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Notice

The guides, which have been prepared by the General Secretariat of the Council, do not commit either the Community institutions or the governments of the Member States.



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COUNCIL OF THE
EUROPEAN UNION

GENERAL SECRETARIAT

Information handbook of the Council of the European Union



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Notice

This handbook, which has been prepared by the General Secretariat of the Council, does not commit the Community institutions or the governments of the Member States.

Further information can be obtained from the Public Information Unit at the following address:

General Secretariat of the Council of the European Union
Rue de la Loi 175
B-1048 Brussels

Tel. 32 (0) 2 285 56 60

Fax 32 (0) 2 235 49 77

E-mail: public.info@consilium.eu.int

Internet: <http://ue.eu.int>.

A great deal of additional information on the European Union is available on the Internet. It can be accessed through the Europa server (<http://europa.eu.int>).

Cataloguing data can be found at the end of this publication.

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Information handbook of the Council of the European Union



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FOREWORD

Of the institutions of the European Union, it is the Council which has the political decision-making power in fields within the sphere of competence of the Union. With the participation of the European Parliament, the Council is also responsible for legislating in ‘Community’ fields at the initiative of the Commission.

The Council’s activity is characterised by seeking the best possible solutions through negotiation. This often involves lengthy, laborious discussions both in the preparatory stages — meetings of national experts and Permanent Representatives (ambassadors) — and in ministerial meetings.

In order to maintain the effectiveness of the decision-making process, the Council’s proceedings are not generally public. Measures have been adopted, however, to increase the transparency and openness of the institution and to keep citizens better informed on the Council’s activities as a means of strengthening their confidence in European integration.

The purpose of this handbook — which has been prepared on the responsibility of the General Secretariat of the Council and has no legal force — is to explain certain basic concepts of how the Council works, but above all to provide practical information both on existing sources of information and on the implementation of measures adopted with regard to openness and transparency. It takes account of the accession to the European Union of 10 new Member States on 1 May 2004.



Javier Solana Madariaga
Secretary-General of the
Council of the European Union/
High Representative for the
Common Foreign and
Security Policy

PART ONE

BASIC CONCEPTS



1. COMPOSITION AND WORKING METHODS

The Council of the European Union is composed of one representative of each Member State — Belgium, Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden, United Kingdom — of ministerial rank authorised to commit his/her government. The Presidency is held by each Member State, on a rotating basis, for a period of six months (January to June and July to December). The Brussels European Council of October 2002 confirmed that the present rotation order would continue until the end of 2006. The Council will decide on the question of the order of Presidencies for 2007 and onwards as soon as possible and at the latest one year after accession of the first new Member States

There is only one Council, but it meets in different configurations depending on the items on the agenda. The configurations are the following:

- ⌘ General Affairs and External Relations
(including European Security and Defence Policy and Development cooperation.)
- ⌘ Economic and Financial Affairs (Ecofin)
(including Budget)
- ⌘ Justice and Home Affairs
(including Civil Protection)
- ⌘ Employment, Social Policy, Health and Consumer Affairs
- ⌘ Competitiveness (Internal Market, Industry and Research)
(including Tourism)
- ⌘ Transport, Telecommunications and Energy
- ⌘ Agriculture and Fisheries
- ⌘ Environment
- ⌘ Education, Youth and Culture
(including Audiovisual)

The General Affairs, Ecofin and Agriculture Councils generally meet once a month, whilst others meet at irregular intervals depending on the urgency of the topics discussed.

Ministerial meetings are held in Brussels, at the Council's headquarters, except for April, June and October, when the meetings are held in the European Centre in Luxembourg.

The Member States have Permanent Representations to the European Union in Brussels.

The 25 Permanent Representatives usually meet each week in a committee known as the Permanent Representatives Committee (Coreper). That committee divided into two parts, one composed of the Permanent Representatives ('Coreper II'), and the other of their deputies ('Coreper I') is responsible for preparing the Council's proceedings. Preparation for the Agriculture Council is the responsibility of the Special Committee on Agriculture (SCA).

The numerous working parties, composed of national delegates and experts, submit their reports, following thorough examination of proposals, to Coreper and the SCA.

The Political and Security Committee (PSC) brings together the representatives of the 25 Member States at Ambassador level. Its main functions are to monitor the international situation, and to contribute to the definition of policies, within the European Security and Defence Policy (ESDP). In the event of a crisis, the PSC plays a central role without prejudice to the competence of the Permanent Representatives Committee.

2. COUNCIL ACTS

The structure of the Treaty on European Union (EU Treaty) organises the Union's activities in three fields ('pillars'), on the basis of which the Council's proceedings are arranged.

The first pillar covers activities deriving from the Treaty establishing the European Community (EC Treaty), involving 'Community' policies such as agriculture, environmental protection or economic and commercial questions.

The second and third pillars cover the Common Foreign and Security Policy (CFSP) and police and judicial cooperation in criminal matters.

First pillar: Community domain

In the Community domain, Council acts may take the form of regulations, directives, decisions, recommendations or opinions.

Regulations are general in scope and directly applicable in all Member States.

Directives bind Member States as to the results to be achieved, while leaving national authorities competence as to form and means. Directives therefore require national measures to be taken to transpose them into national law.

Decisions are compulsory for those to whom they are addressed. They may apply to one or all Member States, to undertakings or individuals.

Recommendations, opinions, resolutions and *conclusions* are essentially political acts and not legally binding.

There are three main types of decision-making procedure in the European Community: the consultation procedure, the cooperation procedure and the codecision procedure. All three begin with the submission of a Commission legislative proposal. Thereafter, the European Parliament is either simply consulted by the Council before the act is adopted (consultation procedure), or it cooperates closely in preparing the act adopted by the Council (cooperation procedure) or it is joint author of the act with the Council (codecision procedure).

In the context of the cooperation and codecision procedures, the Council, following a first reading of the Commission proposal by the European Parliament, adopts acts called *common positions* which are sent to the European Parliament so that it can hold a second reading of the draft legislative act.

The codecision procedure makes provision for the convening of a Conciliation Committee, composed of representatives of both institutions, in the event of the Council not accepting all the European Parliament's amendments to the Council's *common position*. Where the Conciliation Committee reaches agreement, that agreement takes the form of a *joint text* which, unless rejected, then becomes the legislative act adopted jointly by the European Parliament and the Council.

Second pillar: Common foreign and security policy

With regard to the common foreign and security policy (CFSP), including the European security and defence policy (ESDP), the Council may, whenever it sees fit, define a *common position* (not to be confused with common positions in the Community domain under the first pillar) which reflects, for example, the European Union's approach in a given international situation. It is therefore for Member States to ensure that their national policies are in line with the common positions in question.

The Council may also adopt *joint actions* (e. g. support for a peace process between third countries in dispute) which bind Member States in the positions they adopt and the measures they take.

Joint actions provide for the means needed to implement them, funding them in particular from the Union's budget.

The Treaty of Amsterdam has introduced *common strategies*, to be decided by the European Council, i.e. the Heads of State or Government. The Council of Ministers implements the common strategies, in particular by adopting joint actions and common positions.

The Council or its Presidency, acting on behalf of the Council, may also make *statements* expressing the Union's position on foreign policy matters.

Third pillar: Police and judicial cooperation in criminal matters

In the context of police and judicial cooperation in criminal matters, Council acts may take the form of:

- *common positions*: these define the approach of the Union to a particular matter;
- *decisions*: these are adopted in accordance with the objectives of Title VI of the Treaty on European Union, excluding any approximation of the laws and regulations of the Member States. Decisions are binding and may not entail direct effect;
- *framework decisions*: these are approximate laws, regulations and administrative provisions of the Member States. Framework decisions are binding upon the Member States as to the result to be achieved but shall leave to the national authorities the choice of form and methods. They may not entail direct effect;
- *conventions*: these are traditional international law instruments (such as conventions on extradition). The Council recommends that the Member States adopt them in accordance with their respective constitutional requirements.

3. DECISION-MAKING

The European Commission holds the right of initiative as regards Community questions. As a rule, the European Parliament and the Council are closely involved in decision-making. The social partners and other interest groups, through the Economic and Social Committee, and local and regional authorities, represented on the Committee of the Regions, are consulted by the Council for certain subjects.

In the Community domain, a large number of legislative decisions may be taken by the Council by a qualified majority, i. e. a type of majority where the votes of members of the Council are weighted. In practice, the Council always endeavours to achieve the broadest possible consensus before acting. The Treaty of Nice has extended the use of qualified majority voting.

From 1 November 2004, qualified majority exists where:

- the majority of Member States vote for the decision
- the decision gets at least 232 votes, based on the new weighting of votes by country.

Moreover, a Member State may request a check to ascertain whether qualified majority covers at least 62% of the total population of the Union. If that proves not to be the case, the decision is not adopted.

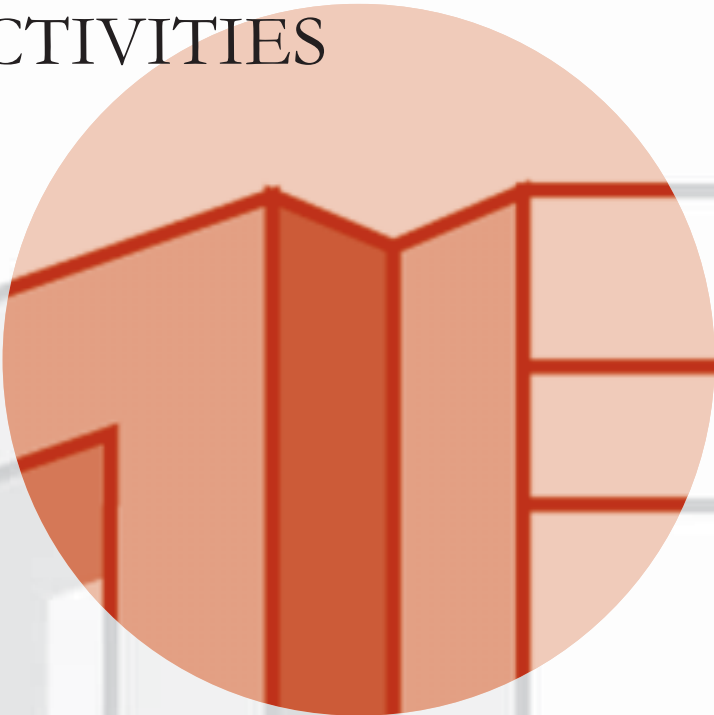
As regards the common foreign and security policy, and police and judicial cooperation in criminal matters, the Council is the main decision-making body. The Member States and the Commission have a right of initiative.

Unlike in the Community domain, in the second and third pillars the rule of unanimity prevails in the Council; however, the implementation of certain decisions may be decided upon by a qualified majority.

Weighting of votes:

| | |
|---|---------------|
| — Germany, France, Italy, United Kingdom: | 29 votes each |
| — Spain, Poland: | 27 votes each |
| — Netherlands: | 13 votes |
| — Belgium, Czech Republic, Greece, Hungary, Portugal: | 12 votes each |
| — Austria, Sweden: | 10 votes each |
| — Denmark, Ireland, Lithuania, Slovakia, Finland: | 7 votes each |
| — Estonia, Cyprus, Latvia, Luxembourg, Slovenia: | 4 votes each |
| — Malta: | 3 votes |

INFORMATION
ON COUNCIL
ACTIVITIES



1. LATEST INFORMATION/ PRESS OFFICE

The establishment plan — with a break-down of the tasks of the Press Office of the General Secretariat — and the contact details of the press attachés of the Member States' Permanent Representations in Brussels can be found in Part Three 'Useful contacts and addresses'.

A table showing the order and periods of Council Presidencies up to 2006 can also be found there.

The Council's Press Centre is open each working day between 8.30 and 18.00.

During Council meetings, it remains open at least one hour after the end of the meeting.

Access is open to journalists accredited to the European institutions — press card issued by the Commission's Press Office — and to journalists in possession of a national press card.

The press has many sources for obtaining information on the Council's activities: the Presidency, the Press Office of the General Secretariat, the spokesperson for the High Representative for the CFSP, the 25 delegations and the Commission, which attends every Council meeting.

After each ministerial meeting — and also often during adjournments of the proceedings — the President of the Council gives press conferences to inform journalists of the Council's decisions and conclusions. He/she is regularly accompanied by the relevant member(s) of the European Commission.

A detailed press release is published after each meeting by the Press Office of the General Secretariat.

For their part, the ministers of the Member States regularly give information — especially to their national press — on the results of Council meetings, either at the end of the meeting or during an adjournment.

Furthermore, throughout the Council meeting, the spokespersons for the Presidency and the High Representative, the members of the Press Office, and the spokespersons for the Member States and for the Commission keep the press abreast of events.

Before each Council meeting, the Presidency, with the assistance of the Press Office of the General Secretariat, gives briefings to set out the topics for discussion by the Council; the agenda is published in the form of a press release. Furthermore, the Press Office prepares information notes and background material on the subjects on the agenda.

The Press Office also releases statements on common foreign and security policy matters and press releases following the signature of international agreements or Association Council, Cooperation Council or other meetings with third countries.

In addition to press releases, the following practical information is regularly available from the Press Office:

- *Presidency work programmes* containing the dates of all Council meetings;
- *practical information* on informal meetings of ministers in the country holding the Presidency;
- *agendas* for the weekly meetings of the Permanent Representatives Committee and the Special Committee on Agriculture,
- various *information notes* on decisions adopted by the written procedure, the proceedings of the Council–European Parliament Conciliation Committee, etc.;
- all information concerning the High Representative for the CFSP (diary, contacts, speeches, communiqués, reports, articles, CV, etc.).

A special visitor's pass, usually valid for one day, may be obtained on a reasoned request (issued at the entrance to the Press Centre).

The same arrangements also apply to access to the Press Centre of the Kirchberg European Centre when Council meetings are held in Luxembourg (April, June and October).

Special accreditation is required for European Council meetings and informal meetings (see ad hoc arrangements of each Presidency).

For detailed information on the facilities available to the press, journalists may contact the Press Office.

All information documents published by the Press Office may be obtained at the Press Centre.

They are also available — and therefore accessible to the general public — on the Council's internet site

☛ <http://ue.eu.int/newsroom>

The High Representative for the CFSP has an internet site that covers his activities in full.

As regards European Council meetings ('summits' of Heads of State or Government), the Press Office circulates the declarations of the European Council and the Presidency's conclusions and also assists the media.

In general terms, the Press Office helps to keep the press informed from day to day on all the Council's activities and assists journalists in their search for information on subjects under discussion in the Council's subordinate bodies.

The Press Office also deals with all practical aspects of organising press conferences, public debates, etc., and the management of the Press Centre in general. It has available for the media photographs taken at ministerial meetings or other important events.

2. GENERAL INFORMATION

Relations between members of the General Secretariat of the Council and the public are governed by a code of good administrative behaviour set out in Annex 1.

Requests for general information regarding Council activities can be made by e-mail

☛ public.info@consilium.eu.int, or by post, fax, or telephone (tel. 32 (0)2 285 56 50; fax 32 (0)2 235 49 77).

The General Secretariat of the Council regularly publishes various general information documents, brochures and leaflets on Council activities.

Bibliographies on subjects relating to the Council's work can also be supplied on request.

On its internet site

☛ <http://ue.eu.int> the General Secretariat of the Council provides information on its activities and offers the possibility of ordering certain publications (bookshop.online@consilium.eu.int).

In addition, it offers a link from its site to the internet site of each Presidency

☛ <http://ue.eu.int/presid>

The Public Information Unit may be contacted during working hours. To respond to the public's questions, this unit maintains contacts with the other departments of the General Secretariat.

The publications of the Council and of certain other Community institutions are available at the General Secretariat's Documentation Centre, which those interested may visit by applying to the reception desk.

Most Council publications may be obtained from the Office for Official Publications of the European Communities

☛ <http://www.eur-op.eu.int/> and its sales outlets

To consult the frequently asked questions (FAQs) on the Council, visit the internet site

☛ <http://ue.eu.int/informations>

Applications for access to Council documents must be submitted in writing in one of the official languages of the Communities to the Secretary-General of the Council of the European Union, Rue de la Loi 175 B-1048 Brussels, fax 32 (0)2 285 63 61, or by e-mail: access@consilium.eu.int

An extract from the Council's Rules of Procedure regarding access to documents is set out in Annex II to this guide.

The text of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents can be found in Annex III.

3. ACCESS TO COUNCIL DOCUMENTS

All citizens have the right of access to Council documents under the conditions laid down by texts in force (see Annexes 2 and 3).

The General Secretariat is obliged to provide a reply within 15 working days, although this can, exceptionally, be extended by a further 15 working days.

Access to documents generally involves issuing a copy, or where appropriate, providing an electronic copy.

To make it easier to find documents that might be requested, the General Secretariat of the Council makes available on the internet a public register of Council documents. Certain categories of documents, in particular where the Council is acting in its capacity as legislator, are available to the public directly via the document register. Furthermore, documents which have been supplied in response to individual requests are also available via the register.

Access to a document may be refused where such access would adversely affect the protection of certain interests.

The applicant then has 15 working days to submit a confirmatory application.

If the confirmatory application is rejected in its entirety or in part, the applicant is informed of the terms of Articles 195 and 230 of the Treaty establishing the European Community, concerning the conditions for referral to the Ombudsman and review by the Court of Justice of the legality of Council acts respectively.

Further information on access to Council documents is available from the Access to Documents Department (see “Useful contacts and addresses”), or from the Council web site, “Transparency” section.

The public register of Council documents is available on the Council's internet site:

☛ <http://register.consilium.eu.int>

4. PUBLICATION OF THE RESULTS OF VOTES, STATEMENTS AND MINUTES

Votes and explanations of vote are published in the press releases circulated by the Press Office of the General Secretariat of the Council.

Statements in the minutes are available the same day from the Press Office of the General Secretariat of the Council.

The General Secretariat of the Council prepares monthly lists of legislative and non-legislative acts adopted by the Council, which include the results of votes, the voting rule and statements in the minutes.

The lists may be consulted on the Council's internet site, in the 'Transparency' section under 'Summary of Council acts'.

The results of votes held among Council members are systematically made public when the Council is acting in its capacity as legislator.

The votes of members of the Council may be accompanied by explanations of vote, which are also made public at the request of their author(s).

Where the Council is not acting as legislator, it is also possible for the results of votes and explanations of vote to be made public by a decision of the Council, which must be unanimous.

In the context of the decision-making procedure, the Council, the Commission and/or one member of the Council or another may feel compelled to make written statements in the Council minutes. Such statements have no legal effect and are regarded as a political instrument intended to facilitate decision-making.

The rules governing public access to statements in the Council minutes and to the minutes themselves are similar to those on the publication of the results of votes.

The minutes contain, for each agenda item, a list of the documents submitted to the Council, the decisions taken or the conclusions reached by the Council, and the statements in the minutes.

5. COUNCIL DELIBERATIONS OPEN TO THE PUBLIC AND PUBLIC DEBATES

Once a year, the General Affairs and External Relations Council holds a public policy debate on the Council's yearly work programme. This yearly public policy debate is broadcast.

The Council may also decide on a case-by-case basis that certain debates will also be televised where they relate to important issues affecting the interests of the Union or significant new legislative proposals.

An indicative list of public debates is approved at the beginning of each six-monthly Presidency. It is published on the Council's internet site (under "Public events"). Each public debate subsequently forms the subject of a special announcement by the General Secretariat's Press Office.

Broadcasts of public debates take place at the Council's headquarters in Brussels or Luxembourg, depending on the venue of the ministerial meeting.

Television stations applying in advance may record and broadcast the public sessions. Some public debates are also broadcast on internet by Europe by Satellite

☛ <http://europa.eu.int/comm/ebs>

In addition to the accredited press, any individual wishing to follow the proceedings is admitted, for the occasion, to the Press Centre.

Larger groups are requested to contact the Visits Department beforehand (see the following chapter and 'Useful contacts and addresses').

Requests for visits must be made three months in advance, in writing, to the Visits Department (fax 32 (0)2 285 66 09) (see also the “Public Debates” chapter).

Staff of that department will contact the group leader to confirm the reservation and to obtain further information on the group.

Requests from travel agencies or other commercial organisations are not accepted. For further information, visit the web site
☛ <http://ue.eu.int/visites>

6. INFORMATION VISITS

The possibility of making information visits to the Council is open to any organised group of (at least 10) persons over 18 years of age wishing to acquaint themselves with the institution at first hand.

Groups of visitors are met by staff of the Visits Department at the main reception of the Justus Lipsius building. They are then taken to a meeting room where a speaker explains, in straightforward terms, how the Council works. Other speakers may take the floor, if the group so wishes, to explain, for example, the legal aspects of the Council and of the EU, or specific policies of interest to the group.

Once a year (at the beginning of May), the Council organises, in concert with the other EU institutions, an “open day” when those who so wish can visit the Council premises without prior appointment. Guided tours are then organised within the building by officials from the institution.

7. THE LIBRARY

The Council has a library, open by appointment to visitors from outside.

It contains monographs, reference works, official journals of each Member State of the European Union, the *Official Journal of the European Union* (on paper, microfiche, CD-ROM and online) and Community publications.

While it has a stock similar to that of the other libraries of the European institutions, the Council library has its own characteristics, as it includes everything relating to the Council and its activities, focusing more particularly on the second and third pillars (CFSP and JHA).

The library has the *Bibliography on the Council*, which is updated annually and is available on request.

The library subscribes to some 600 general or specialist periodicals which can be consulted *in situ*. The articles selected are scanned, then catalogued and stored (on paper, microfiche and CD-ROM) thus forming a database which currently contains approximately 20 000 titles.

Newspapers and weekly publications are made available to the public in the reading room. Computers are available to access library catalogues, the Community databases and the internet.

The library is open to outside visitors provided they can give evidence of genuine interest.

It is situated on the second floor of square Frère Orban 10
Tel. 32 (0) 2 285 65 41
or 32 (0) 2 285 98 64

Opening hours are 9.00 to 17.00, from Monday to Friday.

Visitors must apply to the reception desk, which will contact the library staff (see 'Useful contacts and addresses').

The Council Legal Service has a specialised legal library. It is in the Justus Lipsius building,
Office 20.40 FG 41,
tel. 32 (0) 2 285 74 54,
opening hours: 9.00 to 13.00
and 14.30 to 17.30

The Office for Official Publications of the European Communities prints, circulates and sells the Official Journal of the European Union.

A list of the main sales outlets of the Publications Office is given at the end of this handbook.

In addition to the paper version, the OJ is available in electronic form, on CD-ROM (subscription), or for free on EUR-Lex, the portal to European Union law

☛ <http://europa.eu.int/eur-lex>

The Official Journal is available in all the official languages of the Union in both its paper edition and electronic editions.

(¹) Spanish, Czech, Danish, German, Estonian, Greek, English, French, Italian, Latvian, Lithuanian, Hungarian, Maltese, Dutch, Polish, Portuguese, Slovak, Slovene, Finnish, Swedish

8. THE OFFICIAL JOURNAL

The bulk of the Council's legislative and decision-making activity is published in the 20 official languages of the Communities (⁽¹⁾) in the *Official Journal of the European Union (OJ)*.

The OJ comprises two series (L and C) and a Supplement (S).

The L series of the Official Journal contains legislative acts.

The C series contains a broad range of information and communications, including preparatory acts, which are published either in the paper edition (OJ C), or in a single version available in electronic format (electronic OJ C).

The Supplement to the Official Journal (S series) contains notices of public contracts issued by the contracting authorities of Member States, of third countries, of Community institutions, etc.

The Council publishes the following acts in the OJ:

- *regulations, directives* and *decisions* adopted in accordance with the codecision procedure (European Parliament and Council acts) and Council *regulations* and *directives* addressed to all Member States (category L I);

- *common positions* and *statements of reasons* for preparatory acts adopted by the codecision and cooperation procedures (C series in electronic format);
- *conventions* on cooperation in the fields of justice and home affairs (C series, and when they enter into force, an indication to that effect in the L and C series with a reference to the number of the OJ C series in which the text of the convention was published). Council *decisions* establishing conventions are also published.

The following acts relating to CFSP and JHA are published in the OJ by a decision of the Council acting unanimously in each case at the time of their adoption:

- *common positions, joint actions* and *common strategies* (under Titles V and VI of the EU Treaty);
- measures implementing joint actions or conventions (in JHA matters) (under Titles V and VI of the EU Treaty).

The same principle applies to *resolutions* and *conclusions* adopted in the framework of the EC Treaty or EU Treaty and to *recommendations* based on the Treaty on European Union (C series).

