

FICHE AMENDEMENT 3B

Proposition d'amendement à l'Article : Artículo 17bis

Déposée par Messieurs : Borrell (miembro), Carnero y López Garrido (suplentes)

Artículo 17bis: Las formaciones del Consejo

Modificar los puntos 4 y 6:

4. El Consejo se reunirá también en formación de Consejo de Asuntos Económicos, *Sociales* y Financieros y de Consejo de Justicia y Seguridad.

6. El Consejo Europeo *designará a los Estados miembros que se harán cargo* durante al menos un año de la presidencia *de las diversas formaciones* del Consejo –con excepción de la de Asuntos Generales–, atendiendo a los equilibrios políticos y geográficos europeos y a la diversidad de todos los Estados miembros.

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article 17a

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

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

Article 17a : Council formations¹

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 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.~~
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, and a Council on Justice and Security.~~
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 the Council formations, 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.~~

¹ The formations should be regulated in the Council's Rules of Procedure. A specification in the Treaty would entail loss of flexibility. A specific formation of the Council for meetings concerning legislative matters is neither practical nor does it hold a function that motivates such far reaching measures.

AMENDMENT FORM

Suggestion for amendment of Article 17bis (new)

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

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

Article 17bis : Presidency of the Council of Ministers¹

- 1. The Presidency of the Council of Ministers should be held by a team of Member States serving on equal rotating basis for a period of at least a year in the order decided by the European Council. Each team should be so composed as to reflect satisfactorily the demographic and geographical range of all the Member States of the Union.**

¹ A team Presidency would strengthen the continuity while maintaining a balance between small and large Member States and geographically in all Council formations.

AMENDMENT FORM

Suggestion for amendment of Article : 17a

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

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, shall prepare meetings of the European Council.~~
 2. ~~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.~~
 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, and a Council on Justice and Security.~~
 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.~~
-

Explanation

To provide for the greatest flexibility (and to ensure the longevity of this Treaty) there is no need to prescribe the formations in which the Council will meet. Clearly, existing formations of the Council would remain in being until the European Council decides otherwise. The paragraph covering the above mentioned principles should be included in Article 17 (see relevant amendment).

We do not support the creation of a Legislative Council. It seems more appropriate for legislation in sectoral areas to be handled by the relevant Council formations which have the necessary expertise and domestic political authority. The proposed arrangements risk causing duplication and could give rise to coordinating difficulties at European and national levels.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17bis

Proposition d'amendement au protocole:

Déposée par Madame ou Monsieur : Gianfranco FINI – Francesco SPERONI

Qualité : - Membre - Suppléant

Articolo 17 bis: Le formazioni del Consiglio

1. Il Consiglio "Affari generali" assicura la coerenza dei lavori del Consiglio dei ministri. Esso prepara, con il concorso della Commissione, le riunioni del Consiglio europeo.
2. Il Consiglio legislativo delibera, e si pronuncia congiuntamente al Parlamento europeo, sulle leggi europee e sulle leggi quadro europee, conformemente alle disposizioni della Costituzione. In funzione dell'ordine del giorno, il rappresentante a livello ministeriale di ciascuno Stato membro può essere assistito da uno o, eventualmente, da due rappresentanti **settoriali specializzati** di livello ministeriale.
3. Il Consiglio "Affari esteri" elabora le politiche esterne dell'Unione secondo le linee strategiche definite del Consiglio europeo e assicura la coerenza della sua azione. È presieduto dal ministro degli Affari esteri dell'Unione.
4. Il Consiglio si riunisce inoltre nella formazione di Consiglio "Affari economici e finanziari" e di Consiglio "Giustizia e sicurezza".
5. Il Consiglio, nella formazione "Affari generali", può decidere che il Consiglio si riunisca in altre formazioni.
6. Il Consiglio europeo può decidere, per consenso, che la presidenza di una formazione del Consiglio di ministri, ad eccezione della formazione "Affari esteri", sia esercitata da uno Stato membro per un periodo minimo di un anno, tenendo conto degli equilibri politici e geografici europei e della diversità di tutti gli Stati membri.

Explication éventuelle :

AMENDMENT FORM

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

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

Status: Members and alternate members.

~~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 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.~~
- ~~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, and a Council on Justice and Security.~~
- ~~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.~~

~~Article 17b: Qualified majority~~

- ~~1. When the European Council or the Council take decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.~~

~~2. Within the European Council, its President and the President of the Commission do not vote.~~

Explanation:

We propose to bring together all relevant provisions on the Council of Ministers in one short resounding Article. This amendment proposal therefore entails the deletion of the proposed Articles 17a and 17 b. Concerning the question of qualified majority voting, an excellent compromise has only just been reached and signed in the Treaty of Accession. We see no need to reopen this compromise. Concerning the question of the presidency of the Council, it is felt that an elected Chairman of The European Council should be combined with the upholding of the present Presidency of the Council to preserve the principle of equality of Member States. Finally, in line with current practice, it is not felt that the question of Council formations should be settled at Treaty level. This is matter for the Council's Rules of Procedure.

AMENDMENT FORM

Suggestion for amendment of Article 17a

By Ms Maria BERGER

Status: Alternate

Article 17 a : The Presidency of the Council of the European Union

- 1. The presidency of the European Council and the Council of Ministers `s formations other than that of Foreign Affairs shall be shared by five Member States for one year. Save as otherwise decided by the European Council the Member States are called for presidency in the alphabetical order.**
 - 2. The Member States called for presidency agree among themselves on who will hold the presidency of the European Council and of the Council of Ministers' formations and on the other modalities of their shared presidency. If an agreement cannot be achieved, the European Council decides by qualified majority.**
 - 3. The presidency of the Economic and Financial Affairs Council can be attributed only to a Member State who is a member of the Euro-zone.**
 - 4. The European Council may determine a period longer than one year for the duration of the Presidency of the Council of the European Union.**
-

Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article 17a

By Ms Maria BERGER

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 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.~~

~~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, and a Council on Justice and Security.~~

~~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.~~

Explanation (if any):

AMENDMENT FORM

Title IV

Suggestion for amendment of Article : 17a

By Members: Voggenhuber, Lichtenberger, Wagener, MacCormick

Status : Members and alternate members.

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 **and follow-up** meetings of the European Council, **including the necessary coordination of all preparatory work, overall coordination of policies, institutional and administrative questions and horizontal dossiers which affect several of the Union's policies. The President of the Commission shall chair this formation of the Council.**

2. 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.~~
A rotating presidency, taking into account European political and geographical balance shall chair this formation of the Council.

3. The Foreign Affairs Council shall, on the basis of strategic guidelines laid down by the European Council, **observing the positions of the European Parliament** 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, and a Council on Justice and Security. A rotating presidency, taking into account European political and geographical balance shall chair this formation of the Council.

5. ~~The Council, in its General Affairs formation, may decide on further formations~~ shall decide on other Council formations. The decision requires the assent of the European Parliament.

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.~~

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 17a: Die Zusammensetzungen des Rates

- (1) Der Rat "Allgemeine Angelegenheiten" gewährleistet die Kohärenz der Arbeiten des Ministerrates. Er bereitet unter Beteiligung der Kommission die Tagungen des Europäischen Rates vor.
 - (2) Der Gesetzgebungsrat berät und beschließt gemeinsam mit dem Europäischen Parlament gemäß den Bestimmungen der Verfassung über ~~die~~ alle europäischen Gesetze und die europäischen Rahmengesetze sowie den Haushalt. Der Rat kann in anderen Zusammensetzungen die Beratungen vorbereiten. Entsprechend der Tagesordnung kann der Vertreter jedes Landes auf Ministerebene von einem oder gegebenenfalls zwei Fachvertretern auf Ministerebene unterstützt werden.
 - (3) Der Rat "Auswärtige Angelegenheiten" formuliert die Außenpolitik der Union gemäß den strategischen Vorgaben des Europäischen Rates und gewährleistet die Kohärenz ihres Handelns. Den Vorsitz führt der Minister für auswärtige Angelegenheiten der Union.
 - (4) Der Rat tritt außerdem in der Zusammensetzung des Rates "Wirtschaft und Finanzen" und des Rates "Justiz und Sicherheit" zusammen.
 - (5) Der Rat kann in der Zusammensetzung "Allgemeine Angelegenheiten" beschließen, dass der Rat in anderen Zusammensetzungen zusammentritt.
 - (6) Der Europäische Rat kann durch Konsens beschließen, dass der Vorsitz in einer Zusammensetzung des Ministerrates mit Ausnahme der Zusammensetzung "Allgemeine Angelegenheiten" für die Dauer von mindestens einem Jahr von einem Mitgliedstaat wahrgenommen wird, wobei das politische und geografische Gleichgewicht in Europa und die Verschiedenheit aller Mitgliedstaaten zu berücksichtigen sind.
-

Explanation (if any) :

Das Verhältnis von Legislativrat und Fachräten bei der Gesetzgebung sollte klargestellt werden.

