the budgetary authority** and shall carry out policy-making and co-ordinating functions, as laid down in the Constitution.
2. **For each of its configurations**, the Council of ~~Ministers~~ shall consist of a representative of each Member State at ministerial level, **authorised to commit the government of that Member State**. ~~for each of its configurations. Only this representative may commit the Member State in question, and cast its vote.~~
3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.

Explanation (if any) :

Para 1 : As is the case for the European Parliament, the exercise of budgetary authority is a key-function of the Council and should, therefore, be mentioned.

Para 2 : It would be preferable and more accurate to retain the wording of article 203 TCE.

AMENDMENT FORM

Suggestion for amendment of Article : Art. 17

Suggestion for protocol :

By: Ernâni Lopes, Maria Eduarda Azevedo, António Nazaré Pereira, Manuel Lobo Antunes.

Status : - Members and Alternates

Article 17 : The Council of Ministers

1. The Council of Ministers shall, jointly with the European Parliament, enact legislation **and be the budgetary authority** and shall carry out policy-making and co-ordinating functions, as laid down in the Constitution.
2. **With a view to ensuring the consistency and continuity of the Union's policies and actions, the Council shall recommend to the European Council for adoption a multi-annual strategic programme for the three years to come, drawn up in close co-operation with the Commission. In the light of that multi-annual strategic programme, and following appropriate consultations, the Presidencies due to office in the following year shall jointly submit a draft annual operational programme of Council activities during that year.**
3. 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 **government of the** Member State in question ~~and cast its vote.~~
4. **Where vote is taken, any Member of the Council may also act on behalf of not more than one other member.**
5. **The Presidency of the Council shall be held in turn by each Member State for a term of six months in the order decided by the Council acting unanimously.**

The Council acting unanimously may agree other arrangements for chairing Council's configurations and committees provided for in the Constitutional treaty with the exception of the European Council, the Council in its General Affairs configuration and the Committee consisting of the Permanent Representatives of the Member States.

The Council shall decide on the Presidency for the other Committees and Working Parties established in accordance with its Rules of Procedure.

6. 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. It shall adopt its Rules of Procedure .

7. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority. **When the Council takes decisions by a qualified majority, the votes of the members shall be weighted as set out in article X of Part Two¹.**

8. The 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. The Committee may adopt procedural decisions in cases provided for in the Council's Rules of Procedure. The Presidency of the Committee shall be held in turn by each Member State for a term of six months in the order decided by the Council acting unanimously.

9. 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 and contributes to ensure continuity.

10. The Council shall meet in such configurations as decided by the European Council.

¹ This article would corresponds to the provisions of the Treaty of Nice and of the Treaty of Accession. Should the Nice package deal on institutions be reopened, another acceptable option would be to introduce single double majority where a decision would require the support of both the majority of the population and the majority of the Member States.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article : 17

By Ms / ~~Mr~~ : Dr. Sylvia-Yvonne Kaufmann

Status : - Member ~~Alternate~~

Artikel 17: Der ~~Ministerrat~~ Rat der Europäischen Union

- (1) Der ~~Ministerrat~~ **Rat** wird gemeinsam mit dem Europäischen Parlament als Gesetzgeber **und Haushaltsorgan der Union** tätig und nimmt die Aufgaben der Politikfestlegung und Koordinierungsaufgaben ~~nach Maßgabe der Verfassung~~ wahr.
- (2) Der ~~Ministerrat~~ **Rat** besteht aus je einem von jedem Mitgliedstaat auf Ministerebene ernannten Vertreter für jede seiner Zusammensetzungen. Dieser Vertreter ist als Einziger befugt, für den Mitgliedstaat, den er vertritt, verbindlich zu handeln und das Stimmrecht auszuüben.
- (3) Soweit in der Verfassung nichts anderes bestimmt ist, beschließt der Rat mit qualifizierter Mehrheit.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17

Déposée par : Dominique de Villepin

Qualité : - Membre ~~- Suppléant~~

Article 17 : Le Conseil des ministres

1. Le Conseil des ministres exerce, conjointement avec le Parlement européen, la fonction législative, ainsi que des fonctions de définition de politiques et de coordination selon les conditions fixées par la Constitution.
 2. Le Conseil des ministres est composé d'un représentant ~~nommé par~~ **de** chaque État membre au niveau ministériel pour chacune de ses formations. Ce représentant est ~~seul~~ habilité à engager l'État membre qu'il représente, et à exercer le droit de vote.
 3. Sauf dans les cas où la Constitution en dispose autrement, le Conseil statue à la majorité qualifiée.
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Explication éventuelle :

Chaque Etat membre doit pouvoir être représenté par le ou les représentants de son choix.
L'article 17 bis paragraphe 2 doit se lire, en lien avec cet amendement, comme permettant au représentant ministériel directement concerné par les matières à l'ordre du jour du Conseil législatif de s'exprimer et d'engager l'Etat membre qu'il représente. Par ailleurs, le regroupement au sein du Conseil législatif des points afférant à une même matière doit être prévu pour permettre aux ministres spécialisés dans ces matières d'assister au Conseil.

AMENDMENT FORM

Suggestion for amendment of Article : 17 c

By Mr.Kimmo KILJUNEN, Mr Matti VANHANEN, Ms Riitta KORHONEN and Mr Antti PELTOMÄKI

Status : - Members

Article 17c : The Presidency of the Council

- 1. 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.**
 - 2. The Council, acting unanimously, may agree other arrangements for chairing Council's formations and committees provided for in the Constitution with the exception of the European Council, the Council in its General Affairs configuration and the committee consisting of the Permanent Representatives of the Member States.**
 - 3. The Council shall decide on the Presidency for the committees and working parties established in accordance with its Rules of Procedure.**
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AMENDMENT FORM