The L series of the Official Journal publishes legislation and the C series publishes communications. The C series is supplemented by an edition existing only in electronic format.

Preparatory acts are published either in the Official Journal, C series in the paper edition, or only in the electronic C series. The Supplement to the Official Journal (S series) contains notices of public contracts and may be consulted for free

☛ <http://ted.publications.eu.int>

For additional information on the OJ, see the site of the Office for Publications

☛ <http://eur-op.eu.int>

The following acts under the Treaty establishing the European Community (EC Treaty) are published in the OJ by a decision of the Council acting unanimously:

- *directives* which are not adopted under the codecision procedure and directives which are not of general application (category L II);
- *decisions* other than those adopted by the codecision procedure (category L II);
- *recommendations* based on the EC Treaty (category L II);
- *conventions* based on the EC Treaty (C series, and when they enter into force, an indication to that effect in the L and C series with a reference to the number of the OJ C series in which the text of the convention was published).

9. HISTORICAL ARCHIVES

The archives contain Council documents dating from more than 30 years ago. The originals are sent to the University Institute in Florence and a complete set of copies is kept on microfiche at the Council headquarters.

The historical archives are accessible to the public under the conditions laid down in Council Regulation (EC, Euratom) 1700/2003 of 22 September 2003 amending Council Regulation (EEC, Euratom) 354/83 on the opening of the historical archives to the public.

The above arrangements can exclude certain documents, notably staff files, documents and elements of cases pending judgment by the Court of Justice, and documents containing information relating to the private or professional life of an individual, if the exceptions resulting in limited access to these documents in accordance with EC Regulation 1049/01 still apply.

The archives may be consulted, by appointment, at the Council headquarters. The consultation room is on level 05 of the Justus Lipsius building (entrance: rue Belliard - Chaussée d'Etterbeek 70). It is open to the public on working days from 9.00 to 16.30.

On each visit, the visitor must report to the official in charge (see 'Useful contacts and addresses').

PART THREE

USEFUL
CONTACTS
AND ADDRESSES



1. COUNCIL OF THE EUROPEAN UNION

The names and current contact details of Council Heads of Services can be consulted on the Europa site

☛ <http://europa.eu.int/idea/index.htm>

The basic structure of the e-mail address of all Council officials is as follows:

☛ Firstname.surname@consilium.eu.int

For compound names or if in doubt, please call the Council (02 285 61 11) for the exact address.

HEADQUARTERS

Justus Lipsius building

rue de la Loi 175

B-1048 Brussels

Tel. 32 (0)2 285 61 11

Fax 32 (0)2 285 73 97 et 285 73 81

Venue for Luxembourg meetings

European Centre

plateau du Kirchberg

L-2929 Luxembourg

Tel. (352) 43 00-1

Fax (352) 430 25 73 36

Internet

<http://ue.eu.int>

E-mail

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Pre-arranged order of Presidencies

| | First half | Second half |
|-------------|------------|----------------|
| 2004 | Ireland | Netherlands |
| 2005 | Luxembourg | United Kingdom |
| 2006 | Austria | Finland |

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Mr Leonardo Schiavo
Head of Cabinet of the Secretary-General

Deputy Secretary-General

Mr Pierre de Boissieu

Mr David Galloway
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Mr Willem Stols
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Committee of the Regions

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ANNEXES

1. CODE OF GOOD ADMINISTRATIVE BEHAVIOUR
2. SPECIFIC PROVISIONS OF THE COUNCIL'S RULES OF PROCEDURE REGARDING PUBLIC ACCESS TO COUNCIL DOCUMENTS
3. REGULATION (EC) NO 1049/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 30 MAY 2001 REGARDING PUBLIC ACCESS TO EUROPEAN PARLIAMENT, COUNCIL AND COMMISSION DOCUMENTS

ANNEX 1

DECISION OF THE SECRETARY-GENERAL OF THE COUNCIL/HIGH REPRESENTATIVE FOR COMMON FOREIGN AND SECURITY POLICY

of 25 June 2001

**on a code of good administrative behaviour for the General Secretariat of
the Council of the European Union and its staff in their professional
relations with the public**

(2001/C 189/01)

THE SECRETARY-GENERAL OF THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207(2) thereof,

Having regard to the Council's Rules of Procedure, and in particular Article 23 thereof,

Whereas:

(1) The provisions of Community law on openness and transparency should be fully respected in the daily practice of the General Secretariat of the Council (hereinafter referred to as the “General Secretariat”).

(2) Experience has shown that a number of requests from citizens for general information fall outside the scope of the rules governing public access to Council documents as laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽¹⁾.

(3) Guidance should be provided for members of staff in their professional relations with the public,

HAS DECIDED AS FOLLOWS:

Article 1

A code of good administrative behaviour for the General Secretariat of the Council of the European Union and its staff in their professional relations with the public is hereby adopted. This code is contained in the Annex.

⁽¹⁾
OJ L 145, 31.5.2001, p. 43.

Article 2

1. The objective of this Decision and the annexed code is to facilitate the implementation of rights and obligations flowing from the treaties and acts adopted for their application, without creating additional rights.
2. This Decision shall not prevail over any provision of the Treaty on European Union, the Treaty establishing the European Community, the Staff Regulations of officials and the conditions of employment of the other servants of the European Communities, Regulation (EC) No 1049/2001 of the European Parliament and of the Council or any decision taken by the Council regarding public access to Council documents.

Article 3

The necessary measures shall be taken within the General Secretariat to ensure that this Decision and the annexed code:

- are published in the *Official Journal of the European Communities*, C series, are publicised as widely as possible and made available to the public via the Internet;
- are respected by members of staff.

Article 4

The code of good administrative behaviour annexed to this Decision shall be reviewed two years after the date on which it takes effect, in the light of the experience gained from its implementation.

Article 5

This Decision shall take effect on 25 June 2001.

Done at Brussels, 25 June 2001.

The Secretary-General/High Representative
Javier SOLANA

ANNEX

Code of good administrative behaviour for the General Secretariat of the Council of the European Union and its staff in their professional relations with the public

Article 1

General provisions

1. In their professional relations with the public, members of staff, that is to say, officials and other servants of the General Secretariat of the Council covered by the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the European Communities (hereinafter referred to as “Staff Regulations”), shall observe the provisions set out in this Code of good administrative behaviour (hereinafter referred to as the “Code”). Persons employed under private law contracts, experts on secondment from national services and trainees, etc. working for the Council Secretariat should also be guided by it.
2. The relations between the General Secretariat of the Council and its staff are governed exclusively by the Staff Regulations.

Article 2

Scope of application

This Code lays down the general principles of good administrative behaviour applicable to members of staff in their professional relations with the public, except where these are governed by specific provisions, such as the rules concerning access to documents and public tendering procedures.

Article 3

Non-discrimination

In dealing with requests and answering enquiries, members of staff shall ensure that the principle of equal treatment is observed. Persons in the same situation shall be treated in the same manner, unless specific treatment is justified by the objective characteristics of the matter in question.

Article 4

Fairness, loyalty and neutrality

1. Members of staff shall act in a fair and reasonable manner.
2. In their professional relations with the public and in accordance with their obligations (in particular those imposed by Article 11 of the Staff Regulations), members of staff shall in all circumstances act in the interests of the European Union and of the Council and shall not allow themselves to be influenced by personal or national considerations nor by political pressure or express personal legal opinions.

Article 5

Courtesy

Members of staff shall act in a conscientious, correct, courteous and approachable manner. In replying to correspondence or telephone calls or in any other professional contact with the public, they shall endeavour to be as helpful as possible.

Article 6

Provision of information

1. Members of staff shall provide the public with the information requested, falling within their area of responsibility. They shall ensure that the information is as clear and comprehensible as possible.
2. If, for reasons of confidentiality and/or pursuant to applicable rules (in particular Article 17 of the Staff Regulations), a member of staff considers that he is unable to divulge the information requested, the reasons why such information cannot be provided shall be given to the person concerned.
3. When access to a Council document is requested, the specific provisions regarding public access to documents shall apply.

Article 7

Replying to letters in the language used by the members of the public

In accordance with Article 21 of the Treaty establishing the European Community, the General Secretariat of the Council shall reply to letters in the language of the initial letter, provided that it was written in one of the official languages of the Community.

Article 8

Telephone calls

1. When answering the telephone, members of staff shall identify themselves and their service. They shall also establish the identity of the caller. Unless reasons of confidentiality, as referred to in Article 6(2), prevent it, they shall provide the requested information or direct the caller to the appropriate source. However, in cases of hesitation as to whether that information may be provided, they shall consult their hierarchy or refer callers to their superior.
2. Should an oral request for information be imprecise or complex, the member of staff approached may ask the person concerned to formulate the request in writing.

Article 9

Written replies and their deadlines

1. Members of staff shall without delay, and normally within 15 working days following receipt, reply to all requests for information addressed to the General Secretariat.
2. Where a reasoned reply cannot be provided within the period referred to in paragraph 1, the member of staff responsible shall inform the correspondent thereof without delay. In this event, the correspondent shall be given a definitive reply as soon as possible.
3. The service and the name of the member of staff in charge of the matter shall be indicated in the reply.
4. No reply need be provided where:
 - an excessive number of identical letters or requests has been received;
 - a reply has already been given to the same request from the same person;
 - the request is of an improper nature.
5. Should a request in writing fall outside the area of responsibility of the member of staff receiving it, the request shall be forwarded to the competent service of the General Secretariat without delay for handling by that service.
6. If the request is imprecise or complex, the member of staff may ask the correspondent to clarify the request.
7. If the member of staff considers that a request should have been addressed to another institution, another body, another organisation or a national administration, the member of the public shall be informed of this, and the request shall immediately be forwarded to the institution, body or administration concerned.

Article 10

Requests from the media

The Press Service is responsible for contacts with the media. However, when requests for information from the media concern technical subjects falling within their specific areas of responsibility, members of the staff may answer them.

Article 11

Data protection

1. Members of staff handling an individual's personal data shall observe the provisions set out in Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.
2. In accordance with that Regulation, members of staff shall refrain from processing personal data for non-legitimate purposes or transmitting such data to unauthorised third parties.

⁽¹⁾
OJ L 8, 12.1.2001, p. 1.

ANNEX 2

SPECIFIC PROVISIONS OF THE COUNCIL'S RULES OF PROCEDURE REGARDING PUBLIC ACCESS TO COUNCIL DOCUMENTS (*)

Article 1

Scope

Any natural or legal person shall have access to Council documents subject to the principles, conditions and limits laid down in Regulation (EC) No 1049/2001 and the specific provisions laid down in this Annex.

Article 2

Consultation as regards third-party documents

1. For the purpose of applying Article 4(5) and Article 9(3) of Regulation (EC) No 1049/2001 and unless it is clear, upon examination of the document in the light of Article 4(1), (2) and (3) of Regulation (EC) No 1049/2001, that it shall not be disclosed, the third party concerned shall be consulted if:

- (a) the document is a sensitive document as defined in Article 9(1) of Regulation (EC) No 1049/2001;
- (b) the document originates from a Member State and
 - was submitted to the Council before 3 December 2001;
 - or
 - the Member State concerned requested that it not be disclosed without its prior agreement.

2. In all other cases, where the Council receives an application for a third-party document in its possession, the General Secretariat, for the purpose of applying Article 4(4) of Regulation (EC) No 1049/2001, shall consult the third party concerned unless it is clear, upon examination of the document in the light of Article 4(1), (2) and (3) of Regulation (EC) No 1049/2001, that it shall or shall not be disclosed.

(*)
OJ L 313, 30.11.2001.

3. The third party shall be consulted in writing (including by e-mail) and be given a reasonable time limit for its reply, taking into account the time limit laid down in Article 7 of Regulation (EC) No 1049/2001. In the cases referred to in paragraph 1, the third party shall be asked to give its opinion in writing.

4. Where the document does not fall within paragraph 1(a) or (b) and the General Secretariat, in the light of the third party's negative opinion, is not satisfied that Article 4(1) or (2) of Regulation (EC) No 1049/2001 is applicable, the Council shall be seized of the matter.

If the Council envisages the release of the document, the third party shall be informed immediately in writing of the Council's intention to release the document after a time period of at least 10 working days. At the same time, the third party's attention shall be drawn to Article 243 of the Treaty establishing the European Community.

Article 3

Requests for consultation received from
other institutions or from Member States

Requests for consultations with the Council made by another institution or a Member State concerning an application for a Council document shall be sent via e-mail to access@consilium.eu.int or by fax to 32 (0)2 285 63 61.

The General Secretariat shall give its opinion on behalf of the Council promptly, taking into account any time limit required for a decision to be made by the institution or the Member State concerned, and at the latest within five working days.

Article 4

Documents originating from Member States

Any request by a Member State under Article 4(5) of Regulation (EC) No 1049/2001 shall be made in writing to the General Secretariat.

Article 5

Referral of requests by Member States

When a Member State refers a request to the Council, it shall be handled in accordance with Articles 7 and 8 of Regulation (EC) No 1049/2001 and the relevant provisions of this Annex. In the event of a total or partial refusal of access, the applicant shall be informed that any confirmatory application must be addressed directly to the Council.

Article 6

Address for applications

Applications for access to a document shall be addressed in writing to the Secretary-General of the Council/High Representative, rue de la Loi/Wetstraat 175, B-1048 Brussels, by e-mail to access@consilium.eu.int or by fax to 32 (0)2 285 63 61.

Article 7

Processing of initial applications

Subject to Article 9(2) and (3) of Regulation (EC) No 1049/2001, any application for access to a Council document shall be handled by the General Secretariat.

Article 8

Processing of confirmatory applications

Subject to Article 9(2) and (3) of Regulation (EC) No 1049/2001, any confirmatory application shall be decided upon by the Council.

Article 9

Charges

The charges for producing and sending copies of Council documents shall be set by the Secretary-General.

Article 10

Public register of Council documents

1. The General Secretariat shall be responsible for providing public access to the register of Council documents.
2. In addition to the references to documents, it shall be indicated in the register which documents drawn up after 1 July 2000 have already been released to the public. Subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽ⁱ⁾ and Article 16 of Regulation (EC) No 1049/2001, their content shall be made available on the Internet.

Article 11

Documents directly accessible to the public

1. This Article shall apply to all Council documents, provided that they are not classified and without prejudice to the possibility of making a written application in accordance with Article 6 of Regulation (EC) No 1049/2001.
2. For the purpose of this Article:
 - «circulation» shall mean distribution of the final version of a document to the members of the Council, their representatives or delegates;
 - «legislative document» shall mean any document concerning the examination and adoption of a legislative act within the meaning of Article 7 of the Council's Rules of Procedure

⁽ⁱ⁾
OJ L 8, 12.1.2001, p. 1.

3. The General Secretariat shall make the following documents available to the public as soon as they have been circulated:

- (a) documents of which neither the Council nor a Member State is the author, which have been made public by their author or with his agreement;
- (b) provisional agenda of meetings of the Council in its various formations;
- (c) any text adopted by the Council and intended to be published in the *Official Journal of the European Communities*.

4. Provided that they are clearly not covered by any of the exceptions laid down in Article 4 of Regulation (EC) No 1049/2001, the General Secretariat may also make the following documents available to the public as soon as they have been circulated:

- (a) provisional agenda of committees and working parties;
- (b) other documents, such as information notes, reports, progress reports and reports on the state of discussions in the Council or in one of its preparatory bodies which do not reflect individual positions of delegations, excluding Legal Service opinions and contributions.

5. The General Secretariat shall make the following legislative documents available to the public, in addition to the documents referred to in paragraphs 3 and 4, as soon as they have been circulated:

- (a) cover notes and copies of letters concerning legislative acts addressed to the Council by other institutions or bodies of the European Union or, subject to Article 4(5) of Regulation (EC) No 1049/2001, by a Member State;
- (b) notes submitted to Coreper and/or to the Council for approval («I/A» and «A» item notes), as well as the draft legislative acts to which they refer;

(c) decisions adopted by the Council during the procedure referred to in Article 251 of the EC Treaty and joint texts approved by the Conciliation Committee.

6. After adoption of one of the decisions referred to in paragraph 5(c) or final adoption of the act concerned, the General Secretariat shall make available to the public any legislative documents relating to this act which were drawn up before one of such decisions and which are not covered by any of the exceptions laid down in Article 4(1), (2) and (3), second subparagraph, of Regulation (EC) No 1049/2001, such as information notes, reports, progress reports and reports on the state of discussions in the Council or in one of its preparatory bodies (“outcomes of proceedings”), excluding Legal Service opinions and contributions.

At the request of a Member State, documents which are covered by the first subparagraph and reflect the individual position of that Member State’s delegation in the Council shall not be made available to the public under these provisions.

ANNEX 3

REGULATION (EC) No 1049/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2001

regarding public access to European Parliament, Council and Commission documents

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

having regard to the Treaty establishing the European Community, and in particular Article 255(2) thereof,

having regard to the proposal from the Commission ⁽¹⁾,

acting in accordance with the procedure referred to in Article 251 of the Treaty ⁽²⁾,

whereas:

(1) The second subparagraph of Article 1 of the Treaty on European Union enshrines the concept of openness, stating that the Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen.

(2) Openness enables citizens to participate more closely in the decision-making process and guarantees that the administration enjoys greater legitimacy and is more effective and more accountable to the citizen in a democratic system. Openness contributes to strengthening the principles of democracy and respect for fundamental rights as laid down in Article 6 of the EU Treaty and in the Charter of Fundamental Rights of the European Union.

(3) The conclusions of the European Council meetings held at Birmingham, Edinburgh and Copenhagen stressed the need to introduce greater transparency into the work of the Union institutions. This Regulation consolidates the initiatives that the institutions have already taken with a view to improving the transparency of the decision-making process.

(4) The purpose of this Regulation is to give the fullest possible effect to the right of public access to documents and to lay down the general principles and limits on such access in accordance with Article 255(2) of the EC Treaty.

⁽¹⁾
OJ C 177 E, 27.6.2000, p. 70.

⁽²⁾
Opinion of the European Parliament of 3 May 2001 (not yet published in the Official Journal) and Council Decision of 28 May 2001.

(5) Since the question of access to documents is not covered by provisions of the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community, the European Parliament, the Council and the Commission should, in accordance with Declaration No 41 attached to the Final Act of the Treaty of Amsterdam, draw guidance from this Regulation as regards documents concerning the activities covered by those two Treaties.

(6) Wider access should be granted to documents in cases where the institutions are acting in their legislative capacity, including under delegated powers, while at the same time preserving the effectiveness of the institutions' decision-making process. Such documents should be made directly accessible to the greatest possible extent.

(7) In accordance with Articles 28(1) and 41(1) of the EU Treaty, the right of access also applies to documents relating to the common foreign and security policy and to police and judicial cooperation in criminal matters. Each institution should respect its security rules.

(8) In order to ensure the full application of this Regulation to all activities of the Union, all agencies established by the institutions should apply the principles laid down in this Regulation.

(9) On account of their highly sensitive content, certain documents should be given special treatment. Arrangements for informing the European Parliament of the content of such documents should be made through interinstitutional agreement.

(10) In order to bring about greater openness in the work of the institutions, access to documents should be granted by the European Parliament, the Council and the Commission not only to documents drawn up by the institutions, but also to documents received by them. In this context, it is recalled that Declaration No 35 attached to the Final Act of the Treaty of Amsterdam provides that a Member State may request the Commission or the Council not to communicate to third parties a document originating from that State without its prior agreement.

(11) In principle, all documents of the institutions should be accessible to the public. However, certain public and private interests should be protected by way of exceptions. The institutions should be entitled to protect their internal consultations and deliberations where necessary to safeguard their ability to carry out their tasks. In assessing the exceptions, the institutions should take

account of the principles in Community legislation concerning the protection of personal data, in all areas of Union activities.

(12) All rules concerning access to documents of the institutions should be in conformity with this Regulation.

(13) In order to ensure that the right of access is fully respected, a two-stage administrative procedure should apply, with the additional possibility of court proceedings or complaints to the Ombudsman.

(14) Each institution should take the measures necessary to inform the public of the new provisions in force and to train its staff to assist citizens exercising their rights under this Regulation. In order to make it easier for citizens to exercise their rights, each institution should provide access to a register of documents.

(15) Even though it is neither the object nor the effect of this Regulation to amend national legislation on access to documents, it is nevertheless clear that, by virtue of the principle of loyal cooperation which governs relations between the institutions and the Member States, Member States should take care not to hamper the proper application of this Regulation and should respect the security rules of the institutions.

(16) This Regulation is without prejudice to existing rights of access to documents for Member States, judicial authorities or investigative bodies.

(17) In accordance with Article 255(3) of the EC Treaty, each institution lays down specific provisions regarding access to its documents in its rules of procedure. Council Decision 93/731/EC of 20 December 1993 on public access to Council documents ⁽¹⁾, Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents ⁽²⁾, European Parliament Decision 97/632/EC, ECSC, Euratom of 10 July 1997 on public access to European Parliament documents ⁽³⁾, and the rules on confidentiality of Schengen documents should therefore, if necessary, be modified or be repealed,

(1)
OJ L 340, 31.12.1993, p. 43. Decision as last amended by Decision 2000/527/EC (OJ L 212, 23.8.2000, p. 9).

(2)
OJ L 46, 18.2.1994, p. 58. Decision as amended by Decision 96/567/EC, ECSC, Euratom (OJ L 247, 28.9.1996, p. 45).

(3)
OJ L 263, 25.9.1997, p. 27.

HAVE ADOPTED THIS REGULATION:

Article 1

Purpose

The purpose of this Regulation is:

- a) to define the principles, conditions and limits on grounds of public or private interest governing the right of access to European Parliament, Council and Commission (hereinafter referred to as the institutions) documents provided for in Article 255 of the EC Treaty in such a way as to ensure the widest possible access to documents;
- (b) to establish rules ensuring the easiest possible exercise of this right, and
- (c) to promote good administrative practice on access to documents.

Article 2

Beneficiaries and scope

1. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, subject to the principles, conditions and limits defined in this Regulation.
2. The institutions may, subject to the same principles, conditions and limits, grant access to documents to any natural or legal person not residing or not having its registered office in a Member State.
3. This Regulation shall apply to all documents held by an institution, that is to say, documents drawn up or received by it and in its possession, in all areas of activity of the European Union.

4. Without prejudice to Articles 4 and 9, documents shall be made accessible to the public either following a written application or directly in electronic form or through a register. In particular, documents drawn up or received in the course of a legislative procedure shall be made directly accessible in accordance with Article 12.

5. Sensitive documents as defined in Article 9(1) shall be subject to special treatment in accordance with that Article.

6. This Regulation shall be without prejudice to rights of public access to documents held by the institutions which might follow from instruments of international law or acts of the institutions implementing them.

Article 3

Definitions

For the purpose of this Regulation:

- (a) “document” shall mean any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording) concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility;
- (b) “third party” shall mean any natural or legal person, or any entity outside the institution concerned, including the Member States, other Community or non-Community institutions and bodies and third countries.

Article 4

Exceptions

1. The institutions shall refuse access to a document where disclosure would undermine the protection of:

(a) the public interest as regards:

- public security,
- defence and military matters,
- international relations,
- the financial, monetary or economic policy of the Community or a Member State;

(b) privacy and the integrity of the individual, in particular in accordance with Community legislation regarding the protection of personal data.

2. The institutions shall refuse access to a document where disclosure would undermine the protection of:

- commercial interests of a natural or legal person, including intellectual property,
- court proceedings and legal advice,
- the purpose of inspections, investigations and audits,

unless there is an overriding public interest in disclosure.

3. Access to a document, drawn up by an institution for internal use or received by an institution, which relates to a matter where the decision has not been taken by the institution, shall be refused if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

Access to a document containing opinions for internal use as part of deliberations and preliminary consultations within the institution concerned shall be refused even after the decision has been taken if disclosure of the document would seriously undermine the institution's decision-making process, unless there is an overriding public interest in disclosure.

4. As regards third-party documents, the institution shall consult the third party with a view to assessing whether an exception in paragraph 1 or 2 is applicable, unless it is clear that the document shall or shall not be disclosed.

5. A Member State may request the institution not to disclose a document originating from that Member State without its prior agreement.

6. If only parts of the requested document are covered by any of the exceptions, the remaining parts of the document shall be released.

7. The exceptions as laid down in paragraphs 1 to 3 shall only apply for the period during which protection is justified on the basis of the content of the document. The exceptions may apply for a maximum period of 30 years. In the case of documents covered by the exceptions relating to privacy or commercial interests and in the case of sensitive documents, the exceptions may, if necessary, continue to apply after this period.