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 17a: Die Zusammensetzungen des Rates

- (1) Der Rat "Allgemeine Angelegenheiten" gewährleistet die Kohärenz der Arbeiten des Ministerrates. Er bereitet unter Beteiligung der Kommission die Tagungen des Europäischen Rates vor.
- (2) Der Gesetzgebungsrat berät und beschließt gemeinsam mit dem Europäischen Parlament gemäß den Bestimmungen der Verfassung über die europäischen Gesetze und die europäischen Rahmengesetze. Entsprechend der Tagesordnung kann der Vertreter jedes Landes auf Ministerebene von einem oder gegebenenfalls zwei Fachvertretern auf Ministerebene unterstützt werden.
- (3) Der Rat "Auswärtige Angelegenheiten" formuliert die Außenpolitik der Union gemäß den strategischen Vorgaben des Europäischen Rates und gewährleistet die Kohärenz ihres Handelns. Den Vorsitz führt der Minister für auswärtige Angelegenheiten der Union.
- (4) Der Rat tritt außerdem in der Zusammensetzung des Rates "Wirtschaft und Finanzen" und des Rates "Justiz und Sicherheit" zusammen.
- (5) Der Rat kann in der Zusammensetzung "Allgemeine Angelegenheiten" beschließen, dass der Rat in anderen Zusammensetzungen zusammentritt.
- (6) Der Europäische Rat kann durch Konsens beschließen, dass der Vorsitz in einer Zusammensetzung des Ministerrates mit Ausnahme der Zusammensetzung "Allgemeine Angelegenheiten" für die Dauer von mindestens einem Jahr von einem Mitgliedstaat wahrgenommen wird, wobei das politische und geografische Gleichgewicht in Europa und die Verschiedenheit aller Mitgliedstaaten zu berücksichtigen sind.
- (7) Der Rat kann in den verschiedenen Zusammensetzungen ein Präsidium bilden.**

Explanation (if any) :

Durch das Anwachsen der Ratsmitglieder kann – wie beim Europäischen Rat auch – ein Bedürfnis für ein solches Leitungsgremium erwachsen.

FICHE AMENDEMENT

Proposition d'amendement à l'Article:

Partie I, 17; Partie I, Art. 17 a

Déposée par Monsieur: Joachim Wuermeling

Qualité: Alternate

Texte du Praesidium

Art. 17

- (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.

Art. 17 a

- (2) Der Gesetzgebungsrat berät und beschließt gemeinsam mit dem Europäischen Parlament gemäß den Bestimmungen der Verfassung über die europäischen Gesetze und die europäischen Rahmengesetze. Entsprechend der Tagesordnung kann der Vertreter jedes Landes auf Ministerebene von einem oder gegebenenfalls zwei Fachvertretern auf Ministerebene unterstützt werden.

Amendement proposé

Art. 17

- (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.** ~~Dieser Vertreter ist als Einziger befugt, für den Mitgliedstaat, den er vertritt, verbindlich zu handeln und das Stimmrecht auszuüben.~~

Art. 17 a

- ~~(2)~~ Der Gesetzgebungsrat berät und beschließt gemeinsam mit dem Europäischen Parlament gemäß den Bestimmungen der Verfassung über die europäischen Gesetze und die europäischen Rahmengesetze. **Entsprechend der Tagesordnung kann der Vertreter des Landes auf Ministerebene von einem oder gegebenenfalls zwei Fachvertretern auf Ministerebene unterstützt werden.** ~~Entsprechend der Tagesordnung kann der Vertreter des Landes auf Ministerebene von einem oder gegebenenfalls zwei Fachvertretern auf Ministerebene unterstützt werden.~~

~~den. Entsprechend der Tagesordnung kann der Vertreter jedes Landes auf Ministerebene von einem oder gegebenenfalls zwei Fachvertretern auf Ministerebene unterstützt werden.~~

Begründung:

Die in Art. 17, 17 a des Präsidiumsentwurfs vorgeschlagene Reduzierung der Zahl der Fachministerräte ist wünschenswert.

Dies ist jedoch von der Frage zu trennen, durch wen sich ein Mitgliedstaat in den nach Art. 17 a vorgeschlagenen Ratsformation vertreten läßt. Die Vorgabe, wonach der Ministerrat aus je einem von jedem Mitgliedstaat auf Ministerebene fest bestimmten Vertreter für jede seiner Zusammensetzungen besteht, erscheint problematisch. Dies kann das Recht der deutschen Länder in Frage stellen, bei schwerpunktmäßiger Betroffenheit ihrer ausschließlichen Gesetzgebungsbefugnisse die Rechte, die der Bundesrepublik Deutschland als Mitgliedstaat der Europäischen Union zustehen, von einem vom Bundesrat benannten Vertreter der Länder wahrnehmen zu lassen. Dies würde der bislang geltenden Regelung (vgl. Art. 203 Abs. 1 EGV) widersprechen.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 17bis

Déposée par Monsieur Alain Lamassoure

Qualité : Membre

Article 17 bis : Les formations du Conseil

Le Conseil se réunit en formation législative ou en formations exécutives.

La Commission assure le secrétariat général des formations exécutives du Conseil.

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.
2. Le Conseil législatif 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. *Les délibérations et les votes du Conseil législatif sont publics.*
3. 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.
4. Le Conseil se réunit également sous la forme de Conseil des affaires économiques et financières, et de Conseil de justice et de sécurité. *Dans ces deux formations, la délégation de chaque Etat membre peut comporter de un à trois membres du Parlement national.*
5. Le Conseil, dans sa formation des affaires générales, peut décider que le Conseil se réunit dans d'autres formations.
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, est assurée par un État

membre pour une durée d'au moins une année, en tenant compte des équilibres politiques et géographiques européens et de la diversité de tous les États membres.

Explication sur l'ajout avant le paragraphe 1 : Cet amendement a pour but de tirer les conséquences de la séparation du Conseil des Ministres en deux types de formation, législative (en principe une formation unique) et exécutives en ce qui concerne le rôle de la Commission : l'intervention de celle-ci doit être plus importante qu'aujourd'hui dans le domaine exécutif, et moins quand le Conseil légifère.

- Les formations exécutives ont pour objet de coordonner l'action des exécutifs nationaux, pour l'application des politiques communes (compétences de l'Union) ou pour une bonne contribution des politiques nationales aux objectifs communs (comme les grandes orientations de politique économique, ou l'agenda de Lisbonne etc.) Pour que la coordination soit efficace, dans la préparation et dans le suivi, la Commission doit être au cœur du dispositif intergouvernemental : cela sera encore plus nécessaire qu'aujourd'hui dans une Union de 25 ou 30 membres. Et il est proposé plus loin d'associer des parlementaires nationaux là où la coordination comporte des obligations de résultat.

- En revanche, quand le Conseil légifère, il doit fonctionner différemment, comme une chambre haute parlementaire : publicité des débats et des votes, (cf. amendement au paragraphe 2), et indépendance à l'égard de l'autorité qui a le pouvoir de proposition. Le règlement du Conseil devra formaliser l'intervention de la Commission dans le débat législatif.

Explication sur le paragraphe 2 : La totalité de la procédure législative doit être transparente, devant le Conseil comme devant le Parlement.

Explication sur le paragraphe 4 : Ces deux formations du Conseil, particulièrement importantes, ont un rôle particulier : elles doivent coordonner les politiques nationales avec une obligation de résultat (par exemple, les « grandes orientations de politique économique »).

Dans les salles de réunion actuelles du bâtiment du Conseil, les 25 délégations pourront avoir chacune 5 places. S'agissant de sujets qui, dans chaque Etat, sont au cœur du pouvoir parlementaire, la présence de parlementaires nationaux auprès du Ministre serait préférable à celle des hauts fonctionnaires qui encadrent traditionnellement le membre du gouvernement. Celui-ci garderait seul le droit de vote. Cette formule serait une option possible, mais non une obligation, les relations entre gouvernement et parlement national n'étant pas les mêmes dans tous les pays. La fourchette de un à trois membres permet de tenir compte de la présence éventuelle de un ou deux Ministres (Budget et Finances, ou Intérieur et Justice), ainsi que de l'existence de une ou deux chambres parlementaires.

AMENDMENT FORM

Suggestion for amendment of Article 17a

By Ms / Mr : Ms Helle THORNING-SCHMIDT

Status : - Alternate

Article 17a : Council formations

6. The European Council may decide by *unanimity* 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.

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 17a

By Ms / Mr : Helle THORNING-SCHMIDT, Henrik DAM KRISTENSEN

Status : Member and Alternate

Article 17a, paragraph 4:

4. The Council shall also meet in the configuration of an Economic and Financial Affairs Council, *a Council on Sustainable Development*, and a Council on Justice and Security.