Suggestion for amendment of Article : 17

By Mr. Matti Vanhanen and Mr Antti Peltomäki

Status : - Vanhanen – Member
 - Peltomäki - Alternate

Article 17: The Council of Ministers

1. The Council of Ministers shall, **in accordance with the provisions of the Constitution, jointly with the European Parliament, enact legislation and be the budgetary authority jointly with the European Parliament,** and shall carry out policy-making and co-ordinating functions, ~~as laid down in the Constitution.~~
- 1a. **With a view to ensure the consistency and continuity of Union policies and actions, the Council shall recommend to the European Council for adoption a multiannual strategic programme for the three years to come, drawn up in close cooperation with the Commission. In the light of that multiannual strategic programme, and following appropriate consultations, the Presidencies due to hold office in the following year shall jointly submit a draft annual operational programme of Council activities during that year.**
2. The Council of Ministers shall consist of a representative of each Member State at ministerial level, **authorised to commit the government of that Member State**~~for each of its formations~~. Only this representative may commit the Member State in question, and cast its vote. **Where a vote is taken, any Member of the Council may also act on behalf of not more than one other member.**
3. ~~Except where the Constitution provides~~ **Save as otherwise provided in the Constitution,** decisions of the Council shall ~~be taken~~ **act** by a qualified majority of its Members. **When the Council takes decisions by a qualified majority, the votes of the Members shall be weighted as set out in Article Y of Part Two.¹ Decisions of the Council on matters of procedure shall be taken by a majority of its Members.**
4. **The Council shall adopt its Rules of Procedure with a majority of its Members. The Council shall unanimously decide on the formations in which it shall meet.**
5. **The Council and the European Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General responsible for the running of the General**

¹ Figures for EU-25 according to the Treaty of Nice and the Treaty of Accession. Should the Convention wish to open the Nice provisions, another acceptable option would be to introduce simple double majority where a decision would require the support of both the majority of the population and the majority of the Member States.

Secretariat. The Secretary-General shall be appointed by the Council acting by a qualified majority.

AMENDMENT FORM

Suggestion for amendment of Article : 17

By Ms Riitta Korhonen

Status : - Alternate

Article 17: The Council of Ministers

1. The Council of Ministers shall, **in accordance with the provisions of the Constitution, jointly with the European Parliament, enact legislation and be the budgetary authority jointly with the European Parliament,** and shall carry out policy-making and co-ordinating functions, ~~as laid down in the Constitution.~~
 - 1a. **With a view to ensure the consistency and continuity of Union policies and actions, the Council shall recommend to the European Council for adoption a multiannual strategic programme for the three years to come, drawn up in close cooperation with the Commission. In the light of that multiannual strategic programme, and following appropriate consultations, the Presidencies due to hold office in the following year shall jointly submit a draft annual operational programme of Council activities during that year.**
 2. The Council of Ministers shall consist of a representative of each Member State at ministerial level, **authorised to commit the government of that Member State**~~for each of its formations~~. Only this representative may commit the Member State in question, and cast its vote. **Where a vote is taken, any Member of the Council may also act on behalf of not more than one other member.**
 3. ~~Except where the Constitution provides~~ **Save as otherwise provided in the Constitution,** decisions of the Council shall ~~be taken~~ **act** by a qualified majority of its Members. **When the Council takes decisions by a qualified majority, such a majority shall consist of the majority of the Member States and the majority of the population of the Union (single double majority).** Decisions of the Council on matters of procedure shall be taken by a majority of its Members.
 4. The Council shall adopt its Rules of Procedure with a majority of its Members. The Council shall unanimously decide on the formations in which it shall meet.
 5. The Council and the European Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General responsible for the running of the General Secretariat. The Secretary-General shall be appointed by the Council acting by a qualified majority.
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FICHE AMENDEMENT

Titre IV

Proposition d'amendement à l'Article : Artigo 17.º

Déposée par Monsieur Luís Queiró

Qualité: Suppléant

O Conselho (2 palavras suprimidas) exerce, juntamente com o Parlamento Europeu, a função legislativa, bem como funções de definição de políticas, de coordenação **e de execução**, de acordo com as condições estabelecidas **no presente Tratado**.

(Suprimir n.ºs 2 e 3 do presente Artigo.)

Explication éventuelle :

Face às próprias decisões do Conselho sobre a sua denominação (v. decisão de 8.11.1993), não se compreende a designação. Deve ser Conselho ou, quando muito, “Conselho da União Europeia”, como já hoje é conhecido.

O n.º 1 da proposta do Praesidium vai na linha do artigo sobre o PE. Procurou-se uma melhor adaptação aos objectivos pretendidos e ao tipo de competências que este órgão tem.

FICHE AMENDEMENT

Titre IV

Proposition d'amendement à l'Article : Artigo 17.º-A
Déposée par Monsieur Luís Queiró

Qualité: Suppléant

(Inserção do n.º2, do Artigo 17.º com alterações)

1. O Conselho é composto por um representante **de** cada Estado-Membro, a nível ministerial (7 palavras suprimidas). Só esse representante tem poderes para vincular o seu Estado-Membro e exercer o direito de voto.
2. (novo) A presidência do Conselho é exercida sucessivamente por cada Estado membro, durante um período de seis meses, pela ordem decidida pelo Conselho, deliberando por unanimidade.
3. (novo) O Conselho reúne-se ordinariamente em Bruxelas, por convocação do seu Presidente, por sua iniciativa ou a pedido de qualquer dos seus membros. Extraordinariamente, pode o Presidente determinar a realização de reuniões no território de qualquer Estado membro.
4. (novo) O Conselho dispõe do poder de auto-organização.

(Suprimir n.ºs 5 e 6 do presente Artigo)

Explication éventuelle :

O artigo é demasiadamente regulamentador, não compatível com o carácter essencial e pretensamente “constitucional” do projecto do Praesidium. Propõe-se um artigo com a composição, organização e funcionamento do Conselho.

O n.º 1 corresponde ao artigo 203.º, § 1 CE.

O n.º 2 corresponde ao artigo 203.º, § 2 CE;

O n.º 3 corresponde ao artigo 204.º CE, com uma precisão.

O n.º 4 corresponde ao artigo 205.º, n.º 1 CE.

AMENDMENT FORM

Suggestion for amendment of Article : 17

Suggestion for protocol :

By / Mr : John Gormley

Status : Alternate

Article 17.3 Insert “**all**” before ‘decisions’ and insert “**in public session**” before ‘by qualified majority’.