Article 5

Documents in the Member States

Where a Member State receives a request for a document in its possession, originating from an institution, unless it is clear that the document shall or shall not be disclosed, the Member State shall consult with the institution concerned in order to take a decision that does not jeopardise the attainment of the objectives of this Regulation. The Member State may instead refer the request to the institution.

Article 6

Applications

1. Applications for access to a document shall be made in any written form, including electronic form, in one of the languages referred to in Article 314 of the EC Treaty and in a sufficiently precise manner to enable the institution to identify the document. The applicant is not obliged to state reasons for the application.
2. If an application is not sufficiently precise, the institution shall ask the applicant to clarify the application and shall assist the applicant in doing so, for example, by providing information on the use of the public registers of documents.
3. In the event of an application relating to a very long document or to a very large number of documents, the institution concerned may confer with the applicant informally, with a view to finding a fair solution.
4. The institutions shall provide information and assistance to citizens on how and where applications for access to documents can be made.

Article 7

Processing of initial applications

1. An application for access to a document shall be handled promptly. An acknowledgement of receipt shall be sent to the applicant. Within 15 working days from registration of the application, the institution shall either grant access to the document requested and provide access in accordance with Article 10 within that period or, in a written reply, state the reasons for the total or partial refusal and inform the applicant of his or her right to make a confirmatory application in accordance with paragraph 2 of this Article.
2. In the event of a total or partial refusal, the applicant may, within 15 working days of receiving the institution's reply, make a confirmatory application asking the institution to reconsider its position.

3. In exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents, the time limit provided for in paragraph 1 may be extended by 15 working days, provided that the applicant is notified in advance and that detailed reasons are given.

4. Failure by the institution to reply within the prescribed time limit shall entitle the applicant to make a confirmatory application.

Article 8

Processing of confirmatory applications

1. A confirmatory application shall be handled promptly. Within 15 working days from registration of such an application, the institution shall either grant access to the document requested and provide access in accordance with Article 10 within that period or, in a written reply, state the reasons for the total or partial refusal. In the event of a total or partial refusal, the institution shall inform the applicant of the remedies open to him or her, namely instituting court proceedings against the institution and/or making a complaint to the Ombudsman, under the conditions laid down in Articles 230 and 195 of the EC Treaty, respectively.

2. In exceptional cases, for example in the event of an application relating to a very long document or to a very large number of documents, the time limit provided for in paragraph 1 may be extended by 15 working days, provided that the applicant is notified in advance and that detailed reasons are given.

3. Failure by the institution to reply within the prescribed time limit shall be considered as a negative reply and entitle the applicant to institute court proceedings against the institution and/or make a complaint to the Ombudsman, under the relevant provisions of the EC Treaty.

Article 9

Treatment of sensitive documents

1. Sensitive documents are documents originating from the institutions or the agencies established by them, from Member States, third countries or international organisations, classified as “TRÈS SECRET/TOP SECRET”, “SECRET” or “CONFIDENTIEL” in accordance with the rules of the institution concerned, which protect essential interests of the European Union or of one or more of its Member States in the areas covered by Article 4(1)(a), notably public security, defence and military matters.
2. Applications for access to sensitive documents under the procedures laid down in Articles 7 and 8 shall be handled only by those persons who have a right to acquaint themselves with those documents. These persons shall also, without prejudice to Article 11(2), assess which references to sensitive documents could be made in the public register.
3. Sensitive documents shall be recorded in the register or released only with the consent of the originator.
4. An institution which decides to refuse access to a sensitive document shall give the reasons for its decision in a manner which does not harm the interests protected in Article 4.
5. Member States shall take appropriate measures to ensure that when handling applications for sensitive documents the principles in this Article and Article 4 are respected.
6. The rules of the institutions concerning sensitive documents shall be made public.
7. The Commission and the Council shall inform the European Parliament regarding sensitive documents in accordance with arrangements agreed between the institutions.

Article 10

Access following an application

1. The applicant shall have access to documents either by consulting them on the spot or by receiving a copy, including, where available, an electronic copy, according to the applicant's preference. The cost of producing and sending copies may be charged to the applicant. This charge shall not exceed the real cost of producing and sending the copies. Consultation on the spot, copies of less than 20 A4 pages and direct access in electronic form or through the register shall be free of charge.
2. If a document has already been released by the institution concerned and is easily accessible to the applicant, the institution may fulfil its obligation of granting access to documents by informing the applicant how to obtain the requested document.
3. Documents shall be supplied in an existing version and format (including electronically or in an alternative format such as Braille, large print or tape) with full regard to the applicant's preference.

Article 11

Registers

1. To make citizen's rights under this Regulation effective, each institution shall provide public access to a register of documents. Access to the register should be provided in electronic form. References to documents shall be recorded in the register without delay.
2. For each document the register shall contain a reference number (including, where applicable, the interinstitutional reference), the subject matter and/or a short description of the content of the document and the date on which it was received or drawn up and recorded in the register. References shall be made in a manner which does not undermine protection of the interests in Article 4.

3. The institutions shall immediately take the measures necessary to establish a register which shall be operational by 3 June 2002.

Article 12

Direct access in electronic form or through a register

1. The institutions shall as far as possible make documents directly accessible to the public in electronic form or through a register in accordance with the rules of the institution concerned.
2. In particular, legislative documents, that is to say, documents drawn up or received in the course of procedures for the adoption of acts which are legally binding in or for the Member States, should, subject to Articles 4 and 9, be made directly accessible.
3. Where possible, other documents, notably documents relating to the development of policy or strategy, should be made directly accessible.
4. Where direct access is not given through the register, the register shall as far as possible indicate where the document is located.

Article 13

Publication in the Official Journal

1. In addition to the acts referred to in Article 254(1) and (2) of the EC Treaty and the first paragraph of Article 163 of the Euratom Treaty, the following documents shall, subject to Articles 4 and 9 of this Regulation, be published in the Official Journal:
 - (a) Commission proposals;
 - (b) common positions adopted by the Council in accordance with the procedures referred to in Articles 251 and 252 of the EC Treaty and the reasons underlying those common positions, as well as the European Parliament's positions in these procedures;
 - (c) framework decisions and decisions referred to in Article 34(2) of the EU Treaty;

- (d) conventions established by the Council in accordance with Article 34(2) of the EU Treaty;
- (e) conventions signed between Member States on the basis of Article 293 of the EC Treaty;
- (f) international agreements concluded by the Community or in accordance with Article 24 of the EU Treaty.

2. As far as possible, the following documents shall be published in the Official Journal:

- (a) initiatives presented to the Council by a Member State pursuant to Article 67(1) of the EC Treaty or pursuant to Article 34(2) of the EU Treaty;
- (b) common positions referred to in Article 34(2) of the EU Treaty;
- (c) directives other than those referred to in Article 254(1) and (2) of the EC Treaty, decisions other than those referred to in Article 254(1) of the EC Treaty, recommendations and opinions.

3. Each institution may in its rules of procedure establish which further documents shall be published in the Official Journal.

Article 14

Information

- 1. Each institution shall take the requisite measures to inform the public of the rights they enjoy under this Regulation.
- 2. The Member States shall cooperate with the institutions in providing information to the citizens.

Article 15

Administrative practice in the institutions

- 1. The institutions shall develop good administrative practices in order to facilitate the exercise of the right of access guaranteed by this Regulation.

2. The institutions shall establish an interinstitutional committee to examine best practice, address possible conflicts and discuss future developments on public access to documents.

Article 16

Reproduction of documents

This Regulation shall be without prejudice to any existing rules on copyright which may limit a third party's right to reproduce or exploit released documents.

Article 17

Reports

1. Each institution shall publish annually a report for the preceding year including the number of cases in which the institution refused to grant access to documents, the reasons for such refusals and the number of sensitive documents not recorded in the register.
2. At the latest by 31 January 2004, the Commission shall publish a report on the implementation of the principles of this Regulation and shall make recommendations, including, if appropriate, proposals for the revision of this Regulation and an action programme of measures to be taken by the institutions.

Article 18

Application measures

1. Each institution shall adapt its rules of procedure to the provisions of this Regulation. The adaptations shall take effect from 3 December 2001.
2. Within six months of the entry into force of this Regulation, the Commission shall examine the conformity of Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy () Community with this Regulation in order to ensure the preservation and archiving of documents to the fullest extent possible.

()
OJ L 43, 15.2.1983, p. 1.

3. Within six months of the entry into force of this Regulation, the Commission shall examine the conformity of the existing rules on access to documents with this Regulation.

Article 19

Entry into force

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

It shall be applicable from 3 December 2001.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 May 2001.

For the European Parliament
The President
N. FONTAINE

For the Council
The President
B. LEJON

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COUNCIL OF
THE EUROPEAN UNION

GENERAL SECRETARIAT

Council Guide

I – The Presidency Handbook

*II – Comments on
the Council's Rules
of Procedure*

III – Delegates' Handbook

IV – Co-decision Guide



COUNCIL GUIDE

Internal document

I. Presidency Handbook

– February 2001 –

General Secretariat

DG F — Information, Transparency and Public Relations

Notice

This booklet, which has been prepared by the General Secretariat of the Council, does not commit either the Community institutions or the governments of the Member States.

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FOREWORD

The complexity of the tasks facing the Council means that Council working methods need to be redefined regularly. In order to facilitate the work of the Presidency and of the delegations, the Council introduced systematic planning of meetings from the end of 1988 and initiated publication by the General Secretariat of a *Presidency vade-mecum*. The entry into force of the Treaty on European Union made the organisation of proceedings even more complex: consequently, the Council instructed the Secretary-General to draw up a genuine handbook covering all Council activities, the *Council Guide*.



This second edition of the *Council Guide* presented by the General Secretariat was compiled under its sole responsibility; it has no legal force and is an internal document intended solely as an aid for the Presidency and Member State delegations.

The guide covers the whole range of Council activities. It consists of four sections, each published separately. The first section — the **Presidency Handbook** — continues the operation begun with the *Presidency vade-mecum* and sets out in a practical context the arrangements concerning the preparation and running of a Presidency. The second section consists of **Comments on the Council's Rules of Procedure**, reflecting the current interpretation of that text in practice. The third section — the **Delegates' Handbook** — contains practical information on the planning and running of meetings, the internal organisation of the General Secretariat and the services provided for delegates. The fourth section — the **Co-decision Guide** — explains the new co-decision procedure resulting from the changes brought about by the Treaty of Amsterdam.

My wish, in making this version of the *Council Guide* available to those involved in the work of our institution, has been to satisfy the request voiced by the Council and to contribute towards efforts to ensure information and transparency. Any suggestions concerning the content of this guide will be welcome.

Secretary-General/High Representative

A handwritten signature in dark ink, appearing to read 'Javier Solana'. The signature is fluid and cursive, written in a professional style.

Javier Solana

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Part I

Presidency Handbook

Chapter I — General

1. Sources

The Treaty on European Union (TEU) and the Treaties establishing the three European Communities contain a number of provisions dealing with the role of the Council Presidency and the conditions in which it is exercised.

- **Article 203 of the Treaty establishing the European Community (TEC)** ⁽¹⁾ stipulates that the office of President shall be held in turn by each Member State for a term of six months in the order decided unanimously by the Council. The order has been determined by a Council decision of 1 January 1995 ⁽²⁾. It is as follows: France, Spain, Italy, Ireland, Netherlands, Luxembourg, United Kingdom, Austria, Germany, Finland, Portugal, France, Sweden, Belgium, Spain, Denmark and Greece. This sequence may be amended by the Council acting unanimously. **Article 204 TEC** states that the Council shall meet when convened by its President on his own initiative or at the request of one of its members or of the Commission. Other Articles specify the role of the Presidency by field or sector. The Presidency's overall role, inherent in the office, is not described by the Treaty.
- In the field of economic policy, **the second subparagraph of Article 99(4) TEC** assigns certain tasks to the President of the Council (report to the European Parliament on the results of multilateral surveillance, explaining the Council's recommendations on the broad guidelines of the economic policies of the Member States and of the Community to European Parliament committees).
- For the common foreign and security policy (CFSP), **Article 18 TEU** lays down the responsibilities of the Presidency (representing the Union in matters coming within the CFSP, implementing decisions taken, expressing positions of the Union in international organisations and international conferences). **Article 21 TEU** provides that the Presidency shall consult the European Parliament on the main aspects and the basic choices of the CFSP and shall keep it regularly informed of the development of the CFSP ⁽³⁾.

⁽¹⁾ See also Article 27 of the ECSC Treaty and Article 116 of the Euratom Treaty.

⁽²⁾ OJ L 1, 1.1.1995, p. 220.

⁽³⁾ See Chapters IV, Section 1, and V, Section 5.

- **Article 24 TEU** provides that the Presidency shall negotiate agreements, if so authorised by the Council.
- On cooperation on justice and home affairs (JHA), **Article 39(2) TEU** defines the role of the Presidency (regularly informing the European Parliament on matters under Title VI TEU) ⁽¹⁾.
- **The second paragraph of Article 48 TEU** gives the President the task of convening a conference of representatives of the governments of the Member States to adopt amendments to the Treaties on which the European Union is based, after a favourable opinion of the Council following consultation with the European Parliament and the Commission.

The Council's Rules of Procedure, hereinafter CRP ⁽²⁾, supplement and further define this general framework by highlighting the tasks of the President throughout the Council's decision-making process and within its preparatory bodies. In particular, Article 20 thereof — which was added when the CRP were amended in June 2000 — confers a number of specific tasks on the Presidency.

Finally, **practice** has played a large part in defining the role of the Presidency. Discounting the (more or less) marked aspects of national character which can set their stamp on the role for six months, experience over the years has fleshed out the broad lines of the Presidency's role, the main features of which are described below.

2. There is one Presidency

The counterpart of the single institutional framework — an essential element of the structure of the Treaty on European Union — is the single Presidency, which is held by the same Member State in every sphere of activity of the Union (Community matters, CFSP and JHA) and at all levels (from working parties to the European Council).

There are, nevertheless, certain gradations or exceptions to the principle of a single Presidency stemming from the need for the greatest possible efficiency and cohesion, while ensuring continuity of action by the Union. These are essentially as follows.

⁽¹⁾ See Chapter V.

⁽²⁾ Council decision of 5 June 2000 adopting the Council's Rules of Procedure (OJ L 149, 23.6.2000, p. 21).

- (a) The Presidency may develop **evolving programmes**, such as the one set up to implement the internal market or **programmes spread over several Presidencies. Instances of overlapping**, or **temporary rules**, are stipulated within the CRP ⁽¹⁾, which specifically provide that the place of the Presidency-in-Office may be taken by the following Presidency on committees and in working parties — but not in Coreper — where it is certain that the corresponding Council meeting will be held under the following Presidency.
- (b) When carrying out its tasks of representing the Union and implementing CFSP decisions (Article 18(1) and (2) TEU), the Presidency is assisted by the Secretary-General/High Representative for the CFSP (Article 18(3) TEU), and if need be by the next Member State to hold the Presidency (see Article 18(4) TEU) ⁽²⁾.
- (c) At international conferences, provision can be made for **twofold external representation** by the Presidency and Commission in order to meet the need for consistency.
- (d) Certain committees which prepare Council proceedings are not chaired by the country holding the Council Presidency ⁽³⁾.

3. The Presidency is neutral

The Presidency must, by definition, be **neutral and impartial**. It is the moderator for discussions and cannot therefore favour either its own preferences or those of a particular Member State. This presupposes both good coordination with its own State's spokesmen so that they can voice the national position without impeding the

⁽¹⁾ Such overlapping is mentioned in Article 19(4) CRP.

⁽²⁾ It should also be noted that the Secretary-General/High Representative for the CFSP assists the Council in matters coming within the scope of the common foreign and security policy, in particular through contributing to the formulation, preparation and implementation of policy decisions, and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third parties (Article 26 TEU). See also Chapter V, Section 5.

⁽³⁾ See Council decision of 29 September 2000 on the composition and the statutes of the Economic Policy Committee (OJ L 257, 11.10.2000, p. 28). See also the Economic and Financial Committee (OJ L 358, 31.12.1998, p. 109 and OJ L 5, 1.1.1999, p. 71), the Code of Conduct Group (business taxation) — Council conclusions of 9 March 1998 (OJ C 99, 1.4.1998, p. 1), the Military Committee — Council decision of 22 January 2001 (OJ L 27, 30.1.2001, p. 4) and the Security Committee — set up under the Council's security regulations of 19 March 2001 (Part II, Section I, paragraph 3 — see OJ L 101, 11.4.2001, p. 1).

work of the Presidency, as well as taking due account, on their own merits, of all positions expressed.

The duty to be neutral exists alongside the **political dimension** which informs the conduct of Union business and which is particularly apparent in the order of priority set in the choice and handling of items of business. This order of priority is occasioned by considerations of topicality and of deadlines, as well as by the political tone which the Presidency wishes to set for its six-month period. In its role as moderator, the Presidency must also take action where it notes that a stalemate has occurred; this will take the form of **compromise suggestions** to reconcile the different interests involved in a single issue or a set of interconnected issues (package deal), which inevitably means that political choices have to be made.

4. The Presidency deploys national resources

Major deployment of the entire national administrative apparatus is required to get the Presidency up and running. Each Member State uses its own working methods conditioned by its traditions and culture, as well as more incidental considerations linked to its size or the nature of its interests. The size of this extra workload for national administrations (both capitals and permanent representations), even for the larger Member States, should not be underestimated. The success of a Presidency largely depends on how well it is prepared and how effectively it coordinates with its national administration. Nevertheless, the administration of the Member State taking on the Presidency is not working in isolation since it has the **support of the General Secretariat of the Council**.

5. The Presidency is always in the hands of the Council

Any procedural decision by the Presidency may be challenged by the Council by a simple majority. Any statement by or letter from the Presidency expressing the Council position, particularly in its relations with the other institutions, must meet with the Council's agreement.

6. The General Secretariat of the Council ⁽¹⁾

Article 207(2) TEC provides that **the Council shall be assisted by a General Secretariat**, under the responsibility of a Secretary-General/High Representative for the CFSP, who shall be assisted by a Deputy Secretary-General responsible for the running of the General Secretariat. Article 23(5) of the CRP further stipulates that ‘the Secretary-General, assisted by the Deputy Secretary-General, shall have full responsibility for administering the appropriations entered in Section II — Council of the budget ...’.

a) The Secretary-General/High Representative for the common foreign and security policy

The Secretary-General/High Representative for the CFSP is head of the General Secretariat and holds overall political responsibility for its activities. The services he provides in support of successive Presidencies include secretarial services for the European Council and systematic preparation, particularly by means of Presidency briefings, of all the proceedings of the General Affairs Council and certain other Councils and of the Permanent Representatives Committee (Part 2).

Article 18 TEU provides that the Presidency shall represent the Union in matters coming within the common foreign and security policy, that the Presidency shall be responsible for the implementation of decisions taken in this area and that it shall be assisted by the Secretary-General/High Representative for the CFSP. Article 26 TEU also states that the Secretary-General/High Representative for the CFSP ‘shall assist the Council in matters coming within the scope of the common foreign and security policy, in particular through contributing to the formulation, preparation and implementation of policy decisions and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third parties’.

Article 17(1) TEU stipulates that the common foreign and security policy shall include all questions relating to the security of the Union, including the progressive framing of a common defence policy, which might lead to a common defence, should the European Council so decide.

Accordingly, the Secretary-General/High Representative plays a very specific role in helping the Presidency and the Council to perform their duties in these areas.

⁽¹⁾ See also the ‘Delegates’ Handbook’, Part III of this *Council Guide*, Chapter II.

b) The Deputy Secretary-General

In accordance with Article 23(5) CRP, the Deputy Secretary-General, under the authority of the Secretary-General/High Representative, has full responsibility for managing the Secretariat's human and financial resources. All the information provided on the role of the Secretariat is thus subject to this consideration ⁽¹⁾.

c) The General Secretariat

The task of assistance, which the General Secretariat performs alongside the Presidency, involves several types of function.

- (i) Besides the logistical support as described in Chapter VII, **the General Secretariat supports the Presidency** in its responsibilities for organising work (drawing up the timetable, setting the dates of meetings, convening meetings — telexes, briefings before meetings, etc.).
- (ii) During meetings, **the General Secretariat informs** the Presidency about the procedures applicable, **is responsible for drawing up the minutes of meetings**, as well as all the documents reporting on progress or summarising the outcome, at every stage of the decision-making process (working parties, committees, Coreper and Council), and makes sure that those reports are circulated ⁽²⁾.
- (iii) It acts as the registrar and **memory** of the Council's discussions and decisions.
- (iv) Besides its notarial-type work, **the General Secretariat has progressively built up an advisory role** with the Presidency which manifests itself in different ways; in particular it is involved — to varying degrees — in working out the terms of the Presidency compromises, in respect of both drafting and content.
- (v) The **Legal Service** of the Council has a specific role to play which should be emphasised. It is the legal adviser to the Council ⁽³⁾. Indeed, since the Community is — according to the Court of Justice of the European Communities — 'a Community based on the rule of law, inasmuch as neither its Member States nor its institutions can avoid a review of the question whether the

⁽¹⁾ See also Chapters VII and VIII.

⁽²⁾ See below Chapter I, Section 6(c)(ix) (Press Office)

⁽³⁾ The Director-General of the Legal Service is also the legal adviser to the intergovernmental conferences (IGCs) which amend the Treaties.

measures adopted by them are in conformity with the basic constitutional charter, the Treaty', it is vital that the Council should have access to independent legal opinions. While the Legal Service is an integral part of the General Secretariat, it is independent in the opinions it gives. Representatives of the Legal Service attend most working party and committee meetings and all Coreper, Council and European Council meetings and are called upon to answer any institutional or legal questions raised during discussions, or to raise such questions themselves and put forward solutions. Oral contributions by the Legal Service, which are in some cases set down in written form, play an important part in helping the Presidency to conduct its proceedings. The Legal Service, and in particular its team of jurist-linguists, is responsible under Article 22 CRP for ensuring the drafting quality of legislative acts, pursuant to the interinstitutional agreement of 22 December 1998 ⁽¹⁾. Finally, it represents the Council before the Court of Justice and the Court of First Instance.

- (vi) **As part of the policy of transparency, the General Secretariat has responsibility for implementing**, on behalf of the Council, Council Decision 93/731/EC ⁽²⁾ on public access to Council documents in compliance with the Council's powers under the same decision. It is also responsible for making Council deliberations public in accordance with Article 9 CRP (statements entered in the minutes, items in the minutes, the results of votes and explanations of votes made public). Such documents may be accessed via the Council's web site (<http://ue.eu.int>).
- (vii) The Secretary-General, the Deputy Secretary-General or a Director-General, acting on their behalf, gives notice of Council acts (Article 18 CRP).
- (viii) The Secretary-General, the Deputy Secretary-General or one of the senior Council officials may, acting on the Presidency's instructions, represent the Council before European Parliament committees (Article 26 CRP).
- (ix) **The Press Office**, which reports to the Private Office of the Secretary-General, provides information on the Council to the outside world by drafting:

⁽¹⁾ Guidelines for the quality of drafting of Community legislation (OJ C 73, 17.3.1999, p. 1).

⁽²⁾ See OJ L 340, 31.12.1993, p. 41, amended by Decision 96/705/EC (OJ L 325, 14.12.1996, p. 19) and, most recently, by Decision 2000/527/EC (OJ L 212, 28.8.2000, p. 9).

- press releases circulated prior to Council meetings; these basically give the agenda;
- background notes on certain items under discussion which are available for the briefing which the Presidency gives to the press in the week before the Council meeting;
- press releases circulated after the Council meetings containing the outcome of proceedings and the text of any statements, resolutions or agreements decided on by the Council and including the results of votes made public ⁽¹⁾ together with any explanations of votes made public.

The Press Office also publishes any Council statements on CFSP matters adopted outside Council meetings (written procedure) and, finally, arranges contacts with journalists, particularly briefings prior to Council and Coreper meetings. In performing these tasks, the Press Office plays a crucial role in promoting transparency. Information for the press is made available to the public via the Internet (<http://ue.eu.int/newsroom>).

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The General Secretariat of the Council, including its Legal Service, performs the same role in all areas of the Council's activity, including the CFSP-CESDP ⁽²⁾ and JHA.

⁽¹⁾ See Chapter III, Section 4(g).

⁽²⁾ Common European security and defence policy.