Explanation (if any) :

A council on Sustainable Development covers both economic, social and environmental affairs.

AMENDMENT FORM

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

Suggestion for protocol :

By Ms / Mr : David Heathcoat-Amory

Status : X - Member - Alternate

Article 17a : Council formations

1. The General Affairs Council shall *[ensure]* **facilitate** consistency in the work of the Council of Ministers. With the participation of the Commission, it shall prepare meetings of the European Council.

[Delete: 2. 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.]

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,]* **discuss elements of mutual concern in international policy.** *[and ensure that its actions are consistent.]* It shall be chaired by *[the Union's Foreign Minister]* **a rotating foreign minister.**

4. The Council shall also meet in *[the configuration of]* an Economic and Financial Affairs Council, and a Council on Justice and Security.

5. The Council, in its General Affairs formation, may decide on further formations **by unanimity.**

6. The European Council may decide by *[consensus]* **unanimity** 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]* **up to** a year, taking into account European political and geographical balance and the diversity of all Member States.

Explanation (if any) : These amendments keep the CFSP intergovernmental, and retain the rotating foreign minister.

AMENDMENT FORM

Suggestion for amendment of Article : 17a

Suggestion for Part I

By Mr : Vytenis Povilas Andriukaitis, Gintautas Šivickas

Status : Member, alternate

Article ~~17a~~ 16d: 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.
It shall be chaired by the Secretary General of the European Council.
2. **Council formations, except the Legislative Council, shall adopt non-legislative acts of the Union.**
2. The Legislative Council shall consider and, jointly with the European Parliament, enact **legislative acts of the European Union** ~~European laws and European framework laws, in accordance~~ with the provisions of the Constitution. **The Minister of Justice** of 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 **of the European Union. The Secretary General of the European Council and the President of the European Commission shall take part in the work of the Foreign Affairs Council.**
4. The Council shall also meet in the configuration of an Economic and Financial Affairs Council, **a Council on Economic and Social Affairs** and a Council on Justice and Security.
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.~~

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17 ter (nouveau)

Déposée par Monsieur Pierre Lequiller, Président de la Délégation pour l'Union européenne de l'Assemblée nationale française.

Qualité : - Membre titulaire

Après l'Article 17 bis :

Insérer l'article suivant

Article 17 ter (nouveau)

"L'Eurogroupe réunit au niveau ministériel les représentants des États membres ayant adopté la monnaie unique. La présidence est attribuée pour une période de deux ans et demi par un accord à la majorité qualifiée des membres".

Explication éventuelle :

Il est indispensable d'assurer la stabilité de la présidence de l'Eurogroupe et d'officialiser son existence.

AMENDMENT FORM

Suggestion for amendment of Article : 17a

By Mr : Josef ZIELENIEC

Status : - Member

Article 17a : Council formations

1. The General Affairs Council shall ensure *The Council of ministers shall meet in various formations. The* consistency in the work of the Council of Ministers *shall be ensured by its Presidency, held in turn jointly by a group of Member States under the rules set out for the Presidency of the European Council by the article 16.3 of this Constitution.*
~~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 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. *The Council shall meet in public.*
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 President of the Union or by* the Union's Foreign Minister.
4. The Council shall also meet in the configuration of an Economic and Financial Affairs Council, and a Council on Justice and Security.
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.~~

AMENDMENT FORM

Title IV

Suggestion for amendment of Article 17a

By **Mr. Adrian Severin**

Status : **Alternate Member**

Add to the end of para.1:

The President of the European Commission will act as the President of the General Affairs Council.

Para. 2 must become a separate Article 15 bis under the title “The Legislative Council”

One should add the following paragraphs to the new article 15 bis:

2. The representatives of each member state within the Legislative Council will be appointed for the duration of the full mandate of that Council which will be equal with the mandate of the European Parliament.

3. The President of the Legislative Council will be elected among its members by its peers, by simple majority voting, for a five years full time mandate.

4. The working procedures of the Legislative Council will follow the same rules as the working procedures of the European Parliament. In the Legislative Council each state will have one vote.

Add to the end of para. 4:

and the Social and Economic Security Council

Add a new paragraph after the paragraph 4, as follows:

The European Council for Social and Economic Security shall have the following competences:

- It shall watch the evolution of the economic and social matters, processes and phenomena in the EU.
- It shall make recommendations concerning the prevention or the management of the crisis in the social and economic field.
- It shall watch the evolution of the social cohesion in the EU and it shall propose the necessary measures in order to increase the level of the social

inclusion.

- It shall pursue the co-ordination of the European and national policies in the economic and social area.

The Commissioner for Employment and Social Affairs shall chair the European Council for Social and Economic Security without right of voting.

Explanation:

1. *This will assure a better coherence between the Council and the Commission and, at the same time, will preserve the equilibrium between those two after the important consolidation of the Council resulting from the establishment of a European Council President. This is a way to balance the strength of the two Presidents.*
2. *In this way the equilibrium between the Legislative Council and the European Parliament within the legislative procedure will be assured. Likewise, in this way the Legislative Council will be provided with the necessary stability and continuity required by an efficient legislative activity.*

AMENDMENT FORM

Suggestion for amendment of Article 17a: Council Formations

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

Article 17a: Council Formations

1. The Council shall meet in such formations as the European Council shall decide.

~~The General Affairs Council shall ensure consistency in the work of the Council of Ministers. With the participation of the Commission, shall prepare meetings of the European Council.~~

2. ~~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.~~

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, and a Council on Justice and Security.~~

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.~~

Explanation (if any) :

The creation of a Legislative Council would not contribute to the efficiency and effectiveness of the Council's legislative work. It would, moreover, complicate existing arrangements in sectoral areas. It is more appropriate for legislation to be handled by these formations which have the necessary expertise and domestic political authority. The proposed arrangements would cause unnecessary duplication and could give rise to coordinating difficulties at European and national levels.

To provide for the greatest flexibility (and to ensure the longevity of this Treaty), and in keeping with our mandate to simplify the Treaties, there is no need to prescribe the formations in which the Council will meet. Clearly, existing formations of the Council would remain in being until the European Council decided otherwise.

This reduced Article should be included in Article 17.

AMENDMENT FORM

Suggestion for amendment of Article 17a

By Mr : Józef Oleksy

Status : Member

Article 17a:

Para.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.”~~

“All Council formations, other than that of Foreign Affairs, should be chaired by a Group of Member States for a period of two years. The make-up of the team Presidency should take into account European political and geographical balance and the diversity of all Member States, according to the modalities described in Part II of the Treaty. The allocation of responsibilities within the Team Presidency should be agreed within the team. The Group Presidency should be chosen according to a rotation system based on the principle of equality.”

Explanation (if any) :

Bringing together the idea of group Presidency and that of the elected chairman of the European Council offers more advantages than disadvantages. It presents incentives for political leadership by countries holding the rotating Presidency. It is especially important for the new Member States, as it forces their administrations to Europeanize at a quicker pace. It also has a very important legitimating effect – by enhancing the interest of the new members’ populations in EU affairs. Most importantly, however, the maintenance of the rotation systems ensures the equality of all Member States. If the European Council were to decide the Presidency of a Council formation, somewhat arbitrarily, it could provoke unnecessary political controversies and tensions.

AMENDMENT FORM

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

By Ms: GIANNAKOU Marietta

Status : - Member

Suggestion

TITLE IV: The Union's Institutions

Article 17a : Council formations

2. 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. ***The Legislative Council shall meet in public.***

Explanation (if any) :

It should be clarified that the European Council meets in public.

AMENDMENT FORM

Suggestion for amendment of Article : Article 17 (a) (TITLE IV)

Suggestion for protocol :

By Mr :Emilio GABAGLIO

Status : Observer

TITLE IV

Amendment : Article 17 a

Add in paragraph 4 after ...« Economic and Financial Affairs Council :

Employment and Social Affairs Council

Explanation (if any) :

To keep a balance between the economic and the social dimension of the Union as well as to better reflect its broader objectives (Art. 3, para 2)

FICHE AMENDEMENT

Proposition d'amendement à l'Article 17 bis, Partie I de la Constitution

Déposée par M. Jacques FLOCH, Membre suppléant

Article 17 bis : les formations du Conseil

Modifier le paragraphe 6 de l'article comme suit :

6. Le Conseil relations extérieures est présidé par le Ministres des affaires étrangères.

Le Conseil Affaires générales est présidé par le Président de la Commission européenne.

Les autres Conseils sont présidés pour une durée de un an par chaque Etat membre, en tenant compte des équilibres politiques et géographiques européens et de la diversité des Etats membres ».