Article 17a.3 Delete ‘flesh out’ and substitute “**elaborate**”. Delete “It shall be chaired by the Union’s Foreign Minister”.

Article 17a.6 Delete ‘consensus’ and substitute “**unanimity**”.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 17: The Council of Ministers

By Mr Ivan Korčok, Ján Figel' and Juraj Migaš (Slovakia)

Status: I. Korčok and J. Figel' are members, J. Migaš is an alternate.

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~~ Constitutional Treaty.
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 commit the Member State in question, and cast its vote.
3. Except where the ~~Constitution~~ Constitutional Treaty provides otherwise, decisions of the Council shall be taken by qualified majority.

Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article : 17

By Mr. Péter Balázs, Mr. Hannes Farnleitner, Ms. Sandra Kalniete, Mr. Jan Kohout, Mr. Ivan Korčok, Mr. Rytis Martikonis, Mr. Lennart Meri, Mr. Dimitrij Rupel, Ms. Teija Tiilikainen

Status : - Members

Article 17: The Council of Ministers

1. The Council of Ministers shall, **in accordance with the provisions of the Constitution, jointly with the European Parliament, enact legislation and be the budgetary authority jointly with the European Parliament;** and shall carry out policy-making and co-ordinating functions, ~~as laid down in the Constitution.~~
- 1a. **With a view to ensure the consistency and continuity of Union policies and actions, the Council shall recommend to the European Council for adoption a multiannual strategic programme for the three years to come, drawn up in close cooperation with the Commission. In the light of that multiannual strategic programme, and following appropriate consultations, the Presidencies due to hold office in the following year shall jointly submit a draft annual operational programme of Council activities during that year.**
2. The Council of Ministers shall consist of a representative of each Member State at ministerial level, **authorised to commit the government of that Member State** ~~for each of its formations~~. Only this representative may commit the Member State in question, and cast its vote. **Where a vote is taken, any Member of the Council may also act on behalf of not more than one other member.**
3. ~~Except where the Constitution provides~~ **Save as otherwise provided in the Constitution,** decisions of the Council shall ~~be taken~~ **act by a qualified majority of its Members. When the Council takes decisions by a qualified majority, the votes of the Members shall be weighted as set out in Article Y of Part Two.¹ Decisions of the Council on matters of procedure shall be taken by a majority of its Members.**
4. **The Council shall adopt its Rules of Procedure with a majority of its Members. The Council shall unanimously decide on the formations in which it shall meet.**
5. **The Council and the European Council shall be assisted by a General Secretariat, under**

¹ Figures for EU-25 according to the Treaty of Nice and the Treaty of Accession. Should the Convention wish to open the Nice provisions, another acceptable option would be to introduce simple double majority where a decision would require the support of both the majority of the population and the majority of the Member States.

the responsibility of a Secretary-General responsible for the running of the General Secretariat. The Secretary-General shall be appointed by the Council acting by a qualified majority.

AMENDMENT FORM

Suggestion for amendment of Article : 17 c

By Mr. Péter Balázs, Mr. Hannes Farnleitner, Ms. Sandra Kalniete, Mr. Jan Kohout, Mr. Ivan Korčok, Mr. Rytis Martikonis, Mr. Lennart Meri, Mr. Dimitrij Rupel, Ms. Teija Tiilikainen

Status : - Members

Article 17c : The Presidency of the Council

- 1. 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.**
 - 2. The Council, acting unanimously, may agree other arrangements for chairing Council's formations and committees provided for in the Constitution with the exception of the European Council, the Council in its General Affairs configuration and the committee consisting of the Permanent Representatives of the Member States.**
 - 3. The Council shall decide on the Presidency for the committees and working parties established in accordance with its Rules of Procedure.**
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AMENDMENT FORM

Suggestion for amendment of Article : Title IV

By Ms / Mr : Jan Kohout

Status : - Member

17. The Council

1. The Council shall consist of the ministerial representative of each Member State, authorized to commit the government of that State.
2. The Council shall act to ensure the fulfilment of Union objectives and policies. Alongside the European Parliament, it shall enact legislative acts. When acting in its legislative capacity, the Council is to decide in the open. As to its executive functions, the Council may confer their execution upon the European Commission if otherwise unspecified by this Constitutional Treaty.
3. The Council in the composition of Coordination Council (*formerly General Affairs Council*), guided by its Presidency and consulting the European Commission, will decide upon the number of Council formations, acting by simple majority.
4. Permanent formations of the Council are External Action Council, alternatively and autonomously meeting as Security and Defence Council. External Action Council is to be presided by European External Representative, acting simultaneously as one of Vice-Presidents of the Commission.
5. Presidency of the Council will be organized in team arrangements and combined along two lines. The first line will be coordination line, institutionally represented by COREPER, Coordination Council and the European Council. The second line will consist of sectoral Councils.
6. The team Presidency of the Council will encompass three Member States, reflecting the categories of large, medium-sized and small countries being defined in a Council act adopted by unanimity.
7. The coordination line presidency will be held by one of the three /4? 5?/ Member States, comprising team set-up, for the period of six month, assisted by the other two and alternating in turn. Presidency in sectoral Councils will be divided among the three-member presidency team by its mutual accord up to eighteen /24/ months, number of specific sectoral formations falling to one country depending on the overall number of sectoral formations of the Council. Aggregate presidency period of a team will last eighteen /24/ months.
8. To raise efficiency and to streamline internal coordination, the team of Member States comprising the Presidency of the Council, if they so wish, may select their leader exercising this function for the period of team Presidency.
9. The Council shall be assisted by a General Secretariat. Its work including the establishment and assignments of the Committee of Permanent Representatives of the Member States will be set in the Rules of procedure of the Council.
11. *Art 208 of the current TEC is to be repeated here.*
12. *Art 209 of the current TEC is to be repeated here.*
13. *Art 210 of the current TEC is to be repeated here.*

Explanation (if any) :

AMENDMENT FORM

Title IV

Suggestion for amendment of Article : 17

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Mr Algirdas Gričius, Mrs Lone Dybkjaer, Lord MacLennan, Mr Adrian Severin.