Chapter II — Getting ready for the Presidency

1. Timetable of meetings ⁽¹⁾

Every Presidency draws up a timetable of Council meetings which has to be available **seven months before the start of the six months of the Presidency** when it is notified to the General Secretariat of the Council (Article 1(2) CRP ⁽²⁾).

As a general rule and except in justified cases, **this timetable is drawn up** to take account, as far as possible, of public holidays applicable to the staff of the General Secretariat. Generally speaking, the Presidency must try and spread work in as balanced a way as possible throughout the six months to prevent an excessive concentration at the end of its term of office; it must also try to avoid overlapping meetings so that members of Coreper (Part 1 or Part 2) can participate in Council configurations on matters for which they are competent. As a general rule, it is especially important to avoid scheduling more than two Council meetings on the same day. The Presidency also makes every endeavour not to schedule General Affairs and Ecofin ⁽³⁾ Council meetings in January and September.

2. Changes to the timetable

If it considers it advisable, the Presidency can always **change** the timetable by proposing to cancel or add a meeting. In point 11 of Annex III to the Helsinki European Council conclusions (see Annex I below), it was recommended that the Presidency should convene Council meetings only when a substantive agenda existed (e.g. when policy decisions were to be taken or political orientations given), and not when there were merely points of information or progress reports to be given.

For practical reasons, mainly concerning the availability of ministers, limited use should be made of the option of adding extra Council meetings. It is also generally accepted that a month's notice is needed before the date of the Council meeting. If it does change the timetable, the Presidency must be sure to consult the members of Coreper. Any requests from the Commission or delegations for changes to the timetable must also be made in Coreper.

⁽¹⁾ See also the 'Delegates' Handbook', Part III of this *Council Guide*, Chapter I, Sections 1 and 2.

⁽²⁾ See OJ L 149, 23.6.2000, p. 21.

⁽³⁾ Customary abbreviation for Economic and Financial Affairs.

The Presidency examines the other delegations' requests and comments carefully but it is accepted that, since it is in charge of organising work, it is the Presidency which determines the timetable (even if, formally, such a procedural decision is a matter for a simple majority).

With regard to **venues** for meetings, it should be noted that the Council has its seat in **Brussels**, in accordance with the protocol annexed to the TEU and the three Community Treaties. During the months of April, June and October, the Council holds its meetings in **Luxembourg**. In exceptional circumstances and for duly substantiated reasons, the Council or Coreper, acting unanimously, may decide that a Council meeting will be held elsewhere (Article 1(3), second subparagraph, CRP).

The Presidency must respect the number of **configurations** ⁽¹⁾ in which the Council is called upon to meet. It shall endeavour to group together subject matter so as not to increase the number of specialised Council configurations. Before convening a Council meeting in a new configuration, the General Affairs Council must decide whether such a new idea is appropriate (Article 2(1) CRP).

3. Planning of work — preparing indicative agendas

Article 1(2) CRP sets out the conclusions on improving the Council's working methods (1292nd meeting on 10 December 1988), whereby 'in order to prepare more effectively for Council meetings, as regards both **content** and **timing**, it appears desirable for a detailed **work programme** to be drawn up for each Presidency before the start of the six-month period'. The work of the Council is organised on the basis of this work programme.

The work programme sets out an indicative agenda for each Council meeting scheduled. It may be used to identify by sector the objectives assigned to the Council, and work to be organised upstream of the Council (working parties and Coreper) to clear the way for achieving those objectives, and to organise relations with the other institutions or bodies of the Union due to take part in the decision-making process. A further use is enabling Member States to conduct their internal procedures in line with the progress of work within the Council.

(¹) The list of current Council configurations is set out in OJ C 174, 23.6.2000, p. 1. It is reproduced in Annex II hereto.

In substance, this programme is of an indicative nature since it is impossible to plan for every contingency; for planning to remain entirely credible, however, the main point to remember is that changes should be confined solely to instances of *force majeure*. This kind of planning must be carried out long enough in advance to ensure a smooth transition between each Presidency.

This work programme is drafted **in coordination with the General Secretariat of the Council** and in liaison with the Secretariat-General of the Commission, the European Parliament Secretariat and the preceding and succeeding Presidencies.

The work programme is forwarded in good time by the General Secretariat of the Council to the various delegations and the Commission for information.

As part of the coordination mentioned previously between the various bodies of the European Union ⁽¹⁾, and in order to **ensure a smooth transition between every Presidency**, each Presidency should:

- update dossiers to be examined in the six-month period;
- cross-check the timetables for procedures to take place within each institution; in the case of the European Parliament, it is vital to know the timetable for plenary sessions and committee meetings;
- assess the importance of each dossier and its political or technical nature, which may affect the course of the procedure to be followed by the Council;
- allocate dossiers under the decision-making procedures arising from the Treaty, in order to comply with the arrangements for legislative procedure (consultation, cooperation, co-decision, assent).

Article 8(1) CRP stipulates that the Council in its General Affairs and Economic and Financial Affairs configurations shall hold a **public policy debate** on the six-monthly work programme submitted by the Presidency and, if appropriate, on the Commission's annual work programme and any other subjects chosen by the Presidency. The Council or Coreper can decide by qualified majority on a case-by-case basis whether any other public debates are to be held. These debates are broadcast publicly by audiovisual means (in the Council's Press Room and through 'Europe by satellite').

⁽¹⁾ See also Chapter IV.

4. The machinery of the Presidency

The first task when setting up the Presidency is **to appoint the chairmen of the various working parties and committees in good time**. Depending on the nature of each working party or committee, the Presidency may decide whether, besides the chair, it should appoint a deputy chairman or possibly a delegate with the task of presenting the national positions adopted by the Member State holding the Presidency. Future chairmen should be appointed in sufficient time to allow them, where necessary, to acquaint themselves with the proceedings of the working parties and committees. Given the need, amongst other things, to make working party and committee proceedings even more efficient on account of limited resources and an increasing workload, it is recommended that training in or a prior introduction to the role of chairman be provided in conjunction with the General Secretariat.

The roles of chairman and national delegate or spokesman are in principle separate. It is essential that the appropriate contacts take place before meetings so that, among other things, the role played by each can be clarified.

Nevertheless, the final sentence of Article 19(4) CRP provides that ‘for the preparation of meetings of Council configurations meeting once every six months, where held during the first half of this period, the meetings of committees other than Coreper and those of working parties held during the preceding six months may be chaired by a delegate of the Member State whose turn it is to chair the said Council meetings’. This provision has, to date, never been applied.

As and when required, particularly if the Presidency is unable to attend any Council meeting, the latter may be chaired by the following Presidency (Article 20(2) CRP).

It is thus for the Presidency to:

- determine the chairman and national spokesman for each working party and committee;
- appoint, before the start of the six months, the persons who will be chairing the meetings of Coreper Part 1 and Part 2, the Political Committee, the Article 36 Committee, the Special Committee on Agriculture (SCA), and the Article 133 Committee ⁽¹⁾, as well as the Antici Group and the Mertens Group;

⁽¹⁾ With the exception of the Economic and Financial Committee.

— appoint, where appropriate, national spokesmen at each level in each sector.

In order to coordinate every aspect of the organisation of meetings, the Presidency must also designate someone at the permanent representation as an **official responsible for the practical organisation of meetings** who will remain in regular contact with the General Secretariat departments responsible for reserving rooms and teams of interpreters ⁽¹⁾.

This person is empowered to notify the General Secretariat of the Presidency's priorities, particularly where the number of meetings theoretically planned for a given day exceeds interpretation or meeting-room capacity. Depending on new priorities, a meeting (even if planned for a long time) may also have to be called off at the last minute.

This person must be able to negotiate with working party chairmen and, if need be, **arbitrate**. It is essential for him or her to have a genuine understanding of how the decision-making system works, of the procedures for organising meetings and of the respective roles of civil servants from the capitals, from the permanent representations, from the General Secretariat of the Council and from the Joint Interpreting and Conference Service. He or she is acting on behalf of the chairman of Coreper, and on his authority. As his or her role is essential for the smooth running of the Presidency, he or she should, as far as possible, be relieved of other duties.

Should the need arise, this person can also play a role in determining priorities when the number of documents requested for a given date exceeds the resources available in the Document Translation and Production Departments. He or she may also be a useful contact person for the General Secretariat's Central Coordination Department.

To enable the Council to operate effectively, the Presidency must endeavour to restrict the number of meetings, particularly of working parties and committees, to what is absolutely necessary and at any rate resist the temptation to provide meeting rooms and teams of interpreters as a matter of course, without first ascertaining whether the meetings requested are strictly necessary.

To ensure that the number of meetings scheduled by the Presidency matches the Secretariat's available resources, the Presidency draws up a cooperation plan with the relevant directorate-general in the Secretariat. It is likely that in future the number of meetings will have to be reduced for budgetary reasons.

⁽¹⁾ See also the 'Delegates' Handbook', Part III of this *Council Guide*.

Full use should be made of the potential represented by new technologies. For instance, comments and exchanges by electronic mail can sometimes help to reduce the amount of time spent in meetings.

5. Travel expenses incurred by delegates of Council members

Article 8 of the decision of the Secretary-General/High Representative of 10 October 2000 concerning reimbursement of travel expenses of delegates of Council members lays down that the Coreper Chair must send a request for prior authorisation for the Council to cover the travel expenses for any meeting:

- other than a meeting of the Council or its preparatory bodies meeting ‘in the framework of the activities of the Council as an institution’;
- other than a meeting of an intergovernmental conference with a view to revising the Treaties or the accession of a State to the European Union, when, cumulatively, it is ‘held within the framework of the Treaties’, ‘considered to be inextricably linked to the work of the Council’, and ‘aimed at giving major political impetus to the development of the Union’.

The text of this decision is set out in **Annex IV** to this part.

The General Secretariat has provided delegations with a vade-mecum containing guidelines on how to implement this decision.

Chapter III — How the decision-making process works

The decision-making process comprises several stages from the examination of a proposal within the Council until the final decision is taken. As regards co-decision, see the ‘Co-decision Guide’, Part IV of this *Council Guide*. A number of special features relating to Titles V (CFSP) and VI (JHA) TEU are dealt with in Chapters V and VI. The purely procedural aspects ⁽¹⁾ and any consultation of the other institutions and bodies of the Union held within the framework of the activities of the Council ⁽²⁾ are discussed in the ‘Comments on the Council’s Rules of Procedure’, Part II of this *Council Guide*.

A list of Council working parties established by decision of Coreper is set out in **Annex III** to this part. The list is regularly updated and is published by the General Secretariat (Article 19(3) CRP).

1. Working parties

Once the General Secretariat of the Council has received a Commission proposal ⁽³⁾ in all its language versions, the relevant working party is convened to examine it on the instructions of Coreper (or the **SCA** ⁽⁴⁾ for most agricultural questions) as follows:

- with the Presidency’s agreement, the General Secretariat sends a telex to the members of the working party — in principle, at least one week before the meeting — convening the meeting (and advising them of the agenda);

⁽¹⁾ The reference here is essentially to the procedures laid down in Articles 251 and 252 TEC and those peculiar to the budget, international agreements and Titles V (CFSP) and VI (JHA) TEU.

⁽²⁾ It is for the General Secretariat to advise the Presidency of the procedural context in which examination within the Council will take place and of the consultations which will be required in that context. The Council conclusions on the improvement of working methods adopted on 10 December 1988 state: ‘Under existing guidelines, the Secretariat is to ensure that delegations have available to them the opinions of the European Parliament and the Economic and Social Committee, as soon as these have been issued. The chairmen at working party level will ensure that the opinions of the Parliament and Economic and Social Committee are given due weight in deliberations, so that the Secretariat can report to the Permanent Representatives Committee and can draft more appropriately the explanatory memoranda covering the Council common positions addressed to the Parliament.’

⁽³⁾ For Community matters, proposals can, as a general rule, come only from the Commission (apart from those under Title IV TEC in the fields of visas, asylum, immigration and other policies in which Member States may submit initiatives up until April 2004). For Titles V and VI TEU, the initiative may come from the Member States or the Commission.

⁽⁴⁾ The SCA (Special Committee on Agriculture) was set up in 1960.

- the choice of meeting date must take into account the availability of meeting rooms and interpreting facilities ⁽¹⁾, as well as likely dates for discussion in Coreper or the SCA ⁽²⁾. In view of the time which must elapse between the referral to Coreper and examination by the Council (see below: two or three weeks), it is evident that the last working party discussion must normally be three to four weeks before the Council meeting at which the issue is to be examined;
- the documents (Commission proposal or outcome of working party proceedings) must reach delegations at least one week before the date of the meeting ⁽³⁾.

The Presidency, with the assistance of the General Secretariat of the Council, prepares the agendas for working party meetings. It is helpful, when organising proceedings, to set up an advance meeting between the Presidency and the relevant Secretariat officials (briefing) which the Commission representative may be invited to attend where the subject so warrants.

Relations between the chairman and the national spokesman need to be clarified before the meeting. This is in order to avoid both blatant collusion and contradictory situations which would compromise the clarity of discussions. In some instances, if no spokesman is appointed, the chairman may have no alternative but to assume both roles. Should he find himself in such a situation — which should be avoided wherever possible — the chairman should make it clear, when speaking, which hat he is wearing.

The working party follows similar **rules of procedure** to the Council and Coreper. It is intended to provide an opportunity for national delegates to compare and contrast their respective positions in order to iron out the difficulties occasioned by the proposal under discussion in so far as those difficulties are not substantive, horizontal or institutional in nature and thus warrant discussion by Coreper.

⁽¹⁾ As regards meeting rooms and interpreting facilities, see also the ‘Delegates’ Handbook’, Part III of this *Council Guide*.

⁽²⁾ Article 21 CRP states that the Presidency shall organise the meetings of the various committees and working parties so that their reports are available before the Coreper meetings at which they are to be examined, and unless considerations of urgency require otherwise, the Presidency shall postpone to a subsequent Coreper meeting any legislative items on which the committee or working party has not completed its discussions at least five working days prior to Coreper’s meeting.

⁽³⁾ See the ‘Delegates’ Handbook’, Part III of this *Council Guide*, Chapter I, Section 4.

The working party generally carries out a thorough examination of the proposal, article by article, and reports to Coreper only when it considers that the dossier has been scrutinised sufficiently and all the questions which could have been resolved at its level have been.

As far as the **results** are concerned, while it is possible to compare delegations' positions at working party level, no final decision is possible since no formal vote can be taken. To get an indication, however, the chairman can hold an informal poll of delegations' positions. At the end of the meeting, he will then draw conclusions summarising the content of the discussions and listing the points on which agreement seems possible, those raising political or horizontal questions to be referred to Coreper, and perhaps also those requiring further examination. Depending on the conclusions, the chairman can either refer matters to Coreper, or else decide to hold a further meeting of the working party to iron out those issues which, by their nature, need to be resolved before referral to Coreper. To increase efficiency and minimise the number of meetings, the chairman, with the aid of the Secretariat, also endeavours to clarify any outstanding issues and draw up a solution through bi- and multilateral exchanges with delegations and the Commission.

2. The General Secretariat ⁽¹⁾

The General Secretariat of the Council drafts, on its own responsibility and as quickly as possible, a **report** entitled 'Outcome of working party proceedings' which summarises the content of the discussions and the conclusions reached by the working party. This report is distributed ready for the working party's next meeting or for referral of the item to Coreper.

When a document or dossier is due to be resubmitted to the working party, the outcome of proceedings is, as far as possible, incorporated into the discussion document and forwarded to delegations in the form of a revised document (REV).

A minimum of two weeks is required to make a document of about 10 pages available in all languages. That amount of time may not always reflect the urgency of the matter and can, in exceptional circumstances, be shortened provided that the time al-

⁽¹⁾ See also the 'Delegates' Handbook', Part III of this *Council Guide*, Chapter II.

lowed remains compatible with proper preparation of the dossiers and with the General Secretariat's logistical capacity, given the constantly rising number of documents for translation. It is customary to send out notice of meetings and documents simultaneously (eight days in advance) ⁽¹⁾. The minimum period of two weeks required for translation means that the last reading by the working party must allow the Secretariat enough time to prepare the introductory note **before** the beginning of the period needed for translation. Should this period need to be shortened, **the absolute minimum requirement** is that the working party's last reading should take place five working days before Coreper meets, thus enabling the Secretariat to prepare both the introductory note and the note to the chairman of Coreper in good time before the end of the week preceding Coreper's meeting.

Once a working party chairman thinks that **a matter should be included on the agenda for Coreper**, he must notify the Presidency coordinator, as well as the Presidency representatives on the Antici/Mertens Groups who will make the necessary contacts with the Meetings Department of the General Secretariat in order to have the item placed on the preliminary draft agenda for the appropriate Coreper meeting.

3. Coreper

Article 207 TEC stipulates that 'a committee consisting of the permanent representatives of the Member States shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council'. This horizontal task applies to the Council in all its configurations (except for the Agriculture Council, for which preparations are, for the most part ⁽²⁾, traditionally carried out by the SCA) and for all areas falling within the sphere of competence of the Union including the CFSP and JHA). Article 19(2) CRP ⁽³⁾ states that all items on the agenda for a Council meeting shall be examined in advance by Coreper, unless otherwise decided by Coreper (by simple majority) or by the Council (voting unanimously).

Coreper is divided into two parts:

⁽¹⁾ The Presidency may, if it thinks it necessary, convene the working party at shorter notice, particularly in order to inform it about practical arrangements for further work.

⁽²⁾ Veterinary and zootechnical harmonisation, as well as the harmonisation of plant health, animal feedstuff and plant and seed legislation traditionally go through Coreper.

⁽³⁾ Without prejudice to the role of the Economic and Financial Committee as determined in Article 114(2) TEC and the existing decisions of the Council which concern it.

- **Coreper Part 1** (Coreper I), composed of the deputy permanent representatives, which meets on Wednesdays as a rule, but often also on Fridays;
- **Coreper Part 2** (Coreper II), composed of the permanent representatives, which usually meets on Wednesdays or Thursdays (it meets on Wednesdays in weeks preceding General Affairs or Ecofin Council meetings).

The allocation of tasks decided by Coreper itself is as follows:

- **Coreper II:** institutional matters, preparation of Council meetings in the following configurations: General Affairs, Economic and Financial Affairs, Development, Justice, Home Affairs and Civil Protection and Budget;
- **Coreper I:** preparation of Council meetings in the following configurations: Internal Market, Consumer Affairs and Tourism, Research, Industry and Energy, Fisheries, Transport and Telecommunications, Environment, Employment and Social Policy, Health, Education and Youth Affairs, Culture, and Agriculture.

(a) The provisional agenda

The provisional agenda is adopted by each Coreper chairman the week before the meeting ⁽¹⁾.

The Coreper agenda is divided into **two parts**:

- **Part I** contains items on which agreement has been reached within the working party and which may therefore be approved by Coreper without discussion, unless a delegation is opposed, in which case the item is entered in Part II for the following meeting;
- **Part II** contains items requiring substantive examination by Coreper, and **‘Other business’ items** entered at the request of the Presidency, a delegation or the Commission. These items will give rise to a communication from those requesting them, but cannot culminate in a decision. Since it became possible for Coreper to adopt procedural decisions (Article 207(1) TEC and Article 19(5) CRP), such items have been marked on Coreper agendas with an asterisk in order to notify delegations that a procedural decision is to be taken.

⁽¹⁾ Preferably before noon on Friday to avoid creating overtime for services of the General Secretariat (translators, Secretarial Departments, reproduction services, etc.).

An item can be included on the agenda with **the indication ‘Possibly’** so that the Presidency can withdraw or retain the item at very short notice. It is, however, advisable to make only limited use of this procedure, which makes planning and the work of delegations more difficult.

The CRP lay down specific rules on how much time to allow for the submission and inclusion of items on Coreper agendas (Article 19(5) and Article 21, second paragraph). To ensure the smooth conduct of proceedings and sound management of the General Secretariat, systematic application of those rules is required.

Too many derogations lead to the creation of overtime which, with a little discipline, could easily be avoided. This applies to agendas for Coreper which are often circulated too late. Given the whole host of services involved in the production of such documents (Meetings Department, Coordination, Translation Divisions, Secretarial Departments, Reproduction and Circulation Departments, Telex Department) and the fact that each of these services is dependent upon the previous link in the chain, the total cost of overtime standbys, which may at first glance appear trivial, is not insignificant.

The Meetings Department has accordingly been instructed, apart from exceptional circumstances, to accept items for inclusion on Coreper agendas only up until noon on the Friday preceding the meeting.

Lastly, if one or more delegations so request, and Coreper agrees unanimously, a new item may be added when the final agenda is adopted at the start of the meeting. Use should be made of this possibility only where absolutely justified by exceptional circumstances.

(b) Preparation for Coreper

Working from the provisional agenda, **the General Secretariat drafts** for the delegates, as the case may be, reports, short notes on the items in Part I or notes summarising the progress of discussions (possibly with an annotated text) for items in Part II. For each item on the agenda, it also drafts a note addressed only to the Presidency (note to the chairman of Coreper) informing him of the procedure to follow and of any supplementary information which might help discussions to progress. Notes to the chairman are exclusively reserved for the Presidency and are never circulated to the other delegations or outside.

The dossier should be available to the Presidency the day before the meeting at the latest.

Where it is appropriate, the Presidency can even take the line of making a **specific contribution** itself, generally in the form of a compromise, to get work moving. Such contributions are **drafted by the Presidency, assisted by the General Secretariat of the Council**, usually in conjunction with the Commission.

A preparatory meeting (briefing) is held the day before the Coreper meeting, attended by the Coreper chairman, together with the coordinator, officials of the General Secretariat of the Council dealing with the matters on the agenda, and a representative of the Legal Service. Coreper (Part 2) briefings are attended by the Secretary-General/High Representative, or the Deputy Secretary-General, and the legal adviser to the Council (Director-General of the Legal Service).

The Antici Group, set up in 1975, prepares the work of Coreper (Part 2). It is composed of the immediate assistants to the permanent representatives and a Commission representative, under the chairmanship of the Presidency's Antici representative. Meetings of the group are also attended by members of the Secretary-General's Private Office and the assistant to the Director-General of the Legal Service. The group is responsible for examining Coreper agendas and deciding on the organisation of the proceedings, particularly the order in which agenda items will be discussed. The meeting is also the time when delegations inform one another of their respective positions and state what items they want entered under 'Other business'. The group reviews the minutes of meetings held by those Council configurations set up by Coreper (Part 2), before items are submitted as I/A items to Coreper and then the Council. The Antici Group may also be instructed by Coreper to deal with certain horizontal dossiers — particularly in sensitive areas — on an ad hoc basis.

The Mertens Group, which was set up in 1993, performs more or less the same function for Coreper (Part 1).

(c) Conduct of meetings

Coreper first adopts its definitive agenda. This is when requests are made for items to be taken under 'Other business' or for new items to be placed on the agenda (see above) and the chairman states in what sequence items will finally be discussed.

The chairman then calls upon Coreper to approve the items entered in Part I of its agenda. Such approval may occasion reservations and statements, but no real discussion can take place.

The Presidency takes any **procedural** decisions (see 'Comments on the Council's Rules of Procedure', Part II of this *Council Guide*).

Coreper's discussions follow a similar pattern to those in the Council (see below) except that in principle they cannot culminate in any final decision (except in the case of procedural decisions assigned to Coreper by the CRP).

As a rule, Coreper avoids long drafting exercises. Where it appears that improved wording is required for further work to proceed, the Presidency, aided by the General Secretariat and the Legal Service, may be asked to redraft the text, or Coreper may request a working party (such as the Working Party of Foreign Relations Counsellors or the Working Party of JHA Counsellors or other delegates present) to meet as a matter of urgency in parallel with Coreper proceedings.

(d) The outcome

At the close of discussions, the chairman of Coreper may:

- note Coreper's agreement on the item under discussion and therefore suggest that it be entered as an 'A' item for a forthcoming Council meeting;
- or note agreement on a number of points, as well as substantive differences of views remaining on other aspects that need discussion at Council level to be resolved. In such circumstances, he suggests that they be entered as Council 'B' items;
- or note that some matters need further study by Coreper before being forwarded to the Council, and thus re-enter the item on the agenda for a future meeting;
- or, finally, ask the relevant working party to sort out the technical difficulties which have emerged at the Coreper meeting.

Following the Coreper proceedings, **the General Secretariat of the Council issues a note summarising progress** to assist further discussion at Council level, as well as a note to the Presidency. If full agreement is reached at Coreper level, the General Secretariat issues an ‘A’ item note listing the references of the texts for adoption by the Council, together with any statements there may be.