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : IV 17a

Suggestion for protocol :

By: Mr Caspar EINEM

Status : Member

Artikel 17a: Die ~~Zusammensetzungen~~ *Formationen* des koordinierenden Rates

- (1) Der koordinierende Rat tritt jedenfalls in folgenden Formationen zusammen:
 - Rat allgemeine Angelegenheiten,
 - Rat auswärtige Angelegenheiten,
 - Rat Wirtschaft und Finanzen (ECOFIN) und
 - Rat Justiz und Sicherheit.
- (2) Der Rat kann in der Zusammensetzung "Allgemeine Angelegenheiten" beschließen, dass der Rat überdies in anderen Zusammensetzungen zusammentritt.
- (3) Der Rat "Allgemeine Angelegenheiten" gewährleistet die Kohärenz der Arbeiten des Ministerrates. Er bereitet ~~unter Beteiligung~~ **gemeinsam mit** der Kommission die Tagungen des Europäischen Rates vor.
- (4) Der Rat "Auswärtige Angelegenheiten" ~~formuliert~~ **berät und entscheidet über** die Außenpolitik der Union gemäß den strategischen Vorgaben des Europäischen Rates und gewährleistet die Kohärenz ihres Handelns. ~~Den Vorsitz führt der Minister für auswärtige Angelegenheiten der Union. Der Außenminister der Union ist an diese Entscheidungen gebunden.~~
- (5) **Die koordinierenden Ratsformationen wählen aus ihrer Mitte jeweils einen Vorsitzenden für die Dauer von achtzehn Monaten, wobei das Prinzip der gleichmäßigen Berücksichtigung aller Mitgliedstaaten bei der Vorsitzführung berücksichtigt wird.**
- ~~(6) Der Rat tritt außerdem in der Zusammensetzung des Rates "Wirtschaft und Finanzen" und des Rates "Justiz und Sicherheit" zusammen.~~
- ~~(7) Der Europäische Rat kann durch Konsens beschließen, dass der Vorsitz in einer Zusammensetzung des Ministerrates mit Ausnahme der Zusammensetzung "Allgemeine Angelegenheiten" für die Dauer von mindestens einem Jahr von einem Mitgliedstaat wahrgenommen wird, wobei das politische und geografische Gleichgewicht in Europa und die Verschiedenheit aller Mitgliedstaaten zu berücksichtigen sind.~~

Explanation (if any) :

Von der Systematik erscheint eine Trennung der beiden Ratsarten in “koordinierende Räte” und in den “Legislativrat” sinnvoll. Abs. 2 des Präsidiumsentwurfs soll daher in einen neuen Artikel 17 b übersiedeln. Die Vorsitzführung soll anders als in Abs. 6 nicht vom Europäischen Rat geregelt, sondern durch Wahl entschieden werden.

Abs. (5) führt das neue Rotationsprinzip im Vorsitz ein und ermöglicht eine etwas kontinuierlichere Vorsitzführung bei gleichzeitiger Berücksichtigung aller Mitgliedstaaten in einem Modell der gleichmäßigen Rotation, sodass ständig die zehn Ratsformationen zehn Mitgliedstaaten Vorsitze ermöglichen.

AMENDMENT FORM

Suggestion for amendment of Article : IV 17b

Suggestion for protocol :

By:

Mr Caspar EINEM

Status :

Member

Artikel 17b: Der Legislativrat

- (1) Der Legislativrat wird gemeinsam mit dem Europäischen Parlament als Gesetzgeber tätig.
 - (2) ~~Der Gesetzgebungsrat berät und beschließt gemeinsam mit dem Europäischen Parlament gemäß den Bestimmungen der Verfassung über die europäischen Gesetze und die europäischen Rahmengesetze.~~ Entsprechend der Tagesordnung kann der Vertreter jedes Landes auf Ministerebene von einem oder gegebenenfalls zwei Fachvertretern auf Ministerebene unterstützt werden.
 - (3) **Der Legislativrat wählt aus seiner Mitte einen Vorsitzenden.**
-

Explanation (if any) :

Näheres zur Gesetzgebung findet sich im neuen Artikel 14a. Der Legislativrat soll ähnlich wie das Europäische Parlament frei sein, seinen Vorsitz zu wählen und die Dauer des Vorsitzes selbst zu bestimmen.

FICHE AMENDAMENT

Proposition d'amendement à l'Article 17 bis

Déposé par Monsieur Eckstein-Kovács Péter

Qualité: membre suppléant

Article 17 bis - Para 1 modifier comme suit:

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

AMENDMENT FORM

Suggestion for amendment of : **PART I, TITLE IV: The Union's Institutions, Article 17a: Council formations**

By: **Mr Paraskevas AVGERINOS and Ms Marietta GIANNAKOU**

Status: Member

Άρθρο 17α: Οι συνθέσεις του Συμβουλίου

~~6. Το Ευρωπαϊκό Συμβούλιο δύναται να αποφασίζει με συναίνεση ότι η προεδρία μιας σύνθεσης του Συμβουλίου των Υπουργών, πλην της σύνθεσης των Εξωτερικών Υποθέσεων, ασκείται από ένα κράτος μέλος, για διάρκεια ενός έτους τουλάχιστον, λαμβάνοντας υπόψη τις ευρωπαϊκές πολιτικές και γεωγραφικές ισορροπίες και την ποικιλομορφία όλων των κρατών μελών.~~

6. Η προεδρία των Συμβουλίων Υπουργών, πλην της σύνθεσης των Εξωτερικών Υποθέσεων, ασκείται από ομάδα κρατών μελών, για διάρκεια ενός έτους τουλάχιστον, λαμβάνοντας υπόψη τις ευρωπαϊκές πολιτικές και γεωγραφικές ισορροπίες και την ποικιλομορφία όλων των κρατών μελών. Το Συμβούλιο Γενικών Υποθέσεων ορίζει τη σειρά άσκησης της προεδρίας από τα κράτη μέλη.

Explanation:

AMENDMENT FORM

Suggestion for amendment of : PART 1, TITLE IV: The Union's Institutions, Article 17a: Council formations

By: Mr Paraskevas AVGERINOS and Ms Marietta GIANNAKOU

Status: Members

Άρθρο 17α: Οι συνθέσεις του Συμβουλίου

4. Το Συμβούλιο συνέρχεται ωσαύτως υπό μορφή Συμβουλίου Οικονομικών και Δημοσιονομικών Υποθέσεων και Συμβουλίου Δικαιοσύνης και Ασφάλειας.

4. Το Συμβούλιο συνέρχεται ωσαύτως υπό μορφή Συμβουλίου Οικονομικών και Δημοσιονομικών Υποθέσεων, Συμβουλίου Δικαιοσύνης και Ασφάλειας, **Συμβουλίου Περιβάλλοντος, Συμβουλίου Κοινωνικών Υποθέσεων και Συμβουλίου Ανταγωνισμού και Βιομηχανίας.**

Explanation:

Οι σχηματισμοί του Συμβουλίου έχουν καθορισθεί στα Συμπεράσματα του Ευρωπαϊκού Συμβουλίου της Σεβίλλης.

AMENDMENT FORM

Suggestion for amendment of Article :17a

By Mr : M. Attalides

Status : - Member

Art17aattalides.doc

Article 17a : Council Formations

Replace all paragraphs in this Article with the following para.

The Council shall meet in such formations as the European Council shall decide.

Explanation (if any) :

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17bis

Déposée par : Pervenche Berès, Olivier Duhamel

Qualité : - Membres et Suppléants

Article 17 bis : Les formations du Conseil

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 Président de la Commission.**
2. Le Conseil législatif 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.
3. 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.
4. Le Conseil se réunit également sous la forme de Conseil des affaires économiques et financières, et de Conseil de justice et de sécurité.
5. Le Conseil, dans sa formation des affaires générales, peut décider que le Conseil se réunit dans d'autres formations.

6. Les formations du Conseil autres que celles citées aux alinéas 1, 2 et 3 du présent article sont présidées par le Commissaire responsable du secteur concerné.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17bis

Déposée par : Pervenche Berès

Qualité : - Membres et Suppléants

Article 17 bis : Les formations du Conseil

4. Le Conseil des affaires économiques et financières et le Conseil des affaires économiques et monétaires de la zone euro (Eurogroupe) sont présidés par le ministre des Affaires économiques et sociales de l'Union.

Explication

AMENDMENT FORM

Suggestion for amendment of Article 17a

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

Status : Members and Alternates

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 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.
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, and a Council on Justice and Security.
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~~ **Each formation of the Council appoints among its members its President for a period of one year, renewable. In the choice of the Presidents, the European political and geographical balance and the diversity of all Member States shall be taken into account.**

Explanation :**Paragraph 3**

It is not desirable, in view of the institutional balance, to confuse the function of a President of the Council, with his task of seeking compromise, with the function of making proposals, putting them into effect, and providing the external representation of the Union. The Foreign Minister should therefore not be entrusted with the presidency of the Foreign Affairs Council. In any event, this question cannot be treated in isolation, but must be looked at in the framework of the question of the presidencies of other Councils formations with a largely executive function.

