

NOTE

from: Presidency
dated: 9 December 2003
to: Delegations

Subject: IGC 2003
– *InterGovernmental Conference (12-13 December 2003):
Presidency proposal*

1. In line with the conclusions of the European Council meeting in Thessaloniki, the work of the InterGovernmental Conference has been conducted at political level. The meetings so far, in particular the ministerial conclave in Naples on 28-29 November, have enabled the Presidency to identify issues in the draft Constitutional Treaty which delegations consider need either clarifying or amending, and in some cases to make suggestions by way of response. The Presidency now submits a consolidated set of proposals designed to help the Conference reach an overall agreement at its meeting on 12-13 December.

LEGAL/TECHNICAL ISSUES

2. In parallel with discussions at political level the Presidency, with the agreement of all delegations, set up a group of legal experts in order to undertake a legal review of the draft Treaty establishing the Constitution drawn up by the Convention. The legal experts group met several times in October and November under the Chair of the Legal Counsel of the IGC. The outcome of the group's proceedings has been circulated in document CIG 51/03.

3. The revised texts contained in doc. CIG 50/03 + COR 1, REV 1 (fr) and ADD 1, ADD 1 COR 1 (en), and ADD 1 COR 2 incorporate all the improvements of a legal or technical nature which were introduced by common accord of the legal experts of the Member States and of the acceding States. These texts shall serve as a reference point for the discussions on the remaining political issues on 12-13 December.

OTHER ISSUES

4. Separately from the texts which constitute the outcome of the legal experts group, and in order to facilitate an overall agreement at the 12-13 December meeting, the Presidency submits proposals covering the outstanding political issues. These are set out in two separate documents.
 - A **The first document (CIG 60/03 ADD 1) addresses those issues on which the discussions so far, in particular the Naples ministerial conclave, have given the Presidency sufficient guidance to be able to put forward concrete proposals. These proposals take the form of draft treaty texts. The Presidency considers that since it has taken into account the different views of delegations, this document constitutes a balanced package.**
 - B **The second document (CIG 60/03 ADD 2), which will be available shortly, addresses the more sensitive political issues which the Presidency intends should constitute the focus of the discussions on 12-13 December. The proposals set out in this document have been drawn up by the Presidency in the light of its consultations with delegations.**

5. The proposals, tabled by the Presidency, might be revised in the light of the discussions on 12-13 December, and texts will be made available during the meeting up to the moment when there is a final and overall agreement. Where an issue is covered in neither document, nor subsequently raised by any delegation, the Presidency considers that the text of the draft Constitutional Treaty, as set out in CIG 50/03, remains unchanged.

6. The Presidency proposal is not binding on any delegation, nor does it prejudice any position taken by delegations to date. It is being circulated on the basis that none of the proposals contained in it can be considered final until agreement is reached on the draft Constitutional Treaty as a whole.

7. **The final result of the IGC should therefore consist of two documents:**
 - **the consolidated text of the treaty, as revised by the legal experts group (CIG 50/03 + COR 1, REV 1 (fr) and ADD 1, ADD 1 COR 1 (en), and ADD 1 COR 2);**

 - **a single package containing amendments to this consolidated text, based on the Presidency proposals as modified in the light of the discussions.**

Only afterwards will a single consolidated text be established.

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