The General Secretariat draws up a summary record of the proceedings.

Deadlines for sending documents to the Council: Article 3(4) CRP stipulates that ‘only items in respect of which the documents have been sent to the members of the Council and to the Commission at the latest by the date on which the provisional agenda is sent may be placed on that agenda’, i.e. **generally speaking, at least 14 days before the beginning of the meeting, or 21 days in the case of JHA meetings** ⁽¹⁾.

4. The Council

In line with the timetable presented seven months before the beginning of the six months of the Presidency (see above, Chapter II), the Council meets ‘when convened by its President on his own initiative or at the request of one of its members or of the Commission’ (Article 1(1) CRP).

The Council consists of a representative of each Member State who holds ministerial rank and is authorised to commit his government (Article 203 TEC) ⁽²⁾.

The Commission is invited to take part in meetings, although the Council may decide to deliberate with the Commission not present (this is seldom the case, but can occur, for instance, if the Council — or one of its bodies — is discussing an appointment or a legal case between it and the Commission). The President and members of the Commission as well as of the Council may be accompanied by officials who assist them (Article 5(3) CRP).

Each Council meeting is chaired by the appropriate minister of the Member State holding the Presidency.

⁽¹⁾ See Article 3 CRP, footnote on page 1.

⁽²⁾ Certain clauses of the Treaty provide for the Council meeting at the level of Heads of State or Government.

Should it prove impossible for the Member State holding the Presidency to provide a President for the Council, that place is filled temporarily by the Member State next in line to hold the Presidency.

The Council meets in **different configurations** depending on the subjects for discussion. Annex II to this part sets out the list of these configurations as published in the Official Journal ⁽¹⁾.

The General Affairs Council has a horizontal responsibility for overseeing general policy coordination. It is also responsible for the preparatory work for European Council meetings (Article 2(2) CRP).

The frequency of Council meetings varies with the configuration. The General Affairs, Ecofin and Agriculture Councils meet every month.

(a) The agenda

The President draws up **the provisional agenda** for each meeting on the basis of the material available at least 14 days before each meeting. For the Justice and Home Affairs Council, the time limit is in principle 21 days.

To allow national parliaments to express their views on questions that might have particular interest for them, the protocol on the role of national parliaments in the European Union, annexed to the Treaties by the Treaty of Amsterdam, established a mechanism preventing the Council from adopting a legislative act before national parliaments have had time to examine the text. Point 3 of the protocol provides that if the Council is notified of a proposal or legislative initiative, it may place it on the provisional agenda for decision (on the final adoption of a legislative act, or on a common position under the co-decision procedure) only when six weeks have elapsed between the submission of the proposal or initiative and the Council's decision to adopt it. That rule also appears in Article 3(3) of the CRP. The Council, acting unanimously, may derogate from the six-week period for reasons of urgency.

It is mandatory **to enter an additional item on the provisional agenda** if a delegation or the Commission so requests at least 16 days before the Council meeting and if the documents are available. On the other hand, once that deadline has passed, unanimous agreement is required for the inclusion of any further item.

⁽¹⁾ See OJ C 174, 23.6.2000, p. 2.

The provisional agenda is distributed to Coreper by the Presidency (usually three weeks before the Council meeting). Items on which a vote may be taken are asterisked. It is important that, as far as possible, the agenda also makes a distinction between items down for negotiation and those for decision.

The General Secretariat of the Council drafts a note to the President of the Council supplementing the report(s) for all delegations. In the same way as the note to the chairman of Coreper (see above), this note sets out the latest information which the General Secretariat has on the state of the dossier, and outlines the main substantive, legal, procedural and tactical points which will assist the Presidency in conducting discussions. Notes to the President of the Council are exclusively reserved for the Presidency and are never circulated to the other delegations or outside.

Like the agenda for Coreper, the Council's agenda is divided into two parts:

— **'A' items**, which the Council may adopt without any discussion.

However, a member of the Council may always request the withdrawal of one of these items on the actual day of the Council meeting (the item then being held over until a forthcoming Council, or kept on the agenda by a simple majority if the item had been entered 14 days beforehand).

Delegations may, additionally, make **statements** when 'A' items are adopted ⁽¹⁾;

— **'B' items**. These are the items which the Council will discuss.

The agenda may also include **'Other business'** items which may be placed on the provisional agenda at the request of a delegation without any advance notice but may occasion neither a discussion nor a decision by the Council. However, any request for the inclusion of an 'Other business' item must in principle be accompanied by an explanatory document by the delegation submitting the request (Article 3(9) CRP).

The CRP lay down specific rules on how much time to allow for the submission and inclusion of items on Council agendas (Article 3). To ensure the smooth conduct of proceedings and sound management of the General Secretariat, systematic application of those rules is required.

⁽¹⁾ See also Chapter III, Section 4(g), 'Publication of votes'.

Too many derogations lead to the creation of overtime which, with a little discipline, could easily be avoided. This applies to 'A' items for the Council which are often released too late. Given the whole host of services involved in the production of such documents (Meetings Department, Coordination, Translation Divisions, Secretarial Departments, Reproduction and Circulation Departments, Telex Department) and the fact that each of these services is dependent upon the previous link in the chain, the total cost of overtime standbys, which may at first glance appear trivial, is not insignificant.

The Meetings Department has accordingly been instructed, apart from exceptional circumstances, to accept 'A' items for inclusion on Council agendas only up until noon on the day preceding the meeting. Any request for inclusion received by the Meetings Department after that deadline will automatically be deferred until the Council's next meeting.

(b) Preparations

A **preparatory meeting (briefing)** is held before the Council meeting, the day before or even on the same morning, chaired by the President, and attended by the permanent representative or his deputy, the Secretary-General/High Representative or the Deputy Secretary-General, his colleagues, the Director-General of the sector of the General Secretariat concerned and the legal adviser or a representative of the Legal Service. This meeting is held at the Council Secretariat building, in the Presidency's room.

(c) Access to the Council chamber

Access to the Council chamber is open ⁽¹⁾ to a maximum of six people per delegation, including the minister and permanent representative or his deputy. Other members of delegations can follow the Council's discussions in a listening room, unless decided otherwise.

The Presidency is at liberty to adjust the composition of delegations around the table depending on the degree of technicality or of political sensitivity of the matter discussed (meetings in restricted session, ministers plus one person, ministers only,

⁽¹⁾ Access to Council meetings is subject to production of a pass. See the 'Delegates' Handbook', Part III of this *Council Guide*, Chapter II.

etc.). Whatever the case, **the General Secretariat of the Council is always represented.**

(d) The Council proceedings

In the interests of concision and lower costs for the Council, the Presidency must endeavour to avoid proceedings continuing beyond 21.00.

As regards **conduct of business**, the Presidency proceeds in turn to:

- take note of ‘Other business’ items and any requests for changes to the agenda;
- adopt the agenda;
- adopt the ‘A’ items, taking account of any statements ⁽¹⁾ or reservations. These ‘A’ items are normally adopted en masse. If an item is the subject of a statement by one or more members of the Council which is likely to give rise to a discussion or a request for withdrawal, it can either be withdrawn from the agenda or left on the agenda on the basis of a simple majority vote (see above);
- discuss the ‘B’ items.

Discussions may be of several types.

- **Discussions with a view to a decision**, when negotiations may be initiated to overcome the final obstacles to an agreement (agreement on a legislative text, a resolution, a statement, negotiating directives, etc.). By and large, agreement is recorded on the substance of a legislative act (political agreement), but it is not adopted, since this is done subsequently when it becomes an ‘A’ item (after the requisite alignment of the texts in all the official EU languages by the Council’s legal/linguistic experts).
- **Policy debates**, which give members of Council a chance to express their general positions on an issue without really embarking on the negotiation of a text; in such discussions, it is customary for each delegation to take the floor only

⁽¹⁾ Council members who make a statement may request that it appear in the Council minutes. See Chapter III, Section 4(g), ‘Publication of votes’.

once on the substance of the issue and to limit the amount of speaking time (to three or four minutes); moreover, the time-consuming practice of *tours de table* should be avoided as much as possible. As far as **the conduct of the proceedings** is concerned, the Presidency may ask members of the Council to advise it beforehand in writing of any reservations, suggestions and, where applicable, drafting changes they would like made to the text.

- Points of **information for the Council**; this is usually the Commission giving a situation report on an issue, or a member of the Council reporting information; the Council is not then called upon to formalise the outcome of any ensuing discussion. Points of this kind should generally be avoided.

The Presidency may, where it deems fit, particularly in the event of a long-standing stalemate, draw up a **compromise** on a specific aspect or on a whole text. It may happen that such a compromise is also presented as part of a package deal covering several texts ⁽¹⁾ under discussion. Such compromises may also be tabled in Coreper or in the working party.

In addition to the 15 Council members and the members of the Commission, the representative of the Council Legal Service may make a statement in the Council.

After the discussion, **the President draws the conclusions** which may be reduced to three main cases: agreement, referral back or a vote:

- in the event of agreement (either unanimous or by the majority required under the Treaty), the text is deemed to be approved unless it still has to appear as an ‘A’ item at a subsequent Council meeting for adoption after legal/linguistic alignment;
- in the event of a referral, it is customary for the President to give some indications as to the procedure for subsequent proceedings, outlining the main points under discussion and stressing the potential solutions to which delegations are asked to give further consideration;
- in the event of a vote, the following rules apply.

⁽¹⁾ The majority voting rules applying to each text forming part of the package and followed in the event of a vote.

(e) *Voting*

It should be noted that voting on a legislative act may not take place, except on grounds of urgency, before the six-week time limit (between presentation of the proposal or draft act and voting) necessary for the examination of the text by national parliaments has expired (see above, ‘entering items on the agenda’).

The rules for voting in the Council are determined in Article 205 TEC and explained in Articles 11 and 12 CRP. The ‘Comments on the Council’s Rules of Procedure’, Part II of this *Council Guide*, explains the voting rules in the light of various procedures.

The different kinds of vote are as follows:

- **Simple majority** voting: although this is presented as the norm in Article 205 TEC, in fact it applies only in limited instances ⁽¹⁾, in the absence of details as to any other voting arrangements to be used and for procedural decisions (Articles 23(3) and 34(4) TEU).
- **Qualified majority** voting has become the most common voting rule in the Community field. For adoption by a **qualified majority**, each vote is **weighted** as follows:

| | |
|--|----------|
| Germany, France, Italy, United Kingdom | 10 votes |
| Spain | 8 votes |
| Belgium, Greece, Netherlands, Portugal..... | 5 votes |
| Austria, Sweden | 4 votes |
| Denmark, Ireland, Finland | 3 votes |
| Luxembourg | 2 votes |

(1) For example, Article 207 TEC on adoption of the Rules of Procedure; Article 284 TEC on the Commission’s right to collect information.

The qualified majority threshold is set at 62 votes if the decision is adopted on a Commission proposal (the blocking minority is therefore 26 votes) and in other cases the 62 must include votes in favour by at least 10 Member States (hence the name of ‘dual majority’). The latter form of majority is applied in the budgetary field, in the context of economic and monetary union (EMU), in cases where the Council is acting on a recommendation and not on a Commission proposal, and in the context of the CFSP and JHA. A qualified majority vote requires 62 votes in favour, which means taking abstention as a vote against.

The Ioannina Compromise, the procedural content of which is incorporated into a Council decision of 29 March 1994 ⁽¹⁾, provides that if members of the Council representing a total of 23 to 25 votes indicate their intention to oppose the adoption by the Council of a decision by qualified majority, the Council will do all in its power to reach, within a reasonable time and without prejudicing the obligatory time limits laid down by the Treaties and by secondary legislation, a satisfactory solution that can be adopted by at least 65 votes. During this period, and with full regard for the CRP ⁽²⁾, **the President**, with the assistance of the Commission, will undertake any initiatives necessary to facilitate a wider basis of agreement in the Council.

— **Unanimous** voting is required under the TEC for fields which the Treaty drafters have considered sensitive. Generally speaking, unanimity is necessary for the Council to be able to depart from a Commission proposal ⁽³⁾ (subject to Article 251 TEC and the need for a qualified majority for the adoption of acts whose legal basis requires it). It is also the rule in the case of joint actions or common positions adopted by the Council under the CFSP, except for the implementation of a common strategy adopted by the European Council or a decision implementing a joint action or common position (Article 23(2) TEC), and in the case of the adoption of common positions, framework decisions, decisions and conventions under JHA, except for decisions implementing or applying JHA decisions and conventions (Article 34(2)(c) and (d) TEU) ⁽⁴⁾.

⁽¹⁾ Concerning the taking of decisions by qualified majority by the Council (OJ C 105, 13.4.1994), amended by Council decision of 1 January 1995 (OJ C 1, 1.1.1995).

⁽²⁾ See Article 11(1) CRP.

⁽³⁾ But not from a ‘recommendation’ (see various articles on economic and monetary union (EMU) and Article 300(1) TEC).

⁽⁴⁾ See also Chapter VI, Section 3.

Under unanimous voting, **an abstention** does not prevent a decision from being taken (Article 205 TEC).

Voting procedure

As regards voting procedure, Article 11 CRP provides that:

- the Council votes **on the initiative of its President**. The President is also required to open a voting procedure on the initiative of a member of the Council or of the Commission, provided that a majority of the Council's members so decides (simple majority);
- members of the Council vote (in principle) **in the order of the Member States laid down pursuant to Article 203 TEC**, beginning with the member who follows the member holding the office of President;
- delegation of the right to vote may only be made to another member;
- the presence of the majority of the members of the Council entitled to vote is required to enable the Council to vote (quorum, i.e. the presence of a minimum of eight Council members or fewer if one or more members of the Council may not legally participate in the vote — case of 'opting out', see Article 11(4), Article 16 and Annex I CRP) ⁽¹⁾;
- when the vote is taken, the President, assisted by the General Secretariat, checks that there is a quorum.

(f) Written procedure

Under Article 12 CRP, acts of the Council on an urgent matter may be adopted by a **written vote** where the Council or Coreper decides unanimously to use that procedure. In special circumstances, the President may also propose the use of that procedure subject to the agreement of all members of the Council. The Commission must also give its agreement where the written vote is on a matter which the Commission has brought before the Council.

⁽¹⁾ See definition of member of the Council, Article 203 TEC.

In the CFSP context, the Council may, on the initiative of the Presidency, act by means of the **simplified written procedure** (COREU). In that case, the proposal is deemed to be adopted at the end of that procedure, within the period laid down by the Presidency depending on the urgency of the matter, except where a member of the Council objects (Article 12(4) CRP).

The Council may also act for the purpose of deciding to consult other institutions or bodies by means of a streamlined written procedure wherever such consultation is required by Community law (Article 12(5) CRP).

(g) Publication of votes

Pursuant to Article 207(3) TEC, the results and explanations of votes are made public in accordance with the terms of Article 9 CRP. A distinction can be drawn between automatic publication and publication requiring a vote.

Automatic publication (Article 9(1) CRP)

The following are automatically made public:

- results and explanations of votes by members of the Council, statements entered in the Council minutes and items in those minutes relating to the adoption of legislative acts, when the Council is acting in its legislative capacity, as defined in Article 7 CRP;
- results of votes and explanations of votes when the Council adopts a common position pursuant to Article 251 or 252 TEC;
- votes and explanations of votes by members of the Council or their representative on the Conciliation Committee set up by Article 251 TEC;
- results of votes and explanations of votes when the Council establishes a convention on the basis of Title VI (JHA) TEU.

Publication requiring a vote (Article 9(2) CRP)

- Statements entered in the Council minutes and items in those minutes relating to the adoption of conventions (based on Title VI (JHA) TEU) are made public by

a Council or Coreper decision taken by simple majority at the request of one of their members.

- Results of votes are made public by a unanimous Council or Coreper decision taken at the request of one of their members when the Council acts pursuant to Title V (CFSP) TEU or adopts a common position as defined by Title VI (JHA) TEU. In other cases, a Council or Coreper decision taken by a simple majority at the request of one of their members is required.
- When results of votes are made public, explanations of votes, statements entered in the minutes and relevant items in those minutes are also made public at the request of the Council members concerned. Explanations of votes may only be published with due regard for the CRP, legal certainty and the interests of the Council.

(h) The outcome of Council meetings

Formal adoption of a text

This follows on from finalisation of the text in all the official languages of the Union by the legal/linguistic experts.

The texts of acts adopted jointly by the European Parliament and the Council in accordance with the procedure referred to in Article 251 TEC are **signed by the President of the Parliament and the President of the Council**. Acts are signed on the occasion of a Council meeting (usually during a break in the meeting).

Article 15 CRP provides that such acts and those adopted by the Council are also to be signed by the Secretary-General or by the Deputy Secretary-General, who may delegate his signature to directors-general of the General Secretariat.

Acts adopted by the Council are published in the *Official Journal of the European Communities* in all the official languages of the Union (for details, see Article 17 CRP).

The minutes

The outcome of Council meetings is recorded in **the minutes drawn up by the General Secretariat** within 15 days of each meeting. Article 13 CRP specifies the

content of minutes (indication of documents submitted to the Council, decisions taken or conclusions reached by the Council, statements made by the Council or those by a member of the Council or the Commission whose entry in the minutes has been requested).

Draft minutes are approved by the Council after each member of the Council and the Commission has had the opportunity to check their content. When approved, the minutes are signed by the President-in-Office at the time of approval and by the Secretary-General or by the Deputy Secretary-General.

The press release

The outcome of the Council meeting is the subject of a **press release** drafted by the Council Press Service, which contains the main conclusions of the meeting. The press release commits only the General Secretariat and not the Council. It is published on the Internet (<http://ue.eu.int/newsroom>).

5. Informal meetings of ministers

The main purpose of **informal meetings** is to permit joint consideration and an as-free-as-possible exchange of views on topics of general scope; they are not Council meetings because the ministers, in such cases, are not authorised to represent their governments in taking decisions. It follows that such meetings cannot replace the Council's normal activities.

(a) Characteristics of informal meetings

In order to preserve the informal nature of the meetings in question, the following guidelines approved by the Helsinki European Council must be followed (see point 20 in Annex I):

- the number of informal ministerial meetings is restricted to five per Presidency, plus one under JHA;
- there is no official agenda;
- the presence of assistants is limited to two per minister;

- any production of Council documents, whether before or after the meeting, is excluded;
- these meetings cannot arrive at formal conclusions or decisions; any press communication must make this point explicitly clear.

(b) Logistics

At logistical level (see Chapter VII), the **Council General Secretariat is not involved at all**. The Presidency has to take direct responsibility for organisation.

There is one exception to that rule, however: where an informal meeting of agriculture ministers is held immediately before or after a meeting of the SCA, the **General Secretariat provides ministers with technical assistance** in all matters relating to meeting-room facilities, including interpreting.

6. The European Council

At least one meeting of the European Council is held under each Presidency, in practice in June and December (Article 4 TEU provides that the European Council ‘shall meet at least twice a year’). However, it is still possible to convene extraordinary meetings of the European Council. In practice, the European Council has, for some years, met twice every six months. It is for the Presidency to decide the topics for discussion and to establish the dates, venues and practical arrangements.

(a) Preparation

Preparations for meetings of the European Council are made by the General Affairs Council. These preparations involve a series of successive meetings of the Council (and of Coreper) on the basis of written reports and draft conclusions.

(b) Role of the Secretariat

The Secretariat for the European Council is provided by the Secretary-General/High Representative and the Deputy Secretary-General, aided by a number of assistants.

The extent to which the General Secretariat is involved in preparing for the European Council varies according to the Presidency. As a general rule, it is the Secre-

ariat's responsibility before the meeting to provide the Presidency with all the necessary documentation and to prepare a draft letter from the President of the European Council to his colleagues relating to the conduct of the proceedings (note that the European Council differs from the Council of Ministers in that there are no Rules of Procedure and therefore no 'provisional agenda' in the strict sense: it is replaced by the President's letter). In addition, the General Secretariat prepares a speaking note for the President of the European Council and the Secretary-General normally takes part in the briefing for the President of the European Council on the day before the meeting.

At the European Council itself, the Secretary-General/High Representative and the Deputy Secretary-General aided by the legal adviser to the Council (Director-General of the Legal Service) and two or three assistants and three note-takers provide secretarial services for the meeting.

They assist the Presidency on the evening of the first day of the meeting in preparing the draft Presidency conclusions, which are circulated to delegations during the night and serve as a basis for the second day's discussions.

(c) Presidency conclusions

At the close of the European Council, the Council General Secretariat takes responsibility for preparing and circulating the final version of the Presidency conclusions in the light of the discussions in the European Council on the basis of the draft. It also checks, as soon as possible, that all linguistic versions correspond.

Chapter IV — The Presidency's relations with the other institutions

During its six-month term, the Presidency has to carry out a number of specific tasks aimed at facilitating relations between the Council and the other institutions.

1. The European Parliament

(a) Presentation of the programme — general debates — visits by Heads of State

The Presidency **presents its programme** to the European Parliament at the beginning of its term of office. At the end of the term, it **reports to the Parliament on progress achieved**. Each of these interventions is followed by a debate.

Article 21 TEU (CFSP) ⁽¹⁾ and Article 39 TEU (JHA) ⁽²⁾ lay down that the Presidency shall keep the European Parliament regularly informed of proceedings in these fields.

The President of the European Council submits an oral report to the European Parliament following the meeting.

Article 4 TEU also provides for the European Council to submit to the European Parliament a yearly written report on progress achieved by the Union.

At **formal sittings of the European Parliament** on the occasion of visits by Heads of State, the Presidency may be represented. The President of the Council does not make a statement on these occasions but is invited to the meal which generally accompanies such visits. There may also be private meetings between the President of the Council and Heads of State visiting the Parliament.

(b) Plenary sittings

The Presidency's commitments consist chiefly in the President-in-Office of the Council (General Affairs) — who may be the Minister for Foreign Affairs or the Minister/State Secretary for European Affairs — being present at each plenary part-session of the European Parliament on a specific day (currently Wednesday) and:

⁽¹⁾ See also Chapter V, Section 5(f).

⁽²⁾ See also Chapter VI, Section 4.

- (i) **answering questions** — and additional questions — put at **Council Question Time** (currently Wednesday afternoon during part-sessions in Strasbourg);
- (ii) answering any **oral questions on the agenda for the part-session**;
- (iii) occasionally taking part in **certain debates** of particular importance or making **a statement on a specific subject**, either at the Council's initiative or in response to a request from the European Parliament's 'Conference of Presidents'.

At the '**Conference of Presidents**' (during which the preliminary draft and then the final draft agenda for the following month's part-session of the European Parliament are drawn up), the Council is represented by the Director-General in the General Secretariat responsible for relations with the European Parliament ⁽¹⁾.

(c) Involvement in committees

An important aspect of relations between the two institutions is the exchange of views between the President of each Council and the relevant European Parliament committees.

The Presidency (normally the minister responsible for the matter) is invited to most European Parliament committees. The minister makes a brief statement and answers questions on matters within his jurisdiction. The **General Secretariat of the Council assists the minister** in preparing his statement.

The practice is **one exchange of views per parliamentary committee** but increasingly some committees are asking for two exchanges of views or hearings, one at the beginning and the second at the end of the Presidency's term.

In this context, **the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy** always has on its agenda an item entitled 'exchange of views with Council and Commission representatives', the aim of which is to cover topical events in the sphere of foreign affairs and security (Article 17 TEU). The President of the Council or, in his absence, his representative or the Director-General for External Relations at the Council General Secretariat regularly take part in the exchange of views.

⁽¹⁾ See Article 26 CRP and the Council decision of 6 August 1971 concerning the Assembly's working methods (1621/71 ASS 1147).

In the field of **JHA**, Article 39 TEU stipulates that the President of the Council has certain obligations as regards information and consultation ⁽¹⁾.

The Council may also be represented before the committees by its Secretary-General/High Representative, its Deputy Secretary-General or senior officials of the General Secretariat, acting on instructions from the Presidency ⁽²⁾. The Council may also present its views to the European Parliament by means of a written statement ⁽³⁾.

(d) ‘Luns’ and ‘Westerterp’ procedures

Under the **‘Luns’ and ‘Westerterp’ procedures** (which refer respectively to association agreements and trade agreements), the President of the Council or his representative may be asked before the beginning of the negotiations and subsequently before the signing of agreements to inform the relevant parliamentary committees orally of the substance of the negotiating directives issued by the Council to the Commission and then of the substance of the agreements negotiated.