Paragraph 6

The choice of the Presidents of the different formations of the Council should not fall to the European Council; all the more so since the decision on creating further formations is in the hands of the General Affairs Council. The members of each formation are indeed better judges of who among them is most capable to exercise the presidency than the European Council. But, the proposed amendment also allows the choice of the different presidents to be made on the basis of a general political agreement, reached beforehand.

Finally, the question of the presidency of the Committee of Permanent representatives must be addressed. Different solutions could be considered, in particular keeping the semestrial rotation (since Coreper prepares the meetings of the different formations of the Council), or entrusting this task on the ambassador of the Member State of the Minister chairing the General Affairs Council (because of his coordinating role) or the Legislative Council (which would be the most important with regard to the volume of the work). The Constitution should also provide that the question of the presidencies of the Council's Working Parties shall be fixed in the Rules of Procedure of the Council.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 17 bis

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

Qualité : Membres et Suppléants

Article 17 bis : Les formations du Conseil

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.
2. Le Conseil législatif 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.
3. 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.~~
4. Le Conseil se réunit également sous la forme de Conseil des affaires économiques et financières, et de Conseil de justice et de sécurité.
5. Le Conseil, dans sa formation des affaires générales, peut décider que le Conseil se réunit dans d'autres formations.
6. **Chaque formation du Conseil nomme, en son sein, son président, pour un an, renouvelable. Dans le choix de ces présidents, il est tenu compte** ~~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, est assurée par un État membre pour une durée d'au moins une année, en tenant compte~~ des équilibres politiques et géographiques européens et de la diversité de tous les États membres.

Explication :**Paragraphe 3**

Il n'est pas souhaitable, pour l'équilibre institutionnel, de confondre les fonctions d'un président du Conseil, qui recherche le compromis, et les fonctions de proposition, d'exécution et de représentation extérieure de l'Union. La présidence du Conseil des affaires étrangères ne devrait donc pas être confiée au ministre des affaires étrangères. En tout état de cause, cette question ne devrait pas être traitée de manière isolée, mais en liaison avec la question de la présidence des Conseils à dominante exécutive.

Paragraphe 6

Le choix des présidents des différentes formations du Conseil ne devrait pas relever du Conseil européen, d'autant plus que c'est le Conseil affaires générales qui peut décider de créer d'autres formations. En effet, les membres de chaque formation peuvent mieux juger lequel d'entre eux est le plus apte à exercer la présidence que le Conseil européen. Mais, en tout état de cause, l'amendement proposé permet également d'effectuer ces choix sur base d'un accord politique global préalablement établi.

Enfin, la question de la présidence du Comité des représentants permanents devra être réglée. Plusieurs solutions sont envisageables, comme notamment de maintenir la rotation semestrielle (comme le Coreper prépare les réunions de toutes les différentes formations du Conseil) ou bien de confier cette tâche à l'ambassadeur de l'Etat membre dont le ministre préside le Conseil Affaires générales (en raison de son rôle de coordination) ou le Conseil législatif (qui sera le plus important en termes de volume de travail). La Constitution devrait également prévoir que la question des présidences des groupes de travail au Conseil est réglée dans son règlement intérieur.

AMENDMENT FORM

Suggestion for amendment of Article : 17a

By Mr : Joschka Fischer

Status : - Member

Artikel 17a: Die Zusammensetzungen des Rates

(1) Der Rat "Allgemeine Angelegenheiten" gewährleistet die Kohärenz der Arbeiten des Ministerrates. Er bereitet unter Beteiligung der Kommission die Tagungen des Europäischen Rates vor.

[(2) Der Gesetzgebungsrat berät und beschließt gemeinsam mit dem Europäischen Parlament gemäß den Bestimmungen der Verfassung über die europäischen Gesetze und die europäischen Rahmengesetze. Entsprechend der Tagesordnung kann der Vertreter jedes Landes auf Ministerebene von einem oder gegebenenfalls zwei Fachvertretern auf Ministerebene unterstützt werden.]

(3) Der Rat "Auswärtige Angelegenheiten" trifft die für die Festlegung und Durchführung der Gemeinsamen Außen- und Sicherheitspolitik erforderlichen Entscheidungen gegebenenfalls auf der Grundlage der ~~formuliert die Außenpolitik der Union gemäß den~~ strategischen Vorgaben des Europäischen Rates und gewährleistet die Kohärenz ihres Handelns. Den Vorsitz führt der Minister für auswärtige Angelegenheiten der Union.

(4) Der Rat tritt außerdem in der Zusammensetzung des Rates "Wirtschaft und Finanzen" und des Rates "Justiz und Inneres~~Sicherheit~~" zusammen.

(5) Der Rat kann in der Zusammensetzung "Allgemeine Angelegenheiten" beschließen, dass der Rat in anderen Zusammensetzungen zusammentritt.

(6) Der Europäische Rat kann durch Konsens beschließen, dass der Vorsitz in einer Zusammensetzung des Ministerrates mit Ausnahme der Zusammensetzung "Auswärtige Angelegenheiten" für die Dauer von mindestens einem Jahr von einem Mitgliedstaat wahrgenommen wird, wobei das politische und geografische Gleichgewicht in Europa und die Verschiedenheit aller Mitgliedstaaten zu berücksichtigen sind.

Explanation:

Absatz 2: Die Zusammensetzung des Gesetzgebungsrats bedarf weiterer Prüfung.

Absatz 3: Präzisierung des Mandats des Rats "Auswärtige Angelegenheiten" in Anlehnung an den Acquis (Art. 13, 3 EUV).

Absatz 4: Es sollte an der bisherigen Bezeichnung Rat "Justiz und Inneres" festgehalten werden.

FICHE AMENDEMENT

Proposition d'amendement à l'article 17 bis

Déposée par Anne Van Lancker

les formations du Conseil

cet article est intégré dans l'article 17.

AMENDMENT FORM

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

Suggestion for protocol :

By Ms / Mr : Hain

Status : - Member

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.
It shall be chaired by the Chair of the European Council.

2. *Delete.*

3. *OK.*

4. *Delete.*

5. *OK.*

6. *Replace with :*

These formations shall be chaired by a team of Member States, membership of which shall be determined by a system of rotation, following the principle of equality between Member States.

Explanation (if any) :

Article 17a 1 See our comment on article 16a 2. As there, our amendment makes clear the role of the Council Chair.

Article 17a 2 We do not support the creation of a Legislative Council. We believe that the function of ensuring consistency across the sectoral Councils should be performed by the GAC (as in 17a). We do not judge the distinction between the executive and legislative functions of the Council to be sufficient to support this institutional structure.

Article 17a 4 We believe that the Council should be free to decide on its remaining formations, as set out in 17.5. The current treaties do not specify individual formations, and we believe that to limit the Council's work in the way proposed could lead to inflexibility.

Article 17a 6 We welcome the aim of the original article, but believe that it should be more specific and create a "team presidency" system for the chairs of all the Council formations except General and Foreign Affairs. It would spread the burden of chairmanship between member states, maintain equality through rotation, and provide longer term continuity. The team could be in place for up to 2 ½ years. See our comment on Article 16a 3.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 17bis

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

Article 17 bis : Les formations du Conseil

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.
2. Le Conseil législatif délibère **en public**, 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.
3. 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.
4. Le Conseil se réunit également sous la forme de Conseil des affaires économiques et financières, et de Conseil de justice et de sécurité.
5. Le Conseil, dans sa formation des affaires générales, peut décider que le Conseil se réunit dans d'autres formations.
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, est assurée par un État membre pour une durée d'au moins une année, en tenant compte des équilibres politiques et géographiques européens et de la diversité de tous les États membres.

Explication éventuelle :

Le Conseil doit délibérer en public.

AMENDMENT FORM

Suggestion for amendment of Article : 17a(2)

Suggestion for protocol :

**By Ms / Mr : René van der Linden
 Frans Timmermans
 Wim van Eekelen**

**Status : - Members
 - Alternate**

Article 17a : Council formations

2. The Legislative Council shall consider **in public** 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.

Explanation (if any) :

This is a confirmation of art. 36.

AMENDMENT FORM

Suggestion for amendment of Article : 17a(1)

By Mr. Frans Timmermans

Status : Member of the European Convention

In addition, of the preliminary, I introduce the following amendment:

The General Affairs Council shall ensure consistency in the work of the Council of Ministers. With the participation of the Commission [and the President of the European Council](#), it shall prepare meetings of the European Council.