Status : Members and alternate members.

Article 17 : The Council of Ministers

1. The Council of Ministers, *representing the governments of the Member States*, shall, jointly with the European Parliament, enact legislation, *as well as exercise other functions* as laid down in the Constitution. *The Council shall ensure the coordination of the general economic policies of the Member States, the definition of the common foreign, security and defence policy, and the close collaboration between Member States' police, security services and judicial authorities.*
 2. The Council of Ministers shall consist of a representative of each Member State at ministerial *level*. *Only* this representative may commit the Member State in question, and cast its vote.
 3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.
-

Explanation:

1. The Constitution should establish the fact that the Council is made up of representatives of Member State governments.

The Council has executive functions as well as legislative functions, and this should be made explicit.

2. The reference here to 'each of its formations' is superfluous (see Article 17a).

AMENDMENT FORM

Suggestion for amendment of Article: 17A Council Formations
PART 1 - Title VI

By the Earl of Stockton MEP

Status : - Alternate

Article 17a : Council formations

1. The General Affairs Council shall ensure consistency in the work of the Council of Ministers. With the participation of the Commission, it shall prepare meetings of the European Council.
 2. The Legislative Council shall consider and, jointly with the European Parliament, enact European laws and recommendations, in accordance with the provisions of the Constitution. Each Member State's ministerial representative may be assisted by one or, if necessary, two specialist ministers, reflecting the business on the Council agenda.
 3. The Foreign Affairs Council shall, on the basis of strategic guidelines laid down by the European Council, flesh out the Union's external policies, and ensure that its actions are consistent. It shall be chaired by the Union's Foreign Minister.
 4. The Council shall also meet in the configuration of an Economic and Financial Affairs Council. (REST OF SENTENCE DELETED)
 5. The Council, in its General Affairs formation, may decide on further formations.
 6. The European Council may decide by consensus that the Presidency of a Council formation, other than that of Foreign Affairs, should be undertaken by a Member State for a period of at least a year, taking into account European political and geographical balance and the diversity of all Member States. Consensus shall consist of at least four-fifths of Member States and three-fifths of the population of the Union.
-

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of TArt17liepina.doc

By Ms Liene Liepina, Mr Rihards Piks, Mr Arturs Krisjanis Karins, Mr Guntars Krasts.

Status: - Member: L.Liepina; R.Piks
- Alternate: A.K.Karins; G.Krasts

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.~~ **Where a vote is taken, any Member of the Council may also act on behalf of not more than one other member.**
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 be assisted by a General Secretariat, under the responsibility of a Secretary-General responsible for the running of the General Secretariat. 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.

5. **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.**
6. **The Council shall adopt its Rules of Procedure**
7. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.

Explanation (if any) :

The current system of the rotating Presidency of the Council of the Ministers should be maintained consequently the principle of the equality of the Member States would be observed.

AMENDMENT FORM

Suggestion for amendment of Article 17

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives, and Mr Sören Lekberg, Mr Kenneth Kvist and Mr Ingvar Svensson, national parliament representatives.

Status : - Member: Hjelm-Wallén and Lekberg
 - Alternate: Petersson, Kvist and Svensson

Article 17 : The Council of Ministers

1. The Council of Ministers shall, jointly with the European Parliament, **or alone**¹, 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,~~ **authorised to commit the government of that Member State.**²
~~Only this representative may commit the Member State in question, and cast its vote.~~³
3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.⁴

¹ See Article 25.2 (on legislative acts) *"In specific cases provided for by the Constitution, EU law and EU framework laws shall be adopted by the Council"*

² Corresponds to Article 203 EC.

³ It must be possible for i.a. a State Secretary to act as a substitute for a minister.

⁴ This will demand extensive technical adjustments i Part II of the Constitution.

AMENDMENT FORM

Suggestion for amendment of Article : 17

By: Mr Tunne Kelam
Mr Rein Lang
Mr Urmas Reinsalu
Mrs Liina Tõnisson

Article 17 : The Council of Ministers

1. **The Council shall seek to establish community solutions to issues of common concern. It shall represent the Member States and be the forum where they can present and defend their national interests.** ~~The Council of Ministers~~ It 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 commit the Member State in question, and cast its vote.
3. **The Council shall meet in such formations as the European Council shall decide.**
4. **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.**
5. **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.**
6. **The Council and the European Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General responsible for the running of the General Secretariat. 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.
7. **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.**
8. ~~Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.~~
8. **The Council shall adopt its Rules of Procedure.**

Explanation

The provision(s) concerning Council formations should be included in this Article (see also amendment of Article 17a).

Voting arrangements in the Council should be set out in a single Article (currently Article 17b).

AMENDMENT FORM

Suggestion for amendment of Article: 17, Part I – Title IV

By Mr: Henning Christophersen, Poul Schlüter, Henrik Dam Kristensen and Niels Helveg Petersen.

Status: Members and alternate members.

Article 17: The Council of Ministers

(...)

3. ~~3.~~—Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority **consisting of at least 232 votes in favour. Where the Council is required to act by a qualified majority, the votes of its Members shall be weighted as follows:**

<u>Belgium</u>	<u>12</u>	<u>Luxembourg</u>	<u>4</u>
<u>Czech Republic</u>	<u>12</u>	<u>Hungary</u>	<u>12</u>
<u>Denmark</u>	<u>7</u>	<u>Malta</u>	<u>3</u>
<u>Germany</u>	<u>29</u>	<u>Netherlands</u>	<u>13</u>
<u>Estonia</u>	<u>4</u>	<u>Austria</u>	<u>10</u>
<u>Greece</u>	<u>12</u>	<u>Poland</u>	<u>27</u>
<u>Spain</u>	<u>27</u>	<u>Portugal</u>	<u>12</u>
<u>France</u>	<u>29</u>	<u>Slovenia</u>	<u>4</u>
<u>Ireland</u>	<u>7</u>	<u>Slovakia</u>	<u>7</u>
<u>Italy</u>	<u>29</u>	<u>Finland</u>	<u>7</u>
<u>Cyprus</u>	<u>4</u>	<u>Sweden</u>	<u>10</u>
<u>Latvia</u>	<u>4</u>	<u>United Kingdom</u>	<u>29</u>
<u>Lithuania</u>	<u>7</u>		

When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62 % of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.