(e) Meetings of the triad

Meetings of the triad, which are usually informal and linked to specific issues, involve the President of the Council, the commissioner responsible and usually the President or one of the vice-presidents of the European Parliament and/or the chairman of the relevant European Parliament committee as well as some officials. This procedure is most frequently applied to budgetary matters, horizontal issues and the management of procedures.

Such meetings are the rule under the co-decision procedure (Article 251 TEC), particularly at the conciliation stage for the negotiation of compromise texts and for reaching agreement on proposals for legislative acts. The Council is generally represented by the chairman of Coreper at these dialogues.

The Presidents of the three institutions also meet periodically in Strasbourg in an informal political dialogue to raise general policy questions and the question of the operation of interinstitutional relations.

⁽¹⁾ See Chapter VI, Section 4.

⁽²⁾ See the first paragraph of Article 26 CRP.

⁽³⁾ See the second paragraph of Article 26 CRP.

(f) Co-decision procedure

See the 'Co-decision Guide', Part IV of this *Council Guide*.

(g) Other contacts

Before Council meetings, it may happen that the President-in-Office (and exceptionally all the members of the Council in the context of the budgetary procedure) meet(s) the President of the Parliament or rapporteurs or parliamentary delegations.

(h) Delegations and joint parliamentary committees in the context of agreements with non-member States

The President of the Council is asked to attend generally the opening sessions of meetings of joint parliamentary committees and to give a speech. When it is not possible for a minister to be present, the Presidency is represented by an ambassador or senior official.

2. The European Commission

Apart from the relations established with the Commission in the context of the normal operation of the institutions, the Presidency has no specific incumbent obligations. However, it has become practice, when planning the six-monthly programme, for the Presidency, represented by the relevant minister, to meet the Commission (President and relevant members) for the purposes of drawing up the work programme.

3. The Court of Justice

Apart from courtesy visits, the Presidency has no specific obligations. There are, however, continuous contacts between the Legal Service of the General Secretariat and the Court of Justice in the context of legal actions.

4. The Court of Auditors

The Presidency invites the President of the Court of Auditors to present his annual report to the Council, in its Ecofin formation. The Council examines this report in the context of the discharge procedure.

5. The Economic and Social Committee

Provision has to be made for Presidency ministers to be heard by the Committee in presenting the Presidency's work programme. Occasionally, ministers have been heard at plenary sessions for certain discussions on specific subjects.

6. The Committee of the Regions

There is as yet no clearly established practice as regards appearances of Presidency ministers before the Committee of the Regions. The Greek Presidency was present at the inaugural meeting in 1994. Since then, the practice of one appearance by a minister during each six-month term has become established. The General Secretariat of the Council represents the Council at meetings of the Bureau of the Committee of the Regions.

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The President of the Council is often asked to participate at **conferences** on matters relating in varying degrees to European construction. In the past, the President took part in conferences such as the Conference of the Regions of the Community organised by the European Parliament and in meetings of the Conference of Bodies concerned with Community Affairs in the Parliaments of the European Community (COSAC), which are also attended by a European Parliament delegation.

Chapter V — The Union's external relations

1. The role of the Council and the Presidency in general

Preparation for all activities connected with the Union's external relations is in principle carried out in the General Affairs Council. Nevertheless, where the conclusion or implementation of international agreements relates to internal sectoral Community activities and policies, work takes place in the Council's specialised compositions (for example, Environment Council, Fisheries Council). **The Presidency, assisted by the General Secretariat of the Council, must ensure the necessary consistency** in all these activities, in particular their institutional aspects (division of powers between the Community and the Member States, procedures for exercising their respective responsibilities, procedures for representation at international level). It is often necessary for the Working Party of Foreign Relations Counsellors ('RELEX' counsellors) to become involved in the preparatory work in order to ensure this 'horizontal' consistency.

The role of the Council and the Presidency in defining and conducting the Union's external relations differs according to whether the subject is a matter for the powers exercised under Titles V (CFSP) ⁽¹⁾ and VI (JHA) ⁽²⁾ TEU, for the European Community, or for the powers of the Member States acting within the Council.

Where the Council acts on behalf of the European Community, a distinction must be made between, on the one hand, the adoption of internal legal acts and, on the other hand, administering international agreements concluded by the Community, which implies defining in advance the line the Community will take in international forums. In the first case, the role of the Council and the Presidency is the same in the external relations sphere as in the other spheres of Community activity (taking into account the special features of the procedure for concluding international agreements: Article 300 TEC).

The second case, on the other hand, poses specific problems relating to representation of the Community and definition of its position raised below (Sections 2 to 4 of this chapter).

⁽¹⁾ See also Chapter V, Section 5.

⁽²⁾ See also Chapter VI, Section 5.

Where the Council is acting in the CFSP context, the role and powers of the Presidency are different from its powers in areas covered by Community competence. They will therefore be discussed in a specific section of this guide (Section 5 of this chapter).

The external powers of the Community and the Member States may also be exercised jointly when concluding and implementing certain international agreements ('mixed' agreements). In that case, preparatory work in the Council most often covers both subjects falling within Community competence and those falling within national competence (in particular those not specifically covered by Titles V (CFSP) and VI (JHA) TEU and those not covered by Community competence, such as certain aspects of services, investment, intellectual property, etc.).

2. The administration of international agreements concluded by the Community

As regards the role of the Council and the Presidency in the administration of agreements, a distinction should be made between those concluded by the Community (alone or jointly with the Member States) with one or more non-member States and participation by the Community (alone or jointly with the Member States) in international organisations (which is discussed in Section 3 below). The list of the EU's external commitments under the three pillars is given in the table in Annex V to this guide. In addition, the Council's web site (<http://ue.eu.int/accords>) contains a full and regularly updated list of the international agreements concluded by the European Community (whether mixed or not).

(a) Composition of mixed bodies

The roles of the Council and the Presidency differ according to whether the agreements are exclusively Community ones or are 'mixed' agreements, i.e. concluded jointly by the Community and the Member States.

Exclusively Community agreements generally entail the creation of a joint committee responsible for monitoring the implementation of the agreement; the Community is normally represented in them **by the Commission**, assisted by representatives of the members of the Council. This rule is departed from, as in the case of the International Science and Technology Centre (ISTC) and the Gulf Cooperation Council (GCC).

Mixed agreements generally entail the creation of bodies responsible for administering them (a ‘council’ at ministerial level (‘association council’ or another name) and a ‘joint committee’ at senior official level) ⁽¹⁾.

Over the years, and with the conclusion of many agreements providing for this type of joint body, Presidencies have had to hold about 80 meetings each year. As this has been difficult for Presidencies to manage, in a schedule which is often full, the General Affairs Council adopted conclusions in June 2000 aimed at rationalising the scheduling, organisation and number of such meetings, as well as the level of the participants ⁽²⁾. These conclusions provided, in particular, for standard formats to be included in future agreements which enable the existing arrangements to be interpreted along the same lines. Provision has therefore been made for ensuring that, in the joint bodies at ministerial level, the Council is represented by the Presidency, assisted by the Secretary-General/High Representative and the following Presidency (with the other members of the Council being able to choose their level of representation). A practice has come about whereby only those members of the Council who have announced that they would attend at ministerial level are seated around the table. The other aspects of these conclusions are set out in (d) below.

(b) Spokesman

In exclusively Community agreements, the role of Community spokesman is usually assigned to the Commission. The same applies for expressing the Community’s position.

In mixed agreements, the role of single spokesman for the Community and the Member States is normally assigned to the Presidency or the Commission, depending on whether the position is that of the council or the joint committee set up by the agreement.

However, the Commission also participates in meetings of the Association Council on matters falling within the Community’s sphere of competence; although the time at which it will make its statements is arranged with the Commission, the precise purport of its statements is not negotiated.

⁽¹⁾ The secretariat of these bodies is usually provided jointly by the General Secretariat of the Council and a secretary from the associated State.

⁽²⁾ See 9660/00.

(c) Defining the Community position

The Presidency has the responsibility of ensuring that the Council can play a crucial role in defining the Community position with regard to the activities of a body set up by an international agreement to which the Community is a party, no matter who is the Community spokesman.

When bodies set up by an international agreement adopt decisions with legal effects, the position which the Community spokesman will have to adopt in relation to them must be defined in advance by the Council itself (prepared by Coreper and the working party). If the decision to be taken by a body set up by international agreement falls not only within the Community's sphere of competence, but also within that of the Member States, a common position must be established. Member States' positions may possibly be the subject of a decision by the representatives of the Member States meeting within the Council; this method guarantees the consistency of the Union's international action (Community and Member States), which the Presidency always has to ensure.

When the work of these bodies does not result in the adoption of decisions with legal effects, the position to be expressed on behalf of the Community is established in the relevant working party. It is then confirmed by Coreper and, if it is a major policy position, by the Council.

(d) The holding of meetings

In the case of exclusively Community agreements, the Commission is in principle responsible for holding and convening meetings of the joint committee set up by the agreement. In the case of mixed agreements, the President of the Council is co-President or takes his turn as President of the Association Council (as the Commission does in the case of the joint committee); in this capacity, he is responsible for the holding of meetings.

It is also the responsibility of the Council and the Presidency to organise the meetings, in particular at ministerial level, which are held with non-member States outside or alongside the legal framework set up by an agreement (for example, the conferences with the Rio Group or the countries of Central America, the EU-ASEAN Conference or the Euro-Mediterranean Conference in Barcelona).

As far as possible, meetings at ministerial level are held alongside meetings of the General Affairs Council (in particular during a working meal enabling discussion in

an informal context). In the abovementioned conclusions of the General Affairs Council of June 2000 ⁽¹⁾, it was agreed, however, as a general rule, to discontinue the practice of conducting political dialogue over a meal, starting with the associated States, but rather to organise meetings so as to create an atmosphere conducive to a frank and free exchange of points of view (particularly by resorting to a restricted format). A practice has been established whereby meetings of two Association Councils with non-member States belonging to the same geographical area and sharing the same type of concerns are scheduled for the same day.

As regards the organisation of meetings, in June 2000 the Council took a number of measures which have applied since July 2000. In addition to the matter of the level of representation already discussed in (a) above, the Council undertook to:

- draw up a systematic schedule of ministerial meetings with non-member States covering the current and the next two Presidencies;
- as far as timing of meetings is concerned, avoid any specific periodicity and avoid ministerial meetings being convened when the agenda did not warrant them;
- streamline the agendas of meetings of this kind to ensure that the time is spent on real issues of substance.

3. Community participation in international organisations and conferences

Community participation in international organisations depends above all on the rules specific to each organisation. The diversity of these explains the diversity of the ways in which the Community participates. The following exposition is not exhaustive but serves to illustrate the main examples.

If the Community is a full member of the international organisation, it is normally represented by the Commission. If the matters covered by the organisation are also within the jurisdiction of the Member States and the latter are also full members, representation is also ensured by the Presidency, which plays a crucial role in ensuring consistency in the international action of the Union (Community and Member States).

⁽¹⁾ See 9660/00.

Whichever way the Community participates in an international organisation, the Council plays a decisive role in defining the Community position within the organisation. The considerations listed in Section 2(c) above apply here. The Presidency must ensure that the Council's role in this context is always respected.

The action of the Member States as such within an international organisation may also be coordinated within the Council. The Presidency is often instructed to express the Member States' common position (UN General Assembly, for example). This possibility becomes an absolute necessity when the proceedings of the international organisation fall within the Community's exclusive sphere of competence but the latter is not admitted as such to the proceedings.

Regarding activities conducted outside the Council's headquarters, it should be noted that the **General Secretariat** is able to assume its duties fully, including assistance to the Presidency, in both Geneva and New York, where it has permanent offices. For conferences and meetings elsewhere, the Secretariat's presence is ensured within the limits of budgetary constraints and staffing resources.

(a) The World Trade Organisation (WTO)

The Community participates in the WTO jointly with the Member States. The details of this joint participation have not yet been decided in the absence of an agreement between the Council, the Commission and the Member States.

The lack of an arrangement on these details does not rule out the need for the Council to adopt prior decisions enabling the Commission to express the Community's agreement before the WTO bodies adopt decisions with legal effects (see Section 2(c) above).

(b) The United Nations Conference on Trade and Development (Unctad) and commodities organisations and conferences

Participation by the Community and Member States in organisations and conferences relating to the bulk of commodities is governed by the 'PROBA 20' arrangement. That arrangement provides for a joint delegation of the Community and the Member States which is to defend a common position previously established by the Council. The Commission normally acts as spokesman, but this role may sometimes be assumed by the Presidency of the Council, depending on the circumstances.

In Unctad, the Community is represented either by the Commission (trade aspects) or by the President of the Council (development aspects). Proceedings relating to the generalised system of preferences (GSP) within the Unctad Special Committee on Preferences, which meets in Geneva for one week a year, are prepared at coordinating meetings in Brussels within the GSP Working Party. On-the-spot coordinating meetings are reserved for defining Community positions on unforeseen points.

(c) The Food and Agriculture Organisation of the United Nations (FAO)

The Community participates as a full member in the FAO jointly with its Member States. It does so on the basis of a declaration of competences dividing responsibilities for attendance at proceedings and the exercise of voting rights between the Community and its Member States.

Internal discussions are prepared on the basis of an ad hoc arrangement between the Council and the Commission (agreed in December 1991). The arrangement provides for consultation and for procedures to establish who has the right to make statements and to vote. If there is disagreement in the Council working party on how to apply the arrangement, the matter is referred to Coreper.

(d) The United Nations General Assembly (UNGA) and the Economic and Social Council (Ecosoc)

The European Community has a standing invitation to participate with observer status in the sessions and work of the UN General Assembly.

The Community is represented in the UN by the Presidency of the Council (permanent representative of the Member State holding the Presidency) and by the head of the European Commission's delegation to the UN.

Save in exceptional cases when the Commission takes the floor, it is the Presidency which in principle expresses the Member States' common position at the General Assembly and Ecosoc. To this end, internal coordinating meetings, attended by the Commission, are held on the spot in order to establish the European Union's position. In some, increasingly rare, cases, the EU Member States make supplementary national declarations.

In the absence of a formally agreed common position on a matter not falling within the Community's exclusive competence, Member States may make national declarations should they see fit.

(e) The Council of Europe

The Community's status within the Council of Europe enables it to be represented by the Commission in negotiations concerning conventions coming within the Community's exclusive competence. Regular meetings are scheduled within the JHA sphere.

(f) The United Nations Convention on the Law of the Sea

By decision dated 23 March 1998, the Community concluded both the United Nations Convention on the Law of the Sea of 10 December 1982 and the agreement of 28 July 1994 relating to the implementation of Part XI of that convention. Those agreements, being of the 'mixed' type, also come within Member States' competence ⁽¹⁾.

The Community is thus a member of the International Sea-Bed Authority (and, hence, of the Assembly, i.e. the organ of the Authority consisting of all the members of the latter). The Community, represented by the Commission, takes part in the meetings of the Authority's Assembly.

(g) The International Labour Organisation (ILO)

The Community enjoys observer status, enabling it to participate, without voting rights, in the General Conference of Representatives of ILO Members. Moreover, prior to ILO conferences and throughout negotiations in Geneva, the Member States hold coordinating meetings at which both the Commission and the Council **General Secretariat** play an active role. Provided that the Member States agree on a common approach, the representative of the Council Presidency will present the Member States' position to the conference.

(h) Fisheries

In the field of fisheries, the Community has concluded bilateral agreements with a large number of countries. Given their nature, those agreements can be implemented without the Council's participation.

⁽¹⁾ OJ L 179, 23.6.1998, p. 1.

The Community is also affiliated to various international fisheries organisations. It is represented in them by the Commission, assisted by a committee composed of representatives of Member States' governments.

(i) Conventions on environmental matters

As a general rule, in environmental matters, the Community has only mixed competence. With a view to cooperation under conventions in the field of the environment, therefore, the Member States and the Community must coordinate in order to establish the position to be taken in the context of the negotiation of new agreements as well as in that of the application of existing ones (e.g. climate, biodiversity, Montreal Protocol, Commission for Sustainable Development (CSD)). Coordination takes place at coordinating meetings in Brussels or on the spot in accordance with the Council's internal rules. Coordination concerns any matter, whether procedural (such as designating the Community spokesman) or substantive.

It should be noted that the troika rules laid down in Article 18 TEU (current and future Presidencies, Commission and General Secretariat of the Council) do not apply, as this article covers only matters coming under the common foreign and security policy (CFSP).

However, in carrying out the aforementioned tasks, a practice has come about which is reminiscent of that provided for in Article 18 TEU. In order to enlist the support of the Member States as regards matters coming within their sphere of competence, the Presidency is assisted by the Member State which will hold the next Presidency; with regard to Community competence also, the Commission is fully associated, particularly with contacts with third countries and international organisations.

Finally, the Secretary-General, or his representative, assists the Presidency further to his obligation to assist the Council provided for in Article 207(2) TEC.

In principle, the General Secretariat accompanies the Presidency where the resources intended for international activities permit, and in any event at international negotiations of major importance.

The Presidency will therefore have to invite the General Secretariat to follow as closely as possible proceedings to prepare and manage coordination before, during and, if need be, after international negotiations. The Secretariat will be unable to play its role of assisting the Council and the Presidency, in particular, if it does not

have all the information concerning the organisation and substance of contacts made during international negotiations. It is therefore advisable to enable it to take part, as far as possible, from the outset in all proceedings, even the Presidency's internal proceedings.

The Secretariat, for its part, will assist the Presidency in all proceedings relating to organisation and production of the relevant documents (e.g. draft statements, documents setting out the position to be taken and those presenting reactions to the projects of international organisations, etc.).

4. Conduct of political dialogue

The European Union conducts a political dialogue with a large number of States and groups of States.

Political dialogue commitments are listed in the tables in Annex V.

The Presidency, assisted by the Secretary-General/High Representative, represents the Union in joint forums as regards political dialogue, on the understanding that political dialogue with non-member States can be conducted by the Secretary-General/High Representative alone, acting on behalf of the Council and at the request of the Presidency (Article 26 TEU). The Commission is fully associated with this arrangement. Here, too, the Council conclusions insist that the most effective use be made of the possibilities offered under the TEU. It is also planned gradually to discontinue the practice of conducting political dialogue over a meal so as to resort increasingly to formal restricted meetings.

Meeting agendas which relate to topical issues are circulated in advance for information and in order to gather any comments by the non-member States concerned. A record of the discussions relating to the dialogue is circulated via COREU.

As part of the **enhanced political dialogue**, the associated States of central and eastern Europe, Malta and Cyprus, i.e. the States with which the Community has concluded Europe association agreements, may, in addition to the dialogue meetings, be invited to associate themselves with European Union démarches and declarations to non-member States, and also with certain types of joint action. They are accordingly informed in time to be able to contribute, by means of suggestions, to the démarche or declaration concerned. **Contacts** with associated countries relating to the implementation of those arrangements are, as a rule, **ensured by the General Secretariat** acting on the Presidency's instructions.

5. Specific arrangements relating to the CFSP

(a) *The Presidency*

Article 18 TEU specifies **the role of the Presidency**. The Presidency represents the Union in matters relating to the CFSP; it is responsible for the implementation of joint actions. In that capacity, it in principle expresses the position of the Union in international organisations and at international conferences. In these tasks ⁽¹⁾, it is assisted by the Secretary-General/High Representative and if necessary by the Member State next holding the Presidency. Article 24 TEU gives the Presidency, upon authorisation by the Council, the task of negotiating international agreements in the areas covered by Titles V and VI TEU.

(b) *Working parties*

As far as **the timetable** is concerned, before the beginning of each Presidency the future Presidency circulates the planned dates for meetings of working parties during the six-month period.

Working parties have certain distinguishing features: in particular, there is a distinction between merged working parties (merger between the former European Political Cooperation (EPC) Group and the equivalent Community working party) ⁽²⁾ and working parties dealing only with items which fall within the CFSP sector ⁽³⁾.

The Working Party of Foreign Relations Counsellors ('RELEX counsellors') is responsible in particular for examining the legal, financial and institutional aspects of horizontal CFSP and Community matters and ensures their coordination. It coordinates, if necessary, the content of the agendas for Coreper and the Political Committee/Political and Security Committee in these areas. It is also required to consider common positions or joint actions designed to interrupt or to reduce in part or completely economic relations with one or more non-member States, and proposals for Community acts based on Article 301 or Articles 301 and 60 TEC.

⁽¹⁾ The Commission is fully associated with these tasks.

⁽²⁾ Latin America, Transatlantic Relations, Asia–Oceania, ad hoc Working Party on the Middle East Peace Process, Mashreq/Maghreb, Middle East/Gulf, OSCE, Central Europe, Eastern Europe and Central Asia, Western Balkan Region, South-East Europe.

⁽³⁾ Africa, Consular Affairs, Terrorism, CFSP Administrative Affairs and Protocol, Global Disarmament and Arms Control, United Nations, Security, Public International Law, Non-Proliferation (Nuclear, Chemical and Biological), Conventional Arms Exports, Electronic Communications, Human Rights.

CFSP matters are also dealt with by other mixed-competence working parties.

Notices of meetings of merged working parties dealing with CFSP or mixed issues and of CFSP working parties are sent by COREU to the capitals, the Commission and the permanent representations, preferably at least a week before the meeting. The notices must indicate the items on the agenda and the practical details of the meeting. They must also clearly identify the CFSP items in the case of meetings of 'merged' working parties.

Agendas are prepared by the General Secretariat together with the Presidency.

Following the Presidency's approval, they are circulated outside the Secretariat via COREU.

Notices of meetings are also circulated by means of Council telexes to ensure that the relevant departments of the General Secretariat (security, logistics, etc.) are informed.

It is, of course, **the Presidency's responsibility to organise its representation in working parties**. It is recommended that each merged working party have a single chairman with sufficient time to attend the Coreper meetings at which the dossiers submitted by the working party are being examined and to maintain the necessary working relationship with the Commission, the Council General Secretariat and the delegations of the other Member States. If this is not possible, chairmanship of the working party will call for even greater internal coordination.

Merged working parties deal with all subjects covered by external relations. In the interests of the continuity of the Union's foreign policy, **the agenda for each meeting of merged working parties should offer the possibility of entering an item relating to the CFSP**. For this purpose, when agendas for the various meetings of a merged working party are drawn up, there should be one section listing items for which the presence of officials from the capitals is desirable and another containing those which may be dealt with by means of instructions to the permanent representations, such as regular monitoring of CFSP initiatives and the preparation of texts for the Council. The other Council working parties, which meet less frequently, may refer a matter to the Working Party of Foreign Relations Counsellors between two meetings so that it can follow it up.

As regards **the working methods of the working parties**, participation by delegates from the permanent representations in meetings of their working party for all agen-

da items, which is already a frequent practice, must be encouraged in the interests of continuity of the Union's external action.

Working parties must endeavour to reach agreement in particular on:

- **common analyses** of the situation in non-member States or on a multilateral question and the common position which might be adopted by the European Union;
- **proposals** which might be approved by the Political Committee/Political and Security Committee under the heading of practical measures for implementing the CFSP: démarches, requests to be addressed to representations in non-member States and other preparatory measures, and declarations by the Presidency on behalf of the European Union;
- **substantive recommendations for future Council initiatives** in the CFSP sphere on which the Political Committee/Political and Security Committee may, if it so decides, submit an opinion to the Council, and the political follow-up to such initiatives.

For each meeting of a working party, the Presidency is assisted by staff of the Council General Secretariat who are competent on Community subjects and CFSP matters. The **Council General Secretariat prepares a single report** in good time on each relevant item appearing on the agenda for Coreper meetings. Hence:

- when geographic or thematic working parties deal with questions covered by the provisions of Title V TEU (CFSP), **records of the meetings are drawn up by the Council General Secretariat** to ensure continuity of working methods from one Presidency to another. As a general rule, they are available 24 hours after the working party meeting and are in principle **sent by COREU**. Member States are bound only by the operational conclusions which, after they have been checked by the Presidency, are **approved by the 'silent' procedure**, which expires four working days after the COREU has been sent by the Council General Secretariat;
- any matter which one or more working parties has been unable to resolve also becomes the subject of a **special report drawn up by the Council General Secretariat** in the form of a single working paper, setting out the whole subject matter. The Presidency is responsible for choosing the items to be discussed and for the handling of the dossier by the Council bodies.

In submitting their dossiers to Coreper and the Council, working parties have to take account of the same timetabling constraints as those prevailing in the Community sphere ⁽¹⁾.