Explanation:

Article 16a(2) indicates that the chairman of the European Council has an important role in preparing the meetings of the European Council. Therefore, for the sake of accuracy, it should also be listed in this article as such.

AMENDMENT FORM

Suggestion for amendment of Article 17a

By : **TIMOTHY KIRKHOPE MEP**

Status : **MEMBER**

PRAESIDIUM	TIMOTHY KIRKHOPE MEP
<p>Article 17a : Council formations</p> <p>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.</p> <p>2. 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.</p> <p>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.</p> <p>4. The Council shall also meet in the configuration of an Economic and Financial Affairs Council, and a Council on Justice and Security.</p> <p>5. The Council, in its General Affairs formation, may decide on further formations.</p>	<p>Article 17a : Council formations</p> <p>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.</p> <p>2. 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 <u>simplifying Treaty</u>. Each Member State's ministerial representative may be assisted by one or, if necessary, two specialist ministers, reflecting the business on the Council agenda.</p> <p>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 <u>President of the Council</u>.</p> <p>4. The Council shall also meet in the configuration of an Economic and Financial Affairs Council, and a Council on Justice and Security.</p> <p>5. The Council, in its General Affairs formation, may decide on further formations.</p>

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.

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.

FICHE AMENDEMENT

Proposition d'amendement à l'Article 17 bis

Déposée par Olivier Duhamel, titulaire
Pervenche Berès, suppléante

Article 17 bis - Le Conseil législatif des Etats

Paragraphe 1

1- Le Conseil législatif ***des Etats*** (*deux mots nouveaux*) délibère ... (*la suite inchangée*).

Justification

Le Conseil législatif doit être mis en valeur et non assimilé à une des formations du Conseil des ministres. Sa dénomination doit expliciter qu'il est constitué par les Etats membres.

AMENDMENT FORM

Suggestion for amendment of TArt17aliepina.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 17a : Council formations

1. **The Council shall meet in such formations as the European Council shall decide.**

~~The General Affairs Council shall ensure consistency in the work of the Council of Ministers. With the participation of the Commission, shall prepare meetings of the European Council.~~

2. ~~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.~~

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, and a Council on Justice and Security.~~

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.~~

Explanation (if any) :

Apparently, there is no need for prescribed Council formations – we should keep more flexibility. Present formations of the Council should remain in existence until the European Council will decide otherwise.

FICHE AMENDEMENT

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

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

Qualité : - Membres

Article 17 bis : Les formations du Conseil

- ~~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.~~
- ~~2. — Le Conseil législatif 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.~~
- ~~3. — 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.~~
- ~~4. — Le Conseil se réunit également sous la forme de Conseil des affaires économiques et financières, et de Conseil de justice et de sécurité.~~
- ~~5. — Le Conseil, dans sa formation des affaires générales, peut décider que le Conseil se réunit dans d'autres formations.~~
- ~~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, est assurée par un État membre pour une durée d'au moins une année, en tenant compte des équilibres politiques et géographiques européens et de la diversité de tous les États membres.~~

AMENDMENT FORM

Suggestion for amendment of Article : 17a

Suggestion for Part I

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

Status : - Member Alternate

Article 17a : Council formations

1. The General Affairs Council shall ensure consistency in the work of the Council of Ministers. It prepares, with the participation of the Commission, meetings of the European Council.
2. 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.
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, and a Council on Justice and Security~~ following configurations:
 - a. Economic and Financial Affairs
 - b. Justice and Home Affairs;
 - c. Employment, Social Policy, Health and Consumer Affairs;
 - d. Competitiveness (Internal Market, Industry and Research);
 - e. Transport, Telecommunications and Energy;
 - f. Agriculture and Fisheries;
 - g. Environment;
 - h. Education, Youth and Culture
5. The Council, in its General Affairs configuration, may decide on further formations.
6. ~~The European Council can decide by consensus that the Presidency of a configuration of the Council of Ministers, with the exception of the Foreign Affairs Council, be undertaken by a Member State for the duration of at least one year, taking into account political and European geographic balance and the diversity of all Member States.~~ **The Council's configurations, the Foreign Affairs Council excepted, shall be chaired by a team presidency of Member States for a term of one year in a predetermined order decided by the Council, in its General Affairs configuration.**

Explanation (if any) :

Para 4: It is important that the basic structure of the Council is maintained in the Constitution. For this reason the decision taken by the E. Council at Seville, concerning the list of Council configurations, is incorporated into the Constitution – with the exception of the External Affairs Council, which is divided into two separate formations. The

Para 6: The adoption of the team presidency for Council configurations (with the exception of the

External Relations Council) is the most appropriate means of preserving the advantages of the current system, while adapting it to the needs of a greatly enlarged Union.

AMENDMENT FORM

Suggestion for amendment of Article : Art. 17bis

Suggestion for protocol :

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

Status : - Members and Alternates

~~Article 17 bis : 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 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.~~

~~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, and a Council on Justice and Security.~~

~~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.~~

Explanation (if any) :

AMENDMENT FORM

Suggestion for amendment of Article 17a

By: **Danuta Hübner**

Status: **Member**

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
Article 17a : Council formations	Article 17a : Council formations
<p>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.</p>	<p>1. The General Affairs Council shall ensure consistency in the work of the Council of Ministers with a special emphasis on the intersectoral character of Union's legislation. With the participation of the Commission, it shall prepare meetings of the European Council.</p>
<p>2. 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.</p>	<p>2. 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.</p>
<p>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.</p>	<p>3. The Foreign Affairs Council shall, on the basis of strategic guidelines laid down by the European Council, flesh out elaborate the Union's external policies, and ensure that its actions are consistent. It shall be chaired by the Union's Foreign Minister.</p>
<p>4. The Council shall also meet in the configuration of an Economic and Financial Affairs Council, and a Council on Justice and Security.</p>	<p>4. The Council shall also meet in the configuration of an Economic and Financial Affairs Council, and a Council on Justice and Security.</p>
<p>5. The Council, in its General Affairs formation, may decide on further formations.</p>	<p>5. The Council, in its General Affairs formation, may decide on further formations.</p>
	<p>5. The Council shall meet in public in its legislative function.</p>

<p>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.</p>	<p>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.</p>
<p>Explanation: The General Affairs Council should closely monitor the legislative work of other Council formations. It is also advisable to highlight in this Article the achieved compromise on public legislative sessions of the Council.</p>	

AMENDMENT FORM

Suggestion for amendment of Article : 17a

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

Status : - Member ~~Alternate~~

Artikel 17a: Die Zusammensetzungen des Rates

(1) Der Rat "Allgemeine Angelegenheiten" gewährleistet die Kohärenz der Arbeiten des Ministerrates. Er bereitet unter Beteiligung der Kommission die Tagungen des Europäischen Rates vor.

(2) Der Gesetzgebungsrat berät und beschließt gemeinsam mit dem Europäischen Parlament gemäß den Bestimmungen der Verfassung über die europäischen Gesetze und die europäischen Rahmengesetze. Entsprechend der Tagesordnung kann der Vertreter jedes Landes auf Ministerebene von einem oder gegebenenfalls zwei Fachvertretern auf Ministerebene unterstützt werden.

(3) Der Rat "Auswärtige Angelegenheiten" formuliert die Außenpolitik der Union gemäß den strategischen Vorgaben des Europäischen Rates und gewährleistet die Kohärenz ihres Handelns. Den Vorsitz führt der ~~Minister für auswärtige Angelegenheiten~~ **Außenminister** der Union.

~~(4) Der Rat tritt außerdem in der Zusammensetzung des Rates "Wirtschaft und Finanzen" und des Rates "Justiz und Sicherheit" zusammen.~~

(5) ~~Der Rat~~ **Vorbehaltlich der Absätze 2 und 3 kann der Rat** kann in der Zusammensetzung "Allgemeine Angelegenheiten" beschließen, dass der Rat in anderen Zusammensetzungen zusammentritt.

(6) **Der Vorsitz im Rat wird von den Mitgliedstaaten nacheinander für jeweils einen bestimmten Zeitraum wahrgenommen; der Modus, die Dauer und die Reihenfolge werden vom Europäischen Rat beschlossen.** Der Europäische Rat kann ~~durch Konsens~~ beschließen, dass der Vorsitz in einer Zusammensetzung des ~~Ministerrates~~ **Rates** mit Ausnahme der Zusammensetzung "Allgemeine Angelegenheiten" für die Dauer von mindestens einem Jahr von einem Mitgliedstaat wahrgenommen wird, wobei das politische und geografische Gleichgewicht in Europa und die Verschiedenheit aller Mitgliedstaaten zu berücksichtigen sind.