4. 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.

Explanation:

A compromise on votes in the Council of Ministers has only just been reached after difficult negotiations in Nice. We see no need to reopen this compromise. Furthermore, the draft proposal does not deal with the important issue of equality between the Member States.

Regarding the Presidency of the Council, we wish to preserve the existing half-yearly rotating Presidencies, however, in a modernised form. We should therefore maintain the present wording of Article 203 TEC, par. 2.

As a consequence of the above mentioned amendments, the proposed Articles 17a on Council formations and Article 17b on QMV should be deleted.

AMENDMENT FORM

Suggestion for amendment of Article 17

By Ms Maria BERGER

Status: Alternate

Articel 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 commit the Member State in question, and cast its vote.
3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.
- 4. The General Affairs Council shall ensure consistency in the work of the Council of Ministers. With the participation of the Commission, it shall prepare meetings of the European Council.**
- 5. The Legislative Council shall consider and, jointly with the European Parliament, enact European laws and European framework laws, in accordance with the provisions of the Constitution. Each Member State's ministerial representative may be assisted by one or, if necessary, two specialist ministers, reflecting the business on the Council agenda.**
- 6. The Foreign Affairs Council shall, on the basis of strategic guidelines laid down by the European Council, flesh out the Union's external policies, and ensure that its actions are consistent. It shall be chaired by the Union's Foreign Minister.**
- 7. The Council shall also meet in the configuration of an Economic and Financial Affairs Council, and a Council on Justice and Security.**
- 8. The Council, in its General Affairs formation, may decide on further formations.**

Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article:

17

By Mr:

Erwin Teufel

Status:

Member

Text of the Praesidium

- (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 commit the Member State in question, and cast its vote.
- (3) Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.

Proposed Amendment

- (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) Except where the Constitution provides otherwise, decisions of the Council **of Ministers** shall be taken by qualified majority.
-

Explanation:

Paragraph 2

The idea of a Council of Ministers composed of a single representative at ministerial level for all formations, permanently nominated by each Member State, seems to pose some problems. The German Länder must remain entitled to send a representative of the Länder as German national representative where primarily their exclusive legislative powers are concerned (cf. Article 203 Paragraph 1 TEC). As a consequence Germany may be represented in the same formation of the Council by different persons. The current draft is too limited in its scope and draws this alternative into doubt.

Paragraph 3

The technical clarification in the title and Paragraphs 1 and 2 ("Council of Ministers" instead of "Council") is welcomed as it serves comprehensibility and precision in underlining the delimitation concerning the European Council. This clear technical distinction should be extended to Paragraph 3. Besides, this is true for all other provisions of the Treaty where reference is made to the "Council" only.

FICHE AMENDEMENT

Proposition d'amendement à l'Article:

17

Déposée par Monsieur:

Erwin Teufel

Qualité:

Membre

Texte du Praesidium

(2) Der Ministerrat besteht aus je einem von jedem Mitgliedstaat auf Ministerebene ernannten Vertreter für jede seiner Zusammensetzungen. Dieser Vertreter ist als Einziger befugt, für den Mitgliedstaat, den er vertritt, verbindlich zu handeln und das Stimmrecht auszuüben.

(3) Soweit in der Verfassung nichts anderes bestimmt ist, beschließt der Rat mit qualifizierter Mehrheit.

Amendement proposé

(2) Der Ministerrat besteht aus je einem von jedem Mitgliedstaat auf Ministerebene ernannten Vertreter ~~für jede seiner Zusammensetzungen. Dieser Vertreter ist als Einziger~~, **der** befugt **ist**, für den Mitgliedstaat, den er vertritt, verbindlich zu handeln und das Stimmrecht auszuüben.

(3) Soweit in der Verfassung nichts anderes bestimmt ist, beschließt der **Ministerrat** mit qualifizierter Mehrheit.

Begründung:

Abs. 2

Die Vorgabe, wonach der Ministerrat aus je einem von jedem Mitgliedstaat fest bestimmten Vertreter auf Ministerebene für jede seiner Zusammensetzungen besteht, erscheint problematisch. Das Recht der deutschen Länder, bei schwerpunktmäßiger Betroffenheit ihrer ausschließlichen Gesetzgebungsbefugnisse die Rechte, die Deutschland als Mitgliedstaat zustehen, von einem Vertreter der Länder wahrnehmen zu lassen (vgl. Artikel 203 Absatz 1 EG-Vertrag), muss erhalten bleiben. Dies kann es mit sich bringen, dass Deutschland in derselben Ratsformation je nach Thema von verschiedenen Personen vertreten wird. Die vorliegende Formulierung ist zu restriktiv und stellt diese Möglichkeit in Frage.

Abs. 3

Die in der Überschrift und in den Absätzen 1 und 2 vorgenommene terminologische Klarstellung („Ministerrat“ statt „Rat“) ist zu begrüßen, da sie der Klarheit und Verständlichkeit dient, indem sie die Abgrenzung zum Europäischen Rat deutlicher werden lässt. Die klare terminologische Unterscheidung sollte auch in Absatz 3 Beachtung finden. Gleiches gilt im Übrigen für sämtliche anderen Bestimmungen des Vertrages, in denen nur unspezifisch vom „Rat“ die Rede ist.

AMENDMENT FORM

Title IV

Suggestion for amendment of Article : 17

By Members: Voggenhuber, Lichtenberger, MacCormick, Wagener, Nagy

Status : Members and alternate members.