(c) The Political Committee/Political and Security Committee

The Political Committee (POCO), defined in Article 25 TEU, usually brings together the political directors of the Ministries of Foreign Affairs of the Member States. The Political and Security Committee (PSC) ⁽²⁾ is the permanent structure of the Political Committee bringing together Member States' ad hoc representatives based in Brussels. When the Treaty of Nice comes into force, the PSC will definitively replace the POCO. Decision-making power could then be delegated to the PSC by the Council, under the terms of the new Article 25 as amended by the Treaty of Nice and in the context of its crisis management powers.

It is the **task** of the POCO/PSC to monitor the international situation in areas covered by the CFSP. It contributes to the definition of policies by delivering opinions to the Council, at the request of the Council or on its own initiative. It also monitors the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission (Article 25 TEU).

The PSC is more specifically responsible for dealing with crisis situations and examining all the possible options for the Union's response, without prejudice to the specific decision-making and implementation procedures of each pillar. The PSC exercises the 'political control and strategic direction' of the Union's military response to the crisis. The PSC receives opinions from the Military Committee and forwards guidelines to it.

The Secretary-General/High Representative may, after consulting the Presidency, chair the PSC. For work in the field of the **common European security and defence policy (CESDP)**, the PSC is assisted by the **Politico-Military Working Party**.

Working party reports in the CFSP area are examined regularly by the PSC, which approves their operational conclusions.

⁽¹⁾ See Chapter III.

⁽²⁾ See Council decision of 22 January 2001 setting up the Political and Security Committee (OJ L 27, 30.1.2001, p. 1).

The Presidency informs the POCO/PSC of the preliminary draft Council agenda (CFSP items) which it intends to submit to the next Coreper meeting.

Taking account of the particular responsibilities of the POCO/PSC in the CFSP area, including the CESDP, the Presidency ensures, through the agency of the General Secretariat, that opinions for the Council are passed on efficiently. **Opinions of the POCO/PSC** (including, among other things, its conclusions or recommendations) for the Council appear on the agenda for Coreper in order to ensure that they are forwarded to the Council in good time. The Council asks the POCO/PSC, meeting alongside the Council, to submit to it, where appropriate, opinions taking into account the latest political developments.

(d) The European Union Military Committee (EUMC) and the European Union Military Staff (EUMS)

The European Union Military Committee is a Council committee made up of the **chiefs of defence staff of the armed forces of the Member States (CHODS)** represented by their military delegates in Brussels (**Mil Reps**) ⁽¹⁾. Its task is to give military advice or recommendations to the POCO/PSC and to direct all military activities within the framework of the EU. Its chairman (CEUMC) is a four-star flag officer, appointed by the Council for a three-year period on the recommendation of the Military Committee meeting at chiefs of defence staff level. The CEUMC is the Military Committee's spokesman for the PSC and the Council, and is also the military adviser to the Secretary-General/High Representative.

The Military Committee is assisted by the European Union **Military Staff** ⁽²⁾ (EUMS), composed of military experts from the Member States seconded to the General Secretariat of the Council. The Military Staff is directly attached to the Secretary-General/High Representative; it is headed by a Director-General, a three-star flag officer, and works under the military direction of the European Union Military Committee.

⁽¹⁾ See Council decision of 22 January 2001 setting up the European Union Military Committee (OJ L 27, 30.1.2001, p. 4). That decision should take effect on 30 June 2001 at the latest. Until then, the Interim Military Body set up by Decision 2000/144/CFSP (OJ L 49, 22.2.2000, p. 2) will continue to carry out its duties.

⁽²⁾ See Council decision of 22 January 2001 on the establishment of the Military Staff of the European Union (OJ L 27, 30.1.2001, p. 7). That decision should take effect on 30 June 2001 at the latest. Until then, the military experts seconded by the Member States to the Council Secretariat (Council Decision 2000/145/CFSP, see OJ L 49, 22.2.2000, p. 3) will continue to carry out these duties.

(e) The General Affairs Council

Like all other matters, those relating to the CFSP are normally discussed **at meetings of the General Affairs Council**. Discussions over lunch are in principle reserved for particularly delicate issues. Any conclusions must then be adopted at a meeting. Where it seems useful, a decision may be taken to meet in restricted session.

In CFSP areas, the Council, in accordance with Article 23(1) TEU, acts unanimously, except for procedural questions (simple majority, Article 23(3) TEU) and in the case referred to in Article 23(2) TEU ('double' qualified majority). On any issue with military or defence implications, the Council always acts unanimously.

In the CFSP framework, the results of votes are made public only by unanimous decision of the Council or of Coreper taken at the request of one of its members (Article 9(3)(a) CRP).

(f) Relations with the European Parliament (Article 21 TEU)

The Presidency consults the European Parliament on the main aspects and basic choices of the CFSP and ensures that its views are duly taken into consideration. The European Parliament is kept regularly informed by the Presidency and the Commission of the development of the CFSP. In particular:

- the Presidency maintains close contacts with Parliament (see Chapter IV);
- the Presidency organises consultation of Parliament on the main aspects and basic choices of the CFSP (reminder: when written or oral information is organised as described above; at the time of the annual debate provided for by the Treaty);
- the Presidency informs the Council of the reactions, communications, questions, recommendations or resolutions of the European Parliament relating to the CFSP.

(g) Cooperation between diplomatic and consular missions (Article 20 TEU)

The Presidency sees to it that diplomatic and consular missions of the Member States and Commission delegations in non-member States and at international conferences, and their representations to international organisations, cooperate in ensuring that the common positions and joint actions adopted by the Council are complied with and implemented.

They are to step up their cooperation by exchanging information, carrying out joint assessments and contributing to the implementation of the provisions laid down for implementing Article 20 TEC (protection of citizens of the Union in the territory of non-member States).

(h) International organisations and conferences

Among the activities covered by Title V (CFSP) TEU, the European Union may be required to participate in a number of international organisations and conferences which are characterised by specific procedures.

In this context, coordinating meetings are held in advance of and, if necessary, during meetings in international forums:

- where the issues at stake in these forums are considered a matter of priority or particularly central to the Union's concerns, joint actions (Article 14 TEU) or common positions (Article 15 TEU) are adopted to give greater emphasis to the consistency of Member States' action;
- the Presidency expresses views on behalf of the Union at the start of a conference and may also subsequently make a statement on the Union's behalf;
- the Presidency is responsible for submitting any written contributions from the European Union and for carrying out, where appropriate, with the troika (Secretary-General/High Representative and/or the Member State which will hold the next Presidency), and in association with the Commission, the agreed procedures for implementing common positions or joint actions.

(Statements made and written contributions submitted on behalf of the European Union are previously approved by the written procedure or at coordinating meetings.)

Special attention is paid to the proceedings of the United Nations General Assembly (UNGA) and its main committees (memorandum and speech to the UNGA, European Union statement to the First Committee, etc.) and to the proceedings of the Organisation for Security and Cooperation in Europe (OSCE) (statements on behalf of the European Union to the Permanent Council, the Senior Council, the Ministerial Council and the Summit).

The Union also makes its presence felt in international conferences for the negotiation of treaties on disarmament and non-proliferation. The above arrangements apply.

In preparing for and holding coordinating meetings and in implementing their conclusions, in particular when joint actions or common positions have been adopted, **the Presidency is assisted by the General Secretariat:** in Brussels, Geneva and New York on a permanent basis and at other conference venues as far as staffing considerations permit.

Chapter VI — Specific arrangements for JHA (police and judicial cooperation in criminal matters)

Before the beginning of each Presidency, the incoming Presidency draws up **the timetable** for the meetings of working parties scheduled for the six-month period. The dates of the meetings of the JHA Councils and of the Article 36 Committee are notified at that point; a timetable covering working party meetings for the coming month is circulated at the end of the preceding month.

1. Working parties

Working parties, like all other groups, are set up by decision of Coreper.

Meetings of working parties are convened by the General Secretariat, following the Presidency's agreement, by telexes addressed to members of the working parties and the permanent representations, in principle at least one week before the meeting. Meetings of the Working Party of JHA Counsellors are convened by the Presidency by telexes addressed to the JHA counsellors in the permanent representations.

The working parties report back to **the Coordinating Committee**, consisting of senior officials, **provided for in Article 36 TEU** and hence known as the '**Article 36 Committee**'.

2. Article 36 Committee

The tasks of **the Article 36 Committee** are to:

- give opinions for the attention of the Council, either at the Council's request or on its own initiative;
- contribute, without prejudice to Article 207 TEC, to the preparation of the Council's discussions in the fields covered by Article 29 TEU.

As a general rule, the Article 36 Committee meets **once a month**.

All meetings of working parties and of the Article 36 Committee are held in the Council headquarters in **Brussels**, with the exception of one meeting of the Article 36 Committee in each six-month period, which is in principle held in the Member State of the Presidency.

3. The JHA Council

Each Presidency in principle organises one or two meetings of the JHA Council. In addition, it will also convene an informal meeting (or two separate informal meetings for the justice ministers and the home affairs ministers); these informal meetings must comply with the rules laid down for meetings of this type (see Chapter VII).

In areas covered by Title VI TEU, the Council generally acts **unanimously**, except on procedural matters and in cases where Article 34 TEU expressly provides for a different voting rule (paragraph 3). Article 34(2)(c) TEU lays down that the Council, acting by a qualified majority ('dual majority'), is to adopt measures necessary to implement decisions. Measures implementing conventions are adopted within the Council by a majority of two thirds of the high contracting parties ⁽¹⁾. In JHA areas covered by the TEC, some provisions require a qualified majority (Article 62(2)(b)(i) and (iii) concerning visas).

Publication of instruments under Title VI in the Official Journal (OJ) takes place in accordance with the following rules (laid down in Article 17 CRP):

- any framework decisions and decisions referred to in Article 34(2) TEU, as well as any conventions established by the Council in accordance with Article 34(2) TEU, are automatically published in the OJ; a notice of entry into force of such conventions is published at a later date;
- unless the Council or Coreper decides otherwise, initiatives presented to the Council by a Member State pursuant to Article 34(2) TEU as well as the common positions referred to in Article 34(2) TEU are published in the OJ;
- the Council or Coreper decides, on a case-by-case basis and taking account of any publication of the basic act, whether any measures implementing the decisions referred to in Article 34(2) TEU and any measures implementing conventions drawn up by the Council in accordance with Article 34(2) TEU should be published in the OJ.

⁽¹⁾ See also Chapter III, Section 4(e).

4. Relations with the European Parliament

As regards relations with the European Parliament (Article 39 TEU), the Council consults Parliament before adopting any measure referred to in Article 34(2)(b), (c) and (d) TEU. Parliament delivers its opinion within a time limit which the Council may lay down and which cannot be less than three months. In the absence of an opinion within that time limit, the Council may act. The Presidency and the Commission regularly inform the European Parliament of discussions held.

Information may be passed on by means of a written document, participation in debates at plenary sittings of Parliament, or a report to one of the Parliament committees responsible for matters covered by Title VI TEU (Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and Committee on Legal Affairs and the Internal Market).

Under Article 39(3) TEU, the European Parliament may ask questions of the Council or make recommendations to it. Each year Parliament holds a debate on progress with regard to the implementation of the areas referred to in Title VI; the debate, which is normally held at the end of the year, is attended by the President of the JHA Council.

Lastly, the written report on the progress achieved by the Union, under Article 4 TEU, which is submitted annually to the European Parliament, also contains information on the JHA sector.

5. Relations with non-member States

Article 37 TEU requires Member States, within international organisations and at international conferences in which they take part, to defend the common positions adopted under the provisions of Title VI TEU. Articles 18 ⁽¹⁾, 19 and 24 (conclusion of international agreements) TEU are applicable.

Relations with non-member States under structured dialogues follow the general rules laid down for the Council.

⁽¹⁾ See Chapter V, Section 5.

The Presidency, assisted by the General Secretariat of the Council, reports to the Article 36 Committee on contacts with non-member States and on exchange of information.

A report on the European Union priorities and policy objectives for external relations in the JHA field was approved by the European Council, meeting in Santa Maria da Feira in June 2000 ⁽¹⁾. That report envisages regular evaluation by Coreper of progress on the external aspects of the Union's activities in the field of JHA, if necessary based on the information provided by the Commission and the working parties or committees concerned.

Article 37 TEU requires Member States to defend common positions adopted by the Council within international organisations and at international conferences in which they take part.

Dialogue between the Union and its partners is conducted along the following lines. The Council Presidency should endeavour to:

- make full use of the international frameworks set up by association agreements or cooperation agreements;
- envisage flexible arrangements, where an institutional framework is lacking with some partners (e.g. the Council of Europe);
- establish a system, as provided for in Article 19(2) TEU, for keeping Member States informed, either by the Presidency if it is a participant or, failing that, by another participant, in an international forum where not all Member States participate.

⁽¹⁾ See the Presidency conclusions of the European Council meeting in Santa Maria da Feira on 19 and 20 June 2000, Annex VII (7653/00).

Chapter VII — Protocol and logistics

1. Accreditation of ambassadors from non-member States to the Community

The Commission receives the request for accreditation. After delivering a favourable opinion, it passes on the request from the non-member State, together with that opinion, to the Council. After receiving the communication from the Commission, the Council sends the request for accreditation, together with the curriculum vitae of the ambassador designate, to the capitals by telex. If no observations from Member States have reached the General Secretariat of the Council within 30 calendar days from the date of the telex opening the procedure, the agreement of all Member States is considered to have been given. (The written tacit agreement procedure has been in use since 1 April 1992.) At the end of the period, the General Secretariat of the Council informs the President of the Commission and the Protocol Department, which informs the relevant embassy of the Council's approval. A diplomatic note is also sent to the permanent representations and to the Ministries of Foreign Affairs of the Member States.

The President of the General Affairs Council is responsible for receiving ambassadors from non-member States, who present their credentials to him during a short ceremony on the occasion of a Council meeting.

Credentials are presented at almost every meeting. In general, the President receives between two and eight ambassadors, involving a brief interview with each of them. The date and time are fixed by mutual agreement between the embassies concerned, the Presidency and the Protocol Department of the General Secretariat of the Council. It is sometimes difficult to arrive at a definitive timetable a few days in advance. Every effort should be made to avoid last-minute changes, which are often taken badly by the ambassadors. The President of the Council may delegate his duty to a State Secretary if this helps to set appointment times.

The ceremony — which is not in any way grand — is normally attended by the President of the Council (or State Secretary) together with an assistant, the Head of Protocol for the Council and the Director-General for External Relations at the General Secretariat of the Council.

A few days before the meeting, the President of the Council receives a brief note on relations between the ambassador's State and the Union, to which is attached the curriculum vitae of the new ambassador.

2. Meals and functions (organised by the General Secretariat and charged to the Council budget) ⁽¹⁾

(a) Meals at Council meetings

The principle is as follows:

- General Affairs, Ecofin and JHA Councils: one lunch per meeting;
- all other Councils: as a rule, one lunch at the beginning and one at the end of a Presidency.

Lunches are working lunches connected with the meeting. They are organised by the General Secretariat.

Those invited are ministers, members of the Commission, State secretaries, permanent representatives (or deputy permanent representatives) and — at meetings of the General Affairs Council — political directors. Guests are divided between two different rooms: one is for the President and heads of delegation, while the other guests lunch in a separate room.

The President and heads of delegation also have at their table:

- for the General Affairs and Ecofin Councils: the Secretary-General/High Representative or the Deputy Secretary-General, the chairman of Coreper, the chairman of the Political Committee (for the General Affairs Council) and the Secretary-General (or Deputy Secretary-General) of the Commission. When the President of the Commission is not present at a lunch, he himself chooses the commissioner who will replace him. If several subjects are being discussed over lunch, he may choose more than one commissioner;
- for other Council configurations: the chairman of Coreper (Part 1), the relevant commissioner and the relevant Director-General from the General Secretariat.

Whatever the Council, additional guests are invited to the Presidency table only if a President so requests because of the subject being discussed over lunch. This applies

⁽¹⁾ The General Secretariat is willing to provide assistance over and above the events described in this chapter, but the costs are to be met by the Presidency.

equally to, for example, members of the Commission and chairmen of committees in the context of the Ecofin Council.

(b) Larger functions

ACP–EC Council

When the meeting takes place in Europe, the Presidency gives a meal for heads of delegation plus one person and a meal or reception for other delegates. The General Secretariat is responsible for organisation and costs.

When the meeting takes place in an ACP country, the host State generally gives a very large reception for all those attending. The European side endeavours to return its hospitality by organising a reception on a smaller scale.

It is traditional for the President of the Council to take part in the annual meeting of **the ACP–EC Joint Assembly** and on that occasion to give a meal for a small number of people.

Other Association or Cooperation Councils

As a general rule, the Presidency gives a meal. The format varies, depending on the venue and the programme.

Participation in negotiations in the framework of international organisations (UN, Unctad, WTO, etc.)

The Community spokesman in these forums is usually either the Commission and the Presidency of the Council together or the Commission alone. It is for the Presidency to decide whether it is appropriate to hold a reception for heads of delegation. If it decides to do so, it may give the reception jointly with the Commission. Organisation is entrusted to the General Secretariat.

(c) Other meals

Coreper (Part 2)

Under established practice in recent years, one working meal per month is arranged (normally at the meeting preceding that of the General Affairs Council), as well as meals with certain commissioners.

Political Committee/Political and Security Committee and Article 36 Committee

Working meals may be arranged on similar terms, with the Council paying for one per month.

Coreper (Part 1)

Working meals may be arranged, with the Council paying for not more than three per six-month period.

Special Committee on Agriculture, Article 133 Committee, Antici Group and Mertens Group

Working meals may be arranged, with the Council paying for one per six-month period.

3. Travel by the President

The nature of the President's duties requires him to travel on a number of occasions, all of which are connected with Council business.

The occasions in question are chiefly Association Council meetings held in non-member States and troika meetings, also in non-member States. Sometimes the President is sent by the Council on a 'tour of the capitals'.

Following the entry into force of the decision of 10 October 2000 of the Secretary-General/High Representative concerning reimbursement of travel expenses of delegates (Decision No 361/2000, see Annex IV), the Council decides whether the cost of the President's ticket and that of one companion is reimbursable. If it is, reimbursement is based on the business restricted class fare within Europe and the business class fare outside Europe. If the President travels first class, the Presidency has to pay the difference. Where a special plane is used, the Council pays part of the cost up to the limit indicated above.

When the President is representing his State at a major international conference, for example in the United Nations framework, and chairing on-the-spot coordinating meetings of Member States, the Council does not contribute to the cost.

The Council never pays accommodation expenses or office rental or equipment costs.

4. Meetings away from customary places of work

In the case of all meetings **in the Council framework** taking place outside Brussels/Luxembourg, such as Association or Cooperation Councils meeting in non-member States, the bulk of the cost is borne by the host country. A proportion of costs (hiring of rooms, technical equipment and entertainment costs) can be charged to the Council's budget; the General Secretariat helps with the practical organisation of such meetings.

As a rule, the Presidency bears the full cost of all meetings convened by it **outside the institutional framework** as such — principally those held in its own country: informal ministerial meetings and meetings of the Permanent Representatives Committee, Political Committee, Article 36 Committee, Special Committee on Agriculture and certain working parties. The Presidency may, however, call on one of the 13 teams of interpreters placed at the Council's disposal daily. This, of course, means that the team in question is not available in Brussels.

The organisation and cost of European Council meetings are entirely the Presidency's responsibility, although it relies on the General Secretariat for help in all organisational matters. The General Secretariat keeps a detailed, regularly updated checklist available for consultation by the Presidency.

Chapter VIII — Financial responsibility

As already mentioned in Chapter I, Section 6, concerning the General Secretariat of the Council, the Deputy Secretary-General, under the authority of the Secretary-General/High Representative, has full responsibility, in accordance with Article 207(2) TEC and Article 23(5) CRP, for administering the Secretariat's human and financial resources.

The Presidency should therefore ensure that it obtains the Deputy Secretary-General's agreement before embarking upon any initiatives or taking any decisions which might have implications in terms of human or financial resources.

The Presidency should note that the officials with whom it deals within the General Secretariat are under strict instructions not to commit the Secretariat, even tacitly, to any unauthorised organisational measure or expenditure whatever, whether involving human or financial resources (instructions issued on 20 October 2000). This concerns:

- any contact with the Presidency, delegations, other institutions or third parties;
- any action or initiative, in particular by a working party, which might:
 - involve making available staff, equipment or infrastructure ⁽¹⁾,
 - entail overtime or any other kind of supplementary service,
 - give rise to any other financial obligations for the Council.

Any Secretariat officials coming across any such measures must explicitly reserve their position and refer the matter to the appointing authority for agreement.

The Presidency should also note the following rules, dictated by budgetary constraints and the need to plan work in the light of the human resources available, which were agreed in May 2000 between the Deputy Secretary-General and the permanent representatives.

(¹) Such matters should be referred to Coreper via the Antici Group for discussion with the appointing authority at that level.

(a) Preparations on behalf of the Presidency

Permanent representations should as far as possible handle preparations on behalf of the Presidency, or at least coordinate them.

Preparatory meetings between Presidency representatives and the relevant Secretariat officials should thus, as a rule, be held in Brussels. Meetings in the Presidency's capital should be arranged only where political preparation proves necessary and in exceptional cases, without the Secretariat incurring any expenditure as a result (travel and subsistence expenses chargeable to the Presidency).

(b) Committee and working party meetings in the Presidency's country

Under the rules applicable, 15 meetings of committees or working parties may be held in the Presidency's country. A list of such meetings is supplied to Coreper by each Presidency at the beginning of its six-month term. In the case of such meetings, subject to the limits laid down in the Secretary-General's decision of 10 October 2000 (see Annex IV), delegates' travel expenses and Council officials' mission expenses are paid by the Secretariat.

The figure of 15 meetings represents an absolute maximum, and it is intended to scale this down in future. In any event, for any 'informal meetings' nevertheless arranged and held in the Presidency's country in excess of those 15, the Secretariat will not meet any expenses, and all of these will have to be borne by the Presidency (including Secretariat officials' travel and subsistence expenses).

(c) Document production and translation

In planning the meetings and business of working parties and Coreper, allowance must be made for the time inevitably taken to draft, translate and produce documents. The Presidency should therefore discourage the holding of working party meetings the day before or on the same day as Coreper meetings, since such meetings make it impossible not only to have documents translated but also to have them properly distributed, thereby detracting from the efficacy of proceedings.

With its special responsibility for the planning and organisation of Council business, the Presidency should also as far as possible avoid, or at least limit to exceptional cases, the holding of meetings at weekends or on public holidays, which gives rise to considerable additional expenditure. In order to help the Presidency assess each specific situation arising, the Secretariat will systematically draw up financial impact statements where any such meetings are envisaged.

Cooperation between the Presidency and the Secretariat is also desirable as regards document production and translation into the official Community languages, which presents the Secretariat with a substantial workload and a constant organisational challenge ⁽¹⁾. Particular attention should be paid here to allowing reasonable intervals between meetings dealing with a particular issue, to compliance with time limits and to whether to have a text translated, which should be considered only where of assistance in making progress.

⁽¹⁾ In 2000, for instance, the General Secretariat of the Council processed 27 537 original documents, totalling 186 864 pages, some 60 000 of which were translated by each of the 11 language divisions; the Document Reproduction Department produced over 151 million photocopied pages and distributed 101 044 hard-copy documents.

*An effective Council
for an enlarged Union*

*Guidelines
for reform
and
operational
recommendations*

Approved by the Helsinki European Council

10–11 December 1999

Foreword

If the Council is to operate effectively with nearly twice as many Member States as at present, substantial changes have to be introduced, starting now, so that by the time of enlargement, the Council can smoothly accommodate a larger membership. This is why the Helsinki European Council approved the following operational recommendations for reforming the Council to prepare for enlargement.

The Helsinki conclusions expressly mention that the Council, the Presidency and the Secretary-General/High Representative will be responsible for ensuring that these recommendations are observed and enforced in practice. As far as the Secretariat is concerned, steps will be taken over the coming months in order to implement all aspects of the reform for which the Secretary-General is responsible, and to ensure that Secretariat staff are equipped to lend greater and more upfront support for the Council and the Presidency, as called for by the European Council. Certain questions, such as reducing the number of Council formations, will require further work by the Council itself. This work will also include a revision of the Council's Rules of Procedure. However, given that much of the reform involves adhering to good practices in future, it is of the utmost importance that all Secretariat officials play their part in ensuring that these recommendations are actually applied and enforced. Enforcement should not, however, call into question arrangements and programming already made by the incoming Portuguese Presidency.

