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NOTE

From: Presidency

To: Permanent Representatives Committee/Council

Subject: Presidency Discussion Note on the Follow-up to the Conference on the Future of Europe: Timing for submitting the European Parliament's proposals under Article 48(2) TEU

Delegations will find in annex a Presidency Discussion Note on the follow-up to the Conference on the Future of Europe as regards the timing for submitting the European Parliament's proposals under Article 48(2) TEU, in view of the General Affairs Council meeting of 18 October 2022.

**Presidency Discussion Note on the Follow-up to the Conference on the Future of Europe:
Timing for submitting the European Parliament's proposals under Article 48(2) TEU**

On 9 June 2022, the European Parliament adopted a resolution on “*the call for a Convention for the revision of the Treaties*”. Paragraph 3 of this resolution notes that the European Parliament’s Committee on Constitutional Affairs (AFCO) shall prepare proposals for Treaty amendments, with regards to the proposals of the Conference that so require. Moreover, paragraph 6 of this resolution contains and submits, in accordance with Article 48(2) TEU, two proposals for the amendment of the Treaties to the Council.

Concerning paragraph 3 of the said resolution, and as a follow-up to it, the European Parliament’s AFCO Committee is expected to put forward a report containing further proposals for the amendment of the Treaties, to be submitted to the Council in accordance with Article 48(2) TEU. Available information suggests that such report could be adopted by the European Parliament in early 2023.

In its reply of 27 July 2022 to the two letters sent by the President of the European Parliament on 10 and 30 June transmitting to the Council the European Parliament resolution of 9 June 2022 on the call for a Convention for the revision of the Treaties, the Council took note of this resolution, and affirmed its commitment regarding the outputs of the Conference to act within its own sphere of competences and in accordance with its obligations under the Treaties to ensure the best possible follow-up of the Conference in coordination with the European Parliament and the Commission¹.

Pursuant to Article 48 (2) TEU, the proposals for the amendment of the Treaties submitted by the Government of any Member State, the European Parliament or the Commission “*shall be submitted to the European Council by the Council, and the national Parliaments shall be notified*”. Article 48 TEU does not contain any specific provision as to the timing of such submission, and the Council has a certain discretion in this regard, with a view to ensuring procedural efficiency and avoiding duplication of processes.

¹ Cf. doc. 11006/22

On 27 July 2022, the Presidency circulated to delegations a Questionnaire related to the Conference on the Future of Europe, inviting delegations to share their views among others on the issue of Treaty change, and in particular on the issue of convening a Convention according to Article 48(2) TEU during the current Presidency term.

In their replies, the vast majority of delegations considered that, at this stage, priority should be given to those proposals and initiatives that can be implemented within the current Treaty framework. Pointing out that most proposals arising from the Conference can indeed be implemented under the current Treaties, including by using its untapped potential and flexibilities, most delegations considered that more time is needed for a structured and comprehensive assessment prior to engaging in the process of Treaty revision.²

The Presidency notes that the Council could already now transmit the two proposals of the European Parliament to the European Council. This is a procedural decision for which simple majority is the applicable voting rule. Subsequently, it is the responsibility of the European Council to decide how to follow-up on these proposals.

Taking this into account the Presidency would like to invite delegations to focus their interventions on the following question, noting that in any case no vote is envisaged for the October meeting of the General Affairs Council.

Procedure

Should the Council transmit the European Parliament's current proposals to the European Council at this stage, or wait for possible further proposals from the European Parliament?

Delegations' answers to this question will guide the Presidency for the next steps.

² Cf. doc. 12277/22