Article 17 : The Council of Ministers

1. The Council of Ministers, **representing the Member States**, 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 commit the Member State in question, and cast its vote.
 3. Apart from the exceptions laid down in this Constitution ~~Except where the Constitution provides otherwise~~, decisions of the Council shall be taken by qualified majority.
Regarding these exceptions the Council can unanimously decide to introduce the qualified majority at a later stage.
-

Explanation:

AMENDMENT FORM

Suggestion for amendment of Article : Organe
Entwurf von Artikeln für Titel IV des Teils I der Verfassung

Suggestion for protocol :

By Mr : Joachim Wuermeling

Status : - Alternate

Artikel 17: Der Ministerrat

(1) Der Ministerrat wird gemeinsam mit dem Europäischen Parlament als Gesetzgeber **und**
Haushaltsautorität tätig und nimmt die Aufgaben der Politikfestlegung und
Koordinierungsaufgaben nach Maßgabe der Verfassung wahr.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article 17 - Partie I - Architecture constitutionnelle Titre IV Des institutions de l'Union

Déposée par Monsieur William ABITBOL

Qualité : - Suppléant

Article 17 : le Conseil des Etats

Conv 691/03

1. le Conseil des Etats vote la loi conjointement avec le Parlement européen.
- 2.
3. Dans les matières qui ne relèvent pas de la procédure législative, le Conseil des Etats décide de la mise en œuvre des politiques de l'Union.
4. le Conseil des Etats est composé des ministres responsables des Etats membres. Ces ministres sont seuls habilités à exercer le droit de vote. Sauf dans les cas où le présent traité constitutionnel en dispose autrement, le Conseil des Etats statue à la majorité qualifiée. La majorité qualifiée réunit la majorité des Etats représentant les deux tiers de la population européenne.
5. En dehors de ses fonctions législatives, le Conseil des Etats se réunit en formation :
 - de Conseil des affaires générales, afin d'assurer la cohérence de ses travaux ;
 - de Conseil des affaires étrangères, sous la présidence du Ministre des affaires étrangères de l'Union.

Le Conseil des affaires générales peut décider d'autres formations expresses du Conseil des Etats.

Le Conseil des Etats a son siège à Bruxelles.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : **17**

Déposée par Madame : **Cristiana MUSCARDINI**

Qualité : **Membre**

Articolo 17: Il consiglio dei ministri

Par.1

Il consiglio dei ministri esercita, congiuntamente al parlamento europeo, la funzione legislativa **e di bilancio**, nonché funzioni di definizione delle politiche e di coordinamento, alle condizioni stabilite dalla Costituzione.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : Article 17 (Title IV)

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 17 : The Council of Ministers

1. The Council of Ministers shall, *[jointly with]* **assisted by** the European Parliament, enact legislation, and shall carry out policy-making and co-ordinating functions, as laid down in the *[Constitution]* **Treaty**.

New 1a. They shall facilitate the legislative process for laws initiated and concluded by national parliaments.

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 commit the Member State in question, and cast its vote.

3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by *[qualified majority]* **unanimity**.

Explanation (if any) : A counter proposal on how the European Union should operate, which puts national parliaments in the role of carrying out First and Third Readings (ie initiation and final approval), will shortly be presented to the Convention : A Europe of Democracies.

The amendment in paragraph 3 turns around the default position so that matters have to be identified as QMV, rather than that they are assumed so to be.

AMENDMENT FORM

Suggestion for amendment of Article : 17

By Mr : Josef ZIELENIEC

Status : - Member

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 commit the Member State in question, and cast its vote.
3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.
- 4. *The presidency of the Council shall be organised in the same way as the Presidency of the European Council laid down in article 16.3.***

AMENDMENT FORM

Title IV

Suggestion for amendment of Article 17

By **Mr. Adrian Severin**

Status : **Alternate Member**

Option1: **Delete**

Option 2:

Para1 should modified as follows:

The Council of Ministers shall **[Delete]** carry out policy-making and coordinating functions, as laid down in the Constitution.

Option 3:

Add to the end of para.1:

Between the sessions of the European Council, the Council of Ministers may take all the decisions to which the European Council is entitled, under the condition of the latter's ratification.

Option 4:

Add a new paragraph:

4. The Council of Ministers will be chaired without voting right by the President of the European Council.

Explanation:

- 1. (option 1) The role of the Council of Ministers is very unclear. Either the Constitution is able to determine the tasks of this Council or the whole text should be deleted. These provisions make the whole institutional system unnecessarily too complicated and bring back the confusion between the executive and legislative functions of the Council.*
- 2. (option 2) This Council should have only a political and coordination role. The legislative role at the level of the Council should stay exclusively with the*

Legislative Council. There is no need to have two institutions (both Councils) to deal with the legislative issues.

- 3. (option 3) In order to make the Council of Minister more relevant and to give it a role which, at least, will make the decision process faster.*
- 4. (option 4) In order to facilitate the coherence between the European Council and the Council of Ministers activities.*

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

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.~~

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.

AMENDMENT FORM

Suggestion for amendment of: PART I OF THE CONSTITUTION, TITLE IV: The Union's Institutions, Article 17 : The Council of Ministers

By Ms: GIANNAKOU Marietta

Status : - Member

Suggestion

TITLE IV: The Union's Institutions

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 *without prejudice to the competencies of the Commission and in cooperation with her.*
 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 commit the Member State in question, and cast its vote.
 3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.
-

Explanation (if any) :

According to the amendment to Article 15, the Constitution should clarify the role of the Council as House of States.

Additionally, the Council has to respect its role as laid down in the Constitution, especially respecting the executive role of the Commission.

AMENDMENT FORM

Suggestion for amendment of Article : IV 17

Suggestion for protocol :

By: Mr Caspar EINEM

Status : Member

Artikel 17: Der Ministerrat/*der Rat*

~~(1) — Der Ministerrat wird gemeinsam mit dem Europäischen Parlament als Gesetzgeber tätig und nimmt die Aufgaben der Politikfestlegung und Koordinierungsaufgaben nach Maßgabe der Verfassung wahr.~~

- (1) Der Ministerrat/**der Rat** besteht aus je einem von jedem Mitgliedstaat auf Ministerebene ernannten Vertreter für jede seiner Zusammensetzungen. Dieser Vertreter ist als Einziger befugt, für den Mitgliedstaat, den er vertritt, verbindlich zu handeln und das Stimmrecht auszuüben.
 - (2) Soweit in der Verfassung nichts anderes bestimmt ist, beschließt der **Ministerrat/Rat** mit qualifizierter Mehrheit.
 - (3) **Der Ministerrat/der Rat wird in der Formation als Legislativrat als Gesetzgebungsorgan der Europäischen Union und in seinen anderen Formationen als koordinierendes Organ tätig.**
 - (4) **Der Ministerrat/Rat kann die Kommission auffordern, die nach seiner Ansicht zur Verwirklichung der gemeinsamen Ziele geeigneten Untersuchungen vorzunehmen und ihm entsprechende Vorschläge zu unterbreiten.**
-

Explanation (if any) :

In Artikel 17 sollen zunächst die allgemeinen Bestimmungen zum Ministerrat/Rat der EU festgelegt werden. Die besonderen zur Koordinierung sollen in Artikel 17a, jene zur Gesetzgebung in Artikel 17b erfolgen.