Explanation (if any) :

Absatz 6 Satz 1:

Bevor die Möglichkeit von Ausnahmen vom Rotationsprinzip geregelt werden, sollte zum besseren Verständnis zunächst der Grundsatz selbst normiert werden. Der Regelungsvorschlag greift im wesentlichen die Formulierung aus Artikel 203 EG-Vertrag auf.

Absatz 6 Satz 2:

Die Einfügung "im Konsens" ist angesichts der Regelung des Art. 16 Abs. 4 des Verfassungsvertrages überflüssig.

AMENDMENT FORM

Suggestion for amendment of Article : 17 a

By Mr. Kimmo Kiljunen, Mr Matti Vanhanen, Ms Riitta Korhonen and Mr Antti Peltomäki

Status : - Kiljunen and Vanhanen – Members
 - Korhonen and Peltomäki - Alternates

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 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.~~
 - ~~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, and a Council on Justice and Security.~~
 - ~~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.~~
-

AMENDMENT FORM

Suggestion for amendment of Article 17a: Council formations

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

Status: I. Korčok and J. Figel' are members, J. Migaš is an 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.
It shall be chaired by the representative of the country holding the Presidency.
2. ~~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.~~
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, ~~and~~ a Council on Justice and ~~Security Home Affaires;~~ Employment, Social Policy, Health, Costumer Affaires; Competitvness; Transport, Telecommunication, Energy; Agriculture, Fisheries; Environment; Education, Youth and Culture.
5. The Councils shall be chaired by a team presidency of four Member States for a period of 2 years. The agenda of the Council Presidency shall be organised according to a common agreement of the four countries holding the Presidency.
- 5 a. 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.~~

Explanation (if any):

AMENDMENT FORM

Suggestion for amendment of Article : 17 a

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 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 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.~~
 - ~~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, and a Council on Justice and Security.~~
 - ~~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.~~
-

AMENDMENT FORM

Suggestion for amendment of Article 17a

By Prof Peter Serracino Inglott, Member

Mr John Inguanez, 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 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.
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, and a Council on Justice and Security.
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. The Presidency of the Council formations, other than that of Foreign Affairs, shall be held in turn by each Member State for a term of six months in the order decided by the European Council acting unanimously. The European Council acting unanimously may decide that a team Presidency shall preside over Council formations other than that of Foreign Affairs for a total period of time that will enable each Member State in the team Presidency to preside over each formation for a six-month period.

Explanation (if any) :

The rotation of the Presidency of the Council between all Member States on the basis of equality should be retained. There should also be a provision catering for the possibility of having team Presidencies.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17 bis (Titre IV de la Partie I)

Déposée par Madame Palacio

Qualité : - Membre - Suppléant

Article 17 bis : Les formations du Conseil

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 du Conseil Européen.
2. ~~Le Conseil législatif 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.~~
3. 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.~~
4. Le Conseil se réunit également sous la forme de Conseil des affaires économiques et financières, et de Conseil de justice et de sécurité.
5. Le Conseil, dans sa formation des affaires générales, peut décider que le Conseil se réunit dans d'autres formations.
- 5bis. Les différentes formations du Conseil peuvent se réunir soit comme organe législatif soit comme organe exécutif. Elles siègent en public lorsque le Conseil statue dans le cadre d'une procédure conduisant à l'adoption d'une loi européenne ou d'une loi-cadre européenne.
6. Le Conseil européen peut décider ~~par consensus~~ à la majorité qualifiée que la présidence d'une formation du Conseil des ministres, ~~à l'exception de la formation des Affaires étrangères,~~ est assurée par un État membre pour une durée d'au moins une année, en tenant compte des équilibres politiques et géographiques européens et de la diversité de tous les États membres. En prenant cette décision le Conseil européen veille particulièrement à assurer la coordination entre les présidences des différentes formations du Conseil des ministres.

Explication :

Etant donné que, selon l'article 16 bis 1., il incombe au Président du Conseil Européen d'assurer la préparation et la continuité des travaux du Conseil Européen, il est souhaitable que c'est soit lui qui préside la formation du Conseil chargée de ces tâches.

Si le Ministre des Affaires Etrangères est vice-président de la Commission, il ne doit pas présider le Conseil. Ce qui est crucial est qu'il assure la représentation unique de l'Union à l'extérieur et la coordination de tous les aspects de l'action extérieure de l'Union. Puisque il ne préside pas la formation Affaires Etrangères, celle-ci reçoit le même traitement que les autres en ce qui concerne leur présidence.

L'idée d'une seule formation du Conseil des ministres qui serait chargée de tous les travaux législatifs du Conseil n'est pas praticable dans la plupart des administrations des Etats membres. Elle exigerait la nomination à Bruxelles (puisque le Conseil législatif devrait se réunir en pratique toutes les semaines) d'une sorte de Vice Premier Ministre (puisque'il devrait avoir une autorité suffisante sur les autres ministres). On aurait en outre de la confusion entre les responsabilités de ce nouveau Conseil législatif et le COREPER, ainsi qu'avec le CAG.

Je propose, donc, de remplacer le paragraphe 2 du projet par un nouveau paragraphe (5bis). Ce nouveau paragraphe indiquerait que le Conseil peut se réunir tant comme organe législatif que comme organe exécutif. Je suggère aussi que ce nouveau paragraphe fasse référence au fait que le Conseil siège en public quand il légifère (dans ce cas nous pourrions supprimer le paragraphe 3 de l'article 25 du projet du Traité, afin d'éviter de répétitions inutiles).

En ce qui concerne la question des présidences des formations du Conseil des ministres, je continue à penser que, pour se substituer au système de rotation actuel, la meilleure formule, qu'assure en même temps un degré suffisant de continuité des travaux et l'égalité d'accès des Etats membres à l'exercice de la présidence, est celle des « équipes présidentielles » (v. gr., quatre Etats membres pendant une période de deux années). En tout cas, la décision prise par le Conseil européen devra veiller très particulièrement à garantir la nécessaire coordination entre les présidences des différentes formations du Conseil des ministres. Cette décision devrait pouvoir être prise à la majorité qualifiée.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17 quater (nouveau)

Déposée par: Monsieur Luís Marinho

Qualité : - Membre

et Madame Elena Paciotti

Qualité: Suppléante

Article 17 bis (nouveau): Les fonctions de présidence du Conseil

1. Le Conseil européen est présidé à tour de rôle par un des chefs d'Etats ou de gouvernement pour une durée de six mois.

Après chaque réunion du Conseil européen le Président présente un rapport au Parlement européen.

2. Le Conseil "Affaires générales", le Conseil "Affaires économiques et financières" et le Conseil "Justice et sécurité" sont présidés à tour de rôle par un de leurs membres pour une durée d'un an.

3. L'ordre des tours de présidence est établi par le Conseil européen selon un système de rotation équitable.

4. Le Conseil législatif élit le Président parmi ses membres.

Explication éventuelle : Le système proposé assure une pleine implication de tous les Etats membres dans la gestion des différentes fonctions du Conseil par l'attribution à chacun d'eux, au cours d'une législature, de fonctions de présidence (en cinq ans on aura 10 présidences du Conseil européen et 15 présidences des différentes formations du Conseil des ministres). On garantit ainsi, dans le temps, une réelle parité entre les Etats membres, en évitant les inconvénients de la rotation actuelle: on assure, là où c'est nécessaire, une plus grande continuité et on évite des charges excessives pour un seul gouvernement pendant la période de présidence.

Le Conseil européen, dont les réunions - préparées par le Conseil Affaires générales - ont lieu quatre fois par an ou un peu plus pour définir les orientations politiques générales de l'Union, a essentiellement besoin d'un président de séance ("chairman") qui oeuvre pour faciliter la cohésion et le consensus: cette fonction peut bien être prise en charge par un des chefs d'Etats ou de gouvernement qui le composent.

Les différentes formations du Conseil des Ministres, qui se réunissent plus fréquemment et élaborent et coordonnent les politiques de l'Union, nécessitent d'une plus grande continuité. Pour le conseil Affaires extérieures, le problème se résout avec le choix d'une

présidence permanente du Commissaire chargé des Affaires étrangères, qui assure en outre la continuité de la représentation extérieure de l'Union pour les matières relatives à la politique extérieure et de sécurité commune. Les trois autres formations du Conseil peuvent être efficacement présidées, pour une période d'un an chacune, par l'un des ministres-représentants des Etats membres qui le composent.

Pour assurer un système équitable de rotation il faut que l'attribution des présidences du Conseil européen et des différentes formations du Conseil des ministres soit établie par le Conseil européen.

Enfin, le Conseil législatif - Chambre des Etats - élira son Président parmi ses membres, pour une durée qu'il établira, comme il l'est prévu pour le Parlement européen.