Abs. (5) entspricht Artikel 208 EGV.

AMENDMENT FORM

Suggestion for amendment of Article :17

By Mr : M. Attalides

Status : - Member

Art17attalides.doc

Article 17 : The Council of Ministers

Change para 2 as follows :

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.~~

Add new para. 3

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 of the Council's formations other than the European Council, the General Affairs Council and the Committee of Permanent Representatives.

Renumber para.3 to become para. 4

Add new para.5

5. With a view to ensuring the consistency and continuity of Union policies and actions, the Council shall recommend to the European Council for adoption a multiannual strategic programme for the three years to come, drawn up in close cooperation with the Commission. In the light of that programme, and following appropriate consultations, the Presidencies to hold office in the following year shall jointly submit a draft annual operational programme of Council activities during that year.

Add new para. 6

6. The Council and the European Council shall be assisted by a Secretariat under the responsibility of a Secretary-General. The Secretary-General shall be appointed by the Council.

Add new para. 7

7. 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 tasks assigned to it by the Council.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 17

By Mr Barnier, Mr Vitorino, Mr O'Sullivan and Mr Ponzano:

Status : Members and Alternates

Article 17 : The Council of Ministers

1. The Council of Ministers shall, jointly with the European Parliament, enact legislation **and be the budgetary authority**, 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 **government of that** Member State ~~in question, and cast its vote.~~
3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.

Explanation :

Paragraph 1

As proposed for the European Parliament, it would be appropriate to mention explicitly the function of budgetary authority of the Council.

Paragraph 2

The members of the Council are not authorised to commit the Member State, but only the government. It is therefore better to stick literally to the present formulation of the treaty (Article 203 EC).

FICHE AMENDEMENT

Proposition d'amendement à l'Article 17

Déposée par M. Barnier, M. Vitorino, M. O'Sullivan et M. Ponzano

Qualité : Membres et Suppléants

Article 17 : Le Conseil ~~des ministres~~

1. Le Conseil ~~des ministres~~ exerce, conjointement avec le Parlement européen, la fonction législative **et d'autorité budgétaire**, ainsi que des fonctions de définition de politiques et de coordination selon les conditions fixées par la Constitution.
 2. Le Conseil ~~des ministres~~ est ~~composé d'~~ **formé par** un représentant ~~nommé par~~ **de** chaque État membre au niveau ministériel, ~~pour chacune de ses formations. Ce représentant est~~ seul habilité à engager **le gouvernement de cet** l'État membre ~~qu'il représente, et à exercer le droit de vote.~~
 3. Sauf dans les cas où la Constitution en dispose autrement, le Conseil statue à la majorité qualifiée.
-

Explication :

Paragraphe 1

Parallèlement à l'amendement proposé pour le Parlement européen, il convient de mentionner explicitement la fonction d'autorité budgétaire du Conseil.

Paragraphe 2

Les membres du Conseil ne sont pas habilités à engager l'Etat membre, mais uniquement à engager le gouvernement. Par ailleurs, il n'y a pas de procédure de nomination pour les membres du Conseil. Il est donc mieux de s'en tenir littéralement à la formulation actuelle du traité (art. 203 CE).

AMENDMENT FORM

Suggestion for amendment of Article : 17

By Mr : Joschka Fischer

Status : - Member

Artikel 17: Der Ministerrat

- (1) Der Ministerrat wird gemeinsam mit dem Europäischen Parlament als Gesetzgeber tätig und nimmt die Aufgaben der Politikfestlegung und Koordinierungsaufgaben nach Maßgabe der Verfassung wahr.
- (2) Der Ministerrat besteht aus je einem von jedem Mitgliedstaat auf Ministerebene ernannten Vertreter ~~für jede seiner Zusammensetzungen. Dieser Vertreter ist als Einziger , der~~ befugt ist, für den Mitgliedstaat, den er vertritt, verbindlich zu handeln und das Stimmrecht auszuüben.
- (3) Soweit in der Verfassung nichts anderes bestimmt ist, beschließt der Rat mit qualifizierter Mehrheit.
-

Explanation:

Absatz 2: Jeder Mitgliedstaat sollte weiterhin über seine Vertretung im Rat je nach Anlass selbst entscheiden. Anlehnung der Formulierung an Art. 203 EGV.

Absatz 3: Die Fälle, in denen der Rat mit der Mehrheit seiner Mitglieder beschließt, müssen in Teil II der Verfassung besonders ausgewiesen werden. Hier darf es zu keinem Integrationsrückschritt kommen.

FICHE AMENDEMENT

Proposition d'amendement à l'article 17

Déposée par Anne Van Lancker

1. Le Conseil des ministres exerce, conjointement avec le Parlement européen, la fonction législative, ainsi que des fonctions de définition de politiques et de coordination selon les conditions fixées par la Constitution.

2. Le Conseil des ministres est composé d'un représentant nommé par chaque État membre au niveau ministériel pour chacune de ses formations. Ce représentant est seul habilité à engager l'État membre qu'il représente, et à exercer le droit de vote.