FICHE AMENDEMENT

Proposition d'amendement à l'Article : 17 quater (nouveau)

**Déposée par: Monsieur Luís Marinho Membre
et Madame Elena Paciotti Suppléante**

Articolo 17 bis (nuovo): Le funzioni di presidenza del Consiglio

1. Il Consiglio europeo è presieduto a turno da uno dei Capi di Stato o di governo per la durata di sei mesi.

Dopo ciascuna delle riunioni del Consiglio europeo il Presidente presenta una relazione al Parlamento europeo.

2. Il Consiglio “Affari generali”, il Consiglio “Affari economici e finanziari” e il Consiglio “Giustizia e sicurezza” sono presieduti a turno da uno dei loro membri per la durata di un anno.

3. L'ordine dei turni di presidenza è stabilito dal Consiglio europeo secondo un sistema equo di rotazione.

4. Il Consiglio legislativo elegge il Presidente fra i suoi membri.

Explication éventuelle :

Il sistema proposto assicura il pieno coinvolgimento di tutti gli Stati membri nella gestione delle diverse funzioni del Consiglio attraverso l'attribuzione a ciascuno di essi, nel corso di una legislatura, di funzioni di presidenza (in cinque anni si avranno 10 presidenze del Consiglio europeo e 15 presidenze delle diverse formazioni del Consiglio dei ministri). Si garantisce così, nel tempo, una reale parità fra gli Stati membri, evitando gli inconvenienti dell'attuale rotazione: si assicura, ove necessaria, una maggiore continuità e si evitano eccessivi oneri a carico di un singolo governo per il periodo di presidenza.

Il Consiglio europeo, le cui riunioni –preparate dal Consiglio Affari generali- si tengono quattro volte l'anno o poco più per definire gli orientamenti politici generali dell'Unione, abbisogna essenzialmente di un presidente di seduta (“chairman”) che si adoperi per facilitare coesione e consenso: questa funzione può bene essere svolta a turno da uno dei capi di Stato o di governo che lo compongono.

Le diverse formazioni del Consiglio dei ministri, che si riuniscono più frequentemente ed elaborano e coordinano le politiche dell'Unione, abbisognano di una maggiore continuità. Per il Consiglio Affari esteri il problema è risolto dalla scelta della presidenza permanente da parte del Commissario agli Affari esteri, che assicura altresì la continuità della rappresentanza esterna dell'Unione per le materie relative alla politica estera e di sicurezza comune. Le altre tre formazioni del Consiglio possono essere utilmente presiedute, per un periodo di un anno ciascuno, da uno dei ministri-rappresentanti degli Stati membri che le compongono.

Per assicurare un sistema equo di rotazione è opportuno che l'attribuzione delle presidenze del Consiglio europeo e delle diverse formazioni del Consiglio dei ministri sia stabilita dal Consiglio europeo.

Infine, il Consiglio legislativo – Camera degli Stati – eleggerà il suo Presidente fra i suoi membri, per la durata che stabilirà, così come è previsto per il Parlamento europeo.

AMENDMENT FORM

Title IV

Suggestion for amendment of Article : 17 a

By Members: Mr Andrew Duff, Mr Lamberto Dini, Mr Paul Helminger, Lord Maclellannan, Mr Adrian Severin.

Status : Members and alternate members.

Article 17a : Council formations

1. The General Affairs Council shall ensure consistency in the work of the Council of *Ministers, and* shall prepare meetings of the European Council. *The President of the Commission shall chair this formation of the Council.*
 2. The *Law* Council shall *participate in the legislative procedure*, in accordance with the provisions of the Constitution. Each Member State's ministerial representative may be assisted *by specialist* ministers, reflecting the business on the Council agenda. *Each Member State shall hold the office of President in turn for a term of three months in an order decided by the European Council.*
 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 *[Minister of Foreign Affairs/Secretary of the Union]*.
 4. The Council shall also meet in the configuration of an Economic and Financial Affairs Council, and a Council on Justice and Security. *These formations of the Council shall be chaired respectively by the responsible Vice-President of the Commission.*
 5. **Delete**
 6. **Delete.**
-

Explanation:

Our proposal for the integrated presidency (see Article 16a) necessitates a clean separation between the executive and legislative functions of the Council. Clearly, a Commissioner cannot preside over the legislative work of the Council.

In paragraph 1 we propose that the Commission shall not merely participate in the General Affairs Council, but chair it.

We propose that the Law Council could be chaired on a rotation basis, respecting the principles of equality of states. In the light of enlargement, however, we reduce the term of office from six months to three, thereby reducing the burden and increasing the pace of rotation. This arrangement could be linked to the hosting of European Councils, thus helping the visibility of the Union across its territory.

In paragraph 4 we propose that Vice-Presidents of the Commission chair the remaining executive formations of the Council as well as the preparatory working groups.

Paragraph 5 is deleted because there will be no need for an ad hoc proliferation of executive formations of the Council.

We suppress paragraph 6 as inconsistent with our overall approach.

In Part Two we will propose that the working groups of the Council be chaired by the Commission, apart from COREPER which would continue to be chaired by the Permanent Representative of the President-in-Office of the Law Council.

FICHE AMENDEMENT

Proposition d'amendement à l'Article: 17-A

Déposée par Messieurs:

Alberto Costa - membre

Guilherme d'Oliveira Martins – suppléant

Article 17-A

Supprimer

FICHA DE ALTERAÇÃO

Proposta de alteração ao Artigo : 17-A

Apresentada por :

Alberto Costa - membro

Guilherme d'Oliveira Martins - suplente

Artigo 17-A

Eliminar

AMENDMENT FORM

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

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

Status : - Member - Alternate

Suggestion

TITLE IV: The Union's Institutions

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 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. ***The Legislative Council shall meet in public.***
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, and a Council on Justice and Security.
5. The Council, in its General Affairs formation, may decide on further formations.
6. The European Council may decide by ~~consensus~~ ***qualified majority*** that the ~~Presidency Chair~~ of a Council formation, other than that of Foreign Affairs, should be undertaken by ***a minister of*** a Member State for a period of at least a year ***and two and a half years in the maximum***, taking into account European political and geographical balance and the diversity of all Member States. ***The European Council may decide by the same procedure that the Commission President or the Vice-Presidents of the Commission could chair Council formations other than that of Foreign Affairs.***

Explanation (if any) :

It should be clarified that the European Council meets in public.

The Chairs of other Council formations should be facilitated in a more flexible way. Therefore, qualified majority voting is indispensable.

FICHE AMENDEMENT

Proposition d'amendement à l'Article I-23

Déposée par Monsieur Ben Fayot (Chambre des Députés, Luxembourg)

Qualité : - Membre

4. (add) :
Council on Social Affairs

Explication éventuelle :

AMENDMENT FORM

Suggestion for amendment of Article : I-23

By Mr : Hain

Status : - Member

1. *Okay.*
 2. ~~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 representation on the Legislative Council shall be ensured by a ministerial representative and one or two representatives at the same level with relevant expertise, reflecting the business on the Council agenda.~~
 3. *Okay.*
 4. ~~The Council shall also meet in the configuration of an Economic and Financial Affairs Council, and a Council on Justice and Security.~~
 5. *Okay.*
 6. These formations shall be chaired by a team of Member States, membership of which shall be determined by a system of rotation, following the principle of equality between Member States. 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.
-

Explanation (if any) :

We do not support the creation of a Legislative Council. We believe that the function of ensuring consistency across the sectoral Councils should be performed by the GAC. We do not judge the distinction between the executive and legislative functions of the Council to be sufficient to support this institutional structure.

We believe that the Council should be free to decide on its remaining formations. The current treaties do not specify individual formations, and we believe that to limit the Council's work in the way proposed could lead to inflexibility.

We welcome the aim of the original article, but believe that it should be more specific and create a "team presidency" system for the chairs of all the Council formations except General and Foreign Affairs. It would spread the burden of chairmanship between member states, maintain equality through rotation, and provide longer term continuity. The team could be in place for up to 2 ½ years.

AMENDMENT FORM

Suggestion for amendment of Article I -23.4

By Mr Proinsias De Rossa

Status : - Member

Redraft Article I -23.4 as follows:

The Council shall also meet in the configuration of an Economic and Financial Affairs Council, **an Employment and Social Affairs Council**, and a Council on Justice and Security.

Explanation (if any) :

The importance attached to employment and social objectives requires the establishment of a separate Council to deal with these matters.

AMENDMENT FORM

Suggestion for amendment of : Article 17a

By: Robert Maclellan

Status : Alternate

Article 17a : Council formations

1. The General Affairs Council, *presided over by the Secretary-General of the Union*, 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 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.
 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, and a Council on Justice and Security.
 5. The Council, in its General Affairs formation, may decide on further formations.
-

Explanation :

The responsibilities of the General Affairs Council for the management of the Council's business on an on-going basis make it appropriate for it to be chaired by the Secretary-General.