3. Le Conseil **dans sa fonction** législative délibère, et se prononce conjointement avec le Parlement européen, sur les lois européennes et les lois-cadres européennes conformément aux dispositions de la Constitution. ~~En fonction de l'ordre du jour, le représentant de niveau ministériel de chaque État membre peut être assisté d'un, ou, le cas échéant, de deux représentants spécialisés de niveau ministériel.~~

4. Le Conseil des affaires générales assure la cohérence des travaux du Conseil des ministres. Il prépare avec la participation de la Commission les réunions du Conseil européen. **Il est présidé par le Président de la Commission.**

5. Le Conseil des affaires étrangères élabore les politiques extérieures de l'Union selon les lignes stratégiques définies par le Conseil européen, et assure la cohérence de son action. Il est présidé par le ministre des Affaires étrangères de l'Union.

5 bis le Conseil de l'euro réunit les ministres responsables des pays ayant adopté la monnaie unique. Ses décisions ne concernent que ces derniers. Il est présidé par le commissaire compétent en la matière.

~~6. Le Conseil européen peut décider par consensus que la présidence d'une formation du Conseil des ministres, à l'exception de la formation des Affaires étrangères, des affaires générales et de l'euro, la présidence des autres formations du Conseil est exercée par un Etat membre du Conseil pour une durée d'un an, en tenant compte des équilibres politiques et géographiques européens et de la diversité de tous les États membres.~~

7. Le Conseil statue à la majorité qualifiée, sauf dans les cas où la Constitution en dispose autrement.

justification :

- Dans toutes les formations du Conseil la fonction législative devrait être clairement séparé de la fonction exécutive.
- Il ne convient pas d'énumérer dans une Constitution de façon exhaustive les différentes formations du Conseil. Certaines formations doivent pourtant être cité dans l'article sur le Conseil à cause de particularité dans leurs compositions ou de leurs Présidence.
- La présidence des formations du Conseil est en principe exercée par un Etats membre du Conseil pour une durée d'un an, en tenant compte des équilibres politiques et géographiques européens, ainsi que de l'équilibre de genre et de la diversité de tous les États membres

AMENDMENT FORM

Suggestion for amendment of Article : 17, Title IV, Part I

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member

-
1. The Council of Ministers shall, jointly with the European Parliament, enact legislation, and shall carry out policy-making, executive and co-ordinating functions, as laid down in the Constitution.
 2. *OK.*
 3. *OK.*
-

Explanation (if any) :

Article 17.1 The language has been changed to be consistent with that used in Article 18.1.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17

Déposée par MM. Hubert Haenel, membre titulaire, et Robert Badinter, membre suppléant

Article 17 : Le Conseil des ministres

1. Le Conseil des ministres exerce, conjointement avec le Parlement européen, la fonction législative, ~~ainsi que.~~ **Il exerce également** des fonctions de définition de politiques et de coordination selon les conditions fixées par la Constitution.

Explication éventuelle :

Il convient de bien distinguer les fonctions que le Conseil exerce conjointement avec le Parlement européen et les fonctions qu'il exerce seul.

AMENDMENT FORM

Suggestion for amendment of Article 17

By : **TIMOTHY KIRKHOPE MEP**

Status : **MEMBER**

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>Article 17 : The Council of Ministers</p> <p>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.</p> <p>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 commit the Member State in question, and cast its vote.</p> <p>3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.</p>	<p>Article 17 : The Council of Ministers</p> <p>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 <i>simplifying Treaty</i>.</p> <p>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 commit the Member State in question, and cast its vote.</p> <p>3. Except where the <i>simplifying Treaty</i> provides otherwise, decisions of the Council shall be taken by qualified majority.</p>

FICHE AMENDEMENT

Proposition d'amendement à l'Article 17 bis

Déposée par Olivier Duhamel, titulaire

Article 17 bis - (Nouveau ter) - Les formations du Conseil

Paragraphe 6

Suppression

Justification

L'article 16 bis nouveau attribue la présidence du Conseil des Affaires économiques et financière, du Conseil des Affaires sociales et de l'emploi et du Conseil de sécurité et de justice aux vice-présidents du Conseil européen. La possibilité d'une rotation de la présidence des formations du Conseil n'a donc plus lieu d'être.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 17 bis

Déposée par Olivier Duhamel, titulaire

Article 17 bis - (Nouveau 17 ter) Les formations du Conseil

Paragraphe 4

4- Le Conseil se réunit également sous la forme de Conseil des Affaires économiques et financières, *de Conseil des Affaires sociales et de l'emploi*, et de Conseil de Justice et de Sécurité.

Justification

La poursuite des objectifs sociaux de l'Union implique l'institutionnalisation d'une formation spécialisée du Conseil des ministres.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 17 bis

**Déposée par Olivier Duhamel, titulaire
Anne Van Lancker, titulaire**

Article 17 bis (Nouveau 17 ter)- Les formations du Conseil

Paragraphe 4 bis nouveau

4 bis - Le Conseil de l'euro réunit les ministres responsables des pays ayant adopté la monnaie unique. Ses décisions ne concernent que ces derniers. Il est présidé par le Commissaire compétent en la matière.

Justification

Une coordination économique efficace de la zone euro exige une formation spécialisée et présidée par le Commissaire responsable.

AMENDMENT FORM

Suggestion for amendment of Article : I-22

By Mr : Hain

Status : - Member

-
1. The Council of Ministers shall, jointly with the European Parliament, enact legislation, determine the annual budget ~~exercise the budgetary function~~ and carry out policy-making, executive and coordinating functions, as laid down in the Constitution.
 2. *Okay.*
 3. *Okay.*
-

Explanation (if any) :

This is the same amendment as made to I.19.1 – the Council of Ministers jointly with the EP only determines the annual budget, not all budgetary functions.

‘Executive’ has been changed to be consistent with that used in Article 25.1.

AMENDMENT FORM

Suggestion for amendment of : Article 17

By: Robert Maclellan, Andrew Duff, Lone Dybkjaer

Status : Alternate

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, ***authorised to commit the government of that Member State***, for each of its formations. Only this representative may commit the Member State in question, and cast its vote.
 3. Except where the Constitution provides otherwise, decisions of the Council shall be taken by qualified majority.
-

Explanation :

The representation of sub-national regional and local authorities in the Council of Ministers, when the subject-matter falls within their spheres of competence, must be provided for. At the very least, the present formulation found in Article 203 TEC should be incorporated in the Union's Constitution.