Guidelines for reform

Reforming the functioning of the Council is an important component of the broader institutional reform process to prepare the Union for enlargement. The scale of the coming enlargements coupled with the wider scope of the Union's action could well slow the Council down, and ultimately even paralyse it. That risk is already perceptible now and represents a threat to the smooth operation of the Union, given the Council's central role in Union decision-making. Hence, the need for a comprehensive review of the Council's working methods, as highlighted in the report submitted by the Secretary-General in March 1999 ⁽¹⁾.

*The Council must have an overview of all Union policies. For it to do so, there has to be at the heart of the system a single **chain of coordination** capable of ensuring that Union action is consistent with the will of its political leaders. This chain of command starts in the Member States themselves with effective interdepartmental coordination and arbitration, and extends through Coreper, the General Affairs Council to the European Council. The Council's ability to meet the challenges ahead largely depends on strengthening the effectiveness of this channel — the backbone of the system. Action to preserve the Council's ability to act decisively therefore needs to be taken at all levels.*

*The European Council must remain an effective forum for **policy leadership** in providing necessary impetus for the Union's development and defining general political guidelines. It must preserve the flexible way in which it is prepared at present, the restricted format of its meetings and the practical impact of the Presidency conclusions.*

*The General Affairs Council's central responsibility for general horizontal issues, including overall policy coordination, means that it will have to manage an increasingly complex **external and internal** agenda, dealing with major multidisciplinary and interpillar dossiers. Effectively handling all aspects of its work by better agenda management and suitable Member State representation is essential if the General Affairs Council is to continue to play its role in ensuring overall coordination and policy consistency, and in preparing European Council meetings.*

⁽¹⁾ See document No SN 2139/99.

*Given the diversification of the Union's activities and broadening of the areas covered by the Treaties, it is important to prevent fragmentation of the Union's activities and decision-making by **limiting the number of Council formations**, and by avoiding artificial activities to fill up agendas. This will help focus the Union's action and improve overall policy coordination and consistency by the Council's preparatory bodies.*

***Efficient legislative practices** must be followed. This means ensuring that the correct legislative instruments are used, that texts are drafted in a high quality and legally watertight manner, that the co-decision procedure, given its increasing application, operates smoothly and effectively and that the Council's legislative work is more transparent and open to public scrutiny.*

*While **internal coordination** in the Member States is, and must remain, the exclusive preserve of each government, effective coordination has a direct bearing on the functioning and coherence of the Council. Therefore Member States have a common and genuine interest in endeavouring to ensure that their internal organisation allows the Council to deliberate more effectively.*

*Effective Council decision-making requires preparatory work to be undertaken as rationally and cost-effectively as possible while ensuring overall policy consistency. This implies planning all programmable activities, a clear definition of the role of **Coreper** and Council **Working Parties**, and improved working methods designed to ensure optimum use of infrastructure and resources. Already now, and all the more so in an enlarged Union, full use must be made of the limited time available in meetings. Without suitable preparation upstream and greater discipline in plenary debates at all levels, discussions risk becoming completely ineffective. At meetings, delegations should be able to react and negotiate on clear options, drafted solutions to known difficulties or clearly identified problems. Therefore it is of the utmost importance that clear and well-structured papers are provided. The Presidency, as part of its particular responsibilities for managing and conducting discussions, should have the means to ensure suitable working methods.*

*The **Presidency must retain overall political responsibility** for managing Council business. Over the years its burden has increased substantially, and will continue to do so as the Union enlarges. Optimum use must therefore be made of the various forms of support available, such as the incoming Presidency, the Troïka and the*

General Secretariat, in order to ease the Presidency's workload. The increasing number of Council members, along with the increase in the Presidency's responsibilities, will also require greater and more upfront support for the Council and the Presidency from the General Secretariat.

*Finally, **practical issues** such as the layout of rooms, translation, interpretation and document production are crucial to the smooth operation of the Council. New imaginative and pragmatic solutions are needed on these issues, while respecting basic principles, if the Council is to continue to operate effectively.*

The following operational recommendations will, for the most part, be implemented as soon as possible. Some will require more detailed work before being implemented over the medium-term in connection with enlargement. They are designed to meet the Cologne European Council's call for specific proposals to be made for improving the operation of the Council with a view to enlargement. It is imperative that these recommendations are applied using effective means of enforcement through the Council's Rules of Procedure ⁽¹⁾ and are coupled with the practical measures already being implemented by the Presidency and the Secretary-General, which must be consolidated over the coming years. The combined impact of these measures should ensure that the Council is properly equipped to welcome new members in the near future with minimum upheaval.

⁽¹⁾ Asterisks denote recommendations which will require a revision of the Council's Rules of Procedure.

Operational recommendations

A. The European Council and the General Affairs Council

1. The European Council's primary purpose must be to continue to provide the Union with the necessary impetus for its development and define general political guidelines. One means of helping it better fulfil these tasks is to make the Presidency conclusions more concise (maximum 15 pages ⁽¹⁾) thereby focusing them on the political decisions taken on the items actually discussed at the meeting.
2. The General Affairs Council must be in a position to deal effectively with horizontal internal issues including overall policy coordination. The General Affairs Council agenda shall accordingly be divided into two distinct parts. Member States shall ensure that they are suitably represented at ministerial level at both parts of the session.
3. The General Affairs Council is responsible for the overall coordination of European Council preparatory work.

B. External relations ⁽²⁾

Role of the Secretary-General/High Representative

4. Subject to the requirement laid down in Article 3 of the TEU for the Council and the Commission to ensure consistency in external relations, and in accordance with their respective responsibilities under the Treaties, the Presidency, the Secretary-General/High Representative and the Commissioner for external relations, will cooperate closely in order to ensure overall continuity and coherence of action by the Union in external relations.
5. The Secretary-General/High Representative shall, in accordance with the Treaties:

⁽³⁾ Except in very exceptional circumstances such as *Agenda 2000*.

⁽⁴⁾ The recommendations in this section are without prejudice to developments on preparatory/implementing bodies for the CFSP which might result from ongoing discussions in the Council.

- (i) assist the Presidency in coordinating work in the Council to ensure coherence on the various aspects of the Union's external relations;
 - (ii) contribute to preparing policy decisions and formulating options for the Council on foreign and security policy matters, so that it constantly focuses on the major political issues requiring an operational decision or political guidance;
 - (iii) contribute to the implementation of foreign and security policy decisions in close coordination with the Commission, Member States and other authorities responsible for effective application on the ground.
6. The Secretary-General/High Representative may receive specified mandates from the Council.

Regular meetings/contacts with third countries

7. Given the increasing administrative burden of organising ministerial level meetings with third countries, in particular under cooperation and association agreements, more effective management of such meetings will be achieved by:
- (i) drawing up systematic schedules of ministerial meetings with third countries covering the current and the next two Presidencies, adjusted on a rolling basis, to enable an appropriate shareout of the administrative burden and ensure adequate preparation;
 - (ii) seeking the consent of third parties to include provisions under existing or future cooperation and association agreements:
 - which, as far as *timing of meetings* is concerned, do not specify a given periodicity, but allow ministerial meetings to be convened when warranted by a substantive agenda after proper preparation;
 - and which, as far as the *level of representation* is concerned, provide that the Council will as a rule be represented at ministerial level by the Presidency, assisted by the Secretary-General/High Representative, and the incoming Presidency. Other members of the Council may designate representatives at official level;
 - (iii) ensuring that, as far as *political dialogue* meetings are concerned, the Presidency and the High Representative make the most effective use of both possibilities offered under the Treaty for conducting such meetings

(i.e. the Presidency, assisted by the Secretary-General/High Representative or the High Representative at the request of the Presidency on the Council's behalf) in order to streamline the Union's political dialogue arrangements, in full association with the Commission.

Optimum use of diplomatic networks

8. The Secretary-General/High Representative is invited to draw up a report for the Council examining ways and means of using the networks of Member States' embassies and Commission delegations throughout the world to strengthen implementation of the Union's action and assist him in carrying out his tasks.

C. Council formations

9. In order to improve the coherence and consistency of the Council's work, the number of Council formations shall be reduced to a maximum of 15. The General Affairs Council shall take the necessary steps to achieve this objective as soon as possible by merging certain Council formations, by handling certain matters in other relevant Council formations and by making maximum use of 'back to back' arrangements when convening closely-related Council formations.
10. In convening Council sessions, particular attention shall be paid to the management and organisation of the agenda in order to allow Member States to be represented in each Council formation as they deem appropriate on the basis of their own internal organisation. The Presidency shall endeavour to ensure as a rule that each Council formation has a single President.
11. Without prejudice to Article 1(1) of the Council's Rules of Procedure, Council formations and sessions shall only be convened when a substantive agenda exists (e.g. when policy decisions are to be taken or political orientations are to be given) or when required by objective deadlines. Failure to meet these criteria would imply not convening the Council formation or session in question.
- *12. No new formations of the Council may be convened unless the General Affairs Council so decides.
13. Joint sessions of different Council formations shall no longer be convened, save in exceptional circumstances.

14. Each Member State will keep under permanent review its internal coordination arrangements for EU matters so that they are tailored to ensuring the optimum functioning of the Council. On the basis of a contribution from each Member State giving a practical description of internal coordination procedures on EU matters, a summary of coordination systems in the different Member States will be compiled by December 2000.

D. The Council's legislative role

Proper use of legislative instruments and improved drafting quality

- *15. Delegations shall ensure that proposed textual amendments are properly drafted, including during the first reading of a text by a Working Party.
- *16. The Council shall refrain from adopting resolutions, declarations, or any other non-standard form of act when dealing with legislative matters.

Improved codification procedures

17. In order to speed up work on the codification of legislative texts and increase the amount of legislation available in a codified and more readable form:
 - (i) a strict deadline of 30 days shall be imposed within the Council for delegations to comment on proposals. The European Parliament should be approached in order to agree on procedural deadlines for giving its opinion on codification proposals;
 - (ii) the Council will seek a further interinstitutional agreement with the European Parliament and the Commission as soon as possible on the use of a fast-track method for the 'recasting' technique (i.e. using the opportunity offered by an amendment to a basic act to codify all of it), subject to ensuring that the principles and spirit of the codification technique (i.e. codification of texts as published without substantive amendment) are respected.

Making the co-decision procedure more effective

18. The Presidency shall, as an integral part of its programming, take due account of the requirement to schedule conciliation and preparatory meetings, bearing in mind the deadlines applicable for co-decision procedures. Contacts with

the European Parliament at the first and second reading stages must be undertaken with the aim of bringing the procedure to a successful conclusion as swiftly as possible.

19. The Presidency and the General Secretariat are invited to propose by the end of 2000 further changes in the Council's working methods in dealing with co-decided acts in the light of experience acquired in implementing the Joint Declaration of 4 May 1999.

E. Informal ministerial meetings

20. Informal meetings of Ministers are designed to permit as free as possible an exchange of views on topics of general scope. They are not Council sessions and cannot replace the Council's normal activities. Such meetings are subject to the following rules:
 - (i) a maximum of five informal ministerial meetings may be held during any Presidency;
 - (ii) no official agenda shall be drawn up;
 - (iii) the presence of assistants shall be limited to a maximum of two per minister;
 - (iv) discussions must in no circumstances require Council documents to be prepared, either before or after the meeting;
 - (v) meetings cannot arrive at formal conclusions or decisions; any press communication must make this point explicitly clear.

F. Coreper

21. Given that Coreper has responsibility for the final preparation and presentation of all agenda items to the Council ⁽¹⁾, it shall be responsible for assembling all preparatory work undertaken by different vertical bodies for both *multidisciplinary* and *interpillar* dossiers. In order to carry out effectively this role:

⁽¹⁾ See Article 207 of the TEC and Article 17(1) of the Rules of Procedure.

- (i) the Presidency, assisted by the General Secretariat, shall ensure effective forward planning of all *multidisciplinary* and *interpillar* dossiers;
 - (ii) all evaluations, assessments or contributions from other bodies must be available for the Coreper meeting preparing the Council where a final decision is to be made ⁽⁶⁾;
 - (iii) as a rule, a *single* Presidency or Secretariat paper shall be prepared for the Council encompassing all contributions and aspects of the dossier;
 - (iv) the Antici, Mertens or ‘Friends of the Presidency’ groups may be called on to assist Coreper in this task.
- *22. Preparatory work by Coreper for a *legislative* item on the Council agenda must be completed by the end of the week preceding the week prior to the Council. Failure to do so will, as a general rule, result in such items automatically being removed from the Council agenda unless considerations of urgency require otherwise.
- *23. For any dossiers where substantive preparation is undertaken in other fora, Coreper must in any case be in a position to verify that the following principles and rules are respected:
- (i) the principle of legality in the light of Community law, including the principles of subsidiarity, proportionality and of providing reasons for acts;
 - (ii) the powers of Union institutions;
 - (iii) budgetary provisions;
 - (iv) rules on procedure, transparency and the quality of drafting of legislation;
 - (v) consistency with other Union policies and measures.
24. Ad hoc meetings of Coreper may be convened by the Presidency at short notice in order to discuss specific urgent matters.

⁽⁶⁾ The Political Committee may provide updates on CFSP items prepared for the Council in order to take account of the latest political developments.

G. The Council presidency

- *25. The incoming Presidency shall assist the Presidency, while preserving fully the Presidency's powers and overall political responsibility for managing Council business in conformity with the Treaties and the Council's Rules of Procedure. The incoming Presidency, acting under the Presidency's instructions, shall replace the Presidency as and when required, relieve the Presidency, when needed, of some of its administrative burden and enhance continuity of work in the Council. The Presidency and the incoming Presidency will take all the necessary steps to ensure a smooth transition from one Presidency to the next.

H. Transparency

Access to documents

- *26. Procedures for public access to Council documents should be streamlined and automated as far as possible using modern technology, including the Internet, without prejudice to general principles governing the right of access to documents to be decided in accordance with Article 255 of the Treaty.

Greater openness by the Council when acting in a legislative capacity.

- *27. The General Affairs and Ecofin Councils shall each hold a public debate every six months on the Presidency's work programme.
- *28. At least one public Council debate should be held on important *legislative* proposals. Coreper shall decide on public debates by qualified majority.
29. In order to ensure more interesting public debates, discussion shall be organised as follows:
- (i) delegations shall be invited, in time before the Council, to communicate to the Presidency and the Secretariat their views on the proposal or the item to be publicly debated;
 - (ii) the Presidency, on the basis of the written statements, shall draw up a one-page note containing a brief questionnaire;
 - (iii) this note shall be circulated to delegations before the start of the meeting and will constitute the basis on which the debate shall be conducted.

I. Information policy

30. The European Parliament, the Council and the Commission are urged to take steps to pool as far as possible efforts to provide coordinated general information about the Union, in particular by optimising use of existing resources; in this context, it might be useful to examine the feasibility of setting up in Brussels a joint European Parliament, Council and Commission information centre for receiving visitors to the institutions and coordinating publications on EU matters for the general public.
31. The Commission is invited to study the general question of the Union's information policy, including improving coordination with its information offices in the Member States and links with national information offices.

J. Organisation and conduct of meetings

Programming of Council work

32. Each Presidency shall, in cooperation with the Commission, the General Secretariat and the future Presidency, programme all legislative activities as well as all other aspects of the Council's work not dependent on the latest political developments.
- *33. Seven months before the beginning of each Presidency, the incoming President of the Council shall make known the dates envisaged for all Council sessions where it is clear that legislative work needs to be undertaken or operational policy decisions need to be made. The final Presidency programme may provide for additional Council sessions, provided they are warranted for operational reasons. If a programmed session proves to be no longer warranted, it shall be cancelled.
- *34. The Presidency programme, in the form of indicative Council provisional agendas indicating operational decisions and legislative work, shall be finalised at the latest one week before the beginning of the Presidency.

Working Parties

35. When deemed useful, the Presidency may invite delegations to submit preliminary comments and positions in writing by a specified deadline before the Working Party begins its work on a new proposal. On the basis of the written contributions, a working paper will be produced setting out in an or-

dered way the main issues arising in order to guide and structure the initial debate in the Working Party.

36. A list of all Council preparatory bodies ⁽⁷⁾ shall be updated regularly by the General Secretariat as a result of decisions to establish such bodies by Coreper or the Council.
37. The Council and Coreper shall refrain from setting up new high-level working parties.
- *38. All Working Party meetings preparing a *legislative* item for Coreper must complete their work at least five working days prior to the Coreper meeting in question. Failure to do so will, as a general rule, result in the item automatically being postponed to the following Coreper meeting, unless considerations of urgency require otherwise.

Agendas and documents

39. Without prejudice to Article 2 of the Council's Rules of Procedure, the Presidency and Secretariat shall ensure that items are only proposed for inclusion on Council provisional agendas when decisions or political guidance are necessary.
40. Council discussions shall be based on clear guidelines, options or suggested solutions prepared by Coreper for the key issues under examination.

Conduct of meetings

41. Council and Coreper discussions shall focus on reacting to options or solutions presented in the Presidency or Secretariat paper. Well-known arguments or positions should be developed in written statements.
42. Full table rounds shall be proscribed in principle; they may only be used in exceptional circumstances on specific questions, with a time limit on interventions set by the Presidency.
43. Where a good prospect exists of proposing a compromise for resubmission the same day, the Presidency shall convene a working party in the margins of Coreper or Council meetings. If a compromise emerges in the course of a

⁽⁷⁾ See document 13406/99.

Council or Coreper debate, the agreed decision shall be framed in parallel with the meeting.

- *44. Decisions may only be taken in formal sessions of the Council. The General Secretariat shall verify that a quorum exists for a decision to be taken. The Presidency shall provide for more restricted and super-restricted sessions during formal meetings (which include Ministerial conclaves) in order to discuss politically sensitive or classified subjects, instead of dealing with such matters over lunch.
- *45. The Presidency may, *inter alia*:
 - (i) fix in advance the time to be allocated for agenda items in Coreper and Council where no objective need exists for a decision to be reached;
 - (ii) organise the time allotted for discussion of a particular item;
 - (iii) determine numbers per delegation present in the meeting room (i.e. whether to hold restricted or super-restricted sessions);
 - (iv) make use of points of order each time it is necessary to ensure the conditions imposed regarding the conduct of a discussion are respected.

K. The general secretariat and the practical framework

Role of the General Secretariat

- 46. The General Secretariat's supporting role as advisor to the Council and the Presidency shall be strengthened by being continually and closely associated in programming, coordinating and ensuring the coherence of the Council's work. In particular, it is encouraged to play a more active role, under the Presidency's responsibility and guidance, in assisting it in its 'good offices' function and searching for compromise solutions.
- 47. Documents issued by the General Secretariat and used as a basis for negotiations in the Council and its preparatory bodies must be concise and set out clearly the issues to be decided including, where appropriate, options or avenues for compromise. Lengthy records of meetings describing delegations' positions should be avoided.

- *48. The Secretary-General/High Representative shall have full responsibility for managing the Council budget.

Organisation of the General Secretariat

49. The Secretary-General/High Representative is invited to take steps to adapt the General Secretariat rapidly to the changing requirements of the Council, in particular by:
- (i) tailoring its structures to the operational requirements of the Council, in particular by reorganising work in larger administrative units;
 - (ii) strengthening internal auditing to ensure the best possible match between the Council's requirements and the human and material resources available in the General Secretariat;
 - (iii) introducing a flexible and dynamic staff policy designed to provide greater staff motivation. This will involve ensuring adequate staff training so that the Secretariat is able to fulfil effectively an enhanced supporting role. The possibility of short-term exchanges with national administrations should be considered as part of this training.
50. The Secretary-General/High Representative is urged to review the Council's and the General Secretariat's working methods in order to improve efficiency by making optimum use of modern technology, including improved use of data processing and electronic means, adapting procedures and the document production and transmission circuit and targeting staff training at the needs of modernisation.

Material aspects of the Council's work

51. The Secretary-General/High Representative is invited to undertake a detailed examination of the *technical* and *methodological* means available for increasing the translating and interpreting capability at the disposal of the Council.
52. In the light of the above study, an examination should be undertaken to see how, at the preparatory level, the necessary efficiency of the Council can be ensured while respecting the provisions on the principles of equality of and non-discrimination among the Union's official languages ⁽⁸⁾.

⁽⁸⁾ As they are set out in Regulation No 1 determining the languages to be used by the European Community (Official Journal of 6 October 1958) and in the Council's Rules of Procedure.

Building requirements and configuration of meeting rooms

53. While keeping the Council duly informed, the Secretary-General/High Representative shall have full responsibility for evaluating the building requirements for a substantially enlarged Council and how these requirements can be satisfied, so that detailed proposals can be made to the Council in due course in the light of that evaluation.

54. In order to allow effective deliberations and negotiations after enlargement, it will be essential to reduce numbers present in meeting rooms and at the main table. For meetings of the European Council, each delegation shall have no more than two seats at the table. For meetings of Council preparatory bodies (Committees and Working Parties), each delegation shall have one seat at the table, unless stipulated otherwise. The Secretary-General/High Representative is requested to study the appropriate configuration of meeting rooms for Council sessions and make appropriate proposals. This study shall take account of the various constraints linked to work in different Council formations.

L. Review

55. The Secretary-General/High Representative shall evaluate implementation of these recommendations and, if appropriate, make further practical suggestions by July 2001 for improving the Council's working methods.

List of Council formations

A. The following Council formations may be convened:

General Affairs
 Agriculture
 Economic and Financial Affairs
 Environment
 Transport and Telecommunications
 Employment and Social Policy ⁽¹⁾
 Fisheries
 Industry and Energy
 Justice, Home Affairs and Civil Protection
 Internal Market, Consumer Affairs and Tourism
 Research
 Budget
 Culture
 Development
 Education and Youth Affairs
 Health

- B. The Presidency will organise Council agendas by grouping together related agenda items, in order to facilitate attendance by the relevant national representatives, particularly where a given Council formation has to deal with clearly distinguishable sets of topics.
- C. It is up to each Member State to determine the way in which it is represented at the level of the Council, in accordance with Article 203 of the EC Treaty.
- D. The Council will examine by July 2001 the list of Council formations, inter alia, in the light of experience gained in organising ,back-to-back™ sessions, and the relevant conclusions of the European Council.

⁽¹⁾ The change of name of this formation reflects the wording of recent Treaty changes.

List of Council working parties
(November 2001)

| GRUPE | REDACTEURS | SECRETAIRES |
|--|--|---|
| DG A - Personnel et administration - protocole, organisation, sécurité, infrastructures - production et reproduction documents: Directeur général: M. GRIFFO - Secrétaire: Mme Hirtz, tél.7871 | | |
| DG A II - Protocole, organisation, sécurité, infrastructures: Directeur général adjoint: M. VIKAS - Secrétaire: Mme Kamindari, tél. 8245 | | |
| IMMÉRIURES | M. Burgers, tél. 7174 | Mme Moens, tél. 7976 |
| COMMUNICATIONS ELECTRONIQUES | M. Manenti, tél. 7645 | Mme Ferracci, tél. 6683 |
| DG B - Agriculture - Pêche: Directeur général: M. , tél. , - Assistante: Mme Travella, tél. 6333; Secrétaire: Mme Poulsen, tél. 6346 | | |
| AGRICULTURE - GROUPE HAUT NIVEAU | Mme Travella, tél. 6333 | |
| COMITE SPECIAL POUR L'AGRICULTURE | Mme Travella, tél. 6333 | |
| DG B 1 - Pol. agricole (Y compris aspects internationaux); organisation des marchés des produits agricoles, harmon. des legis. vétérinaires et zootechniques: Dir: M. Mazzaschi, tél.7571 ; Sec: Mme Berniquet, tél. 6627 | | |
| Secteur 1 - Ch. division: M. Adellebrecht, tél.6623 - Viandes bovine ovine et porcine, harmonisation vétérinaire et zootechnique, protection des animaux, lait et produits laitiers, oeufs et volailles | | |
| DIRECTEURS GÉNÉRAUX/CHEFS DES SERVICES VÉTÉRINAIRES | M. Adellebrecht, tél. 6623; M. Reniers, tél. 6263; M. Coates, tél.5768 | Mme De Cooman, tél. 6631; Mme Koorn, tél. 6799 |
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| Secteur 2 - Chef de division: M. Ten Have - Problèmes horizontaux, grandes cultures, fibres textiles, tabac, semences, houblon. | | |
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| GRANDES CULTURES - RIZ | M. Ten Have, tél. 6625; Mme Cardelus, tél. 9312 | Mme d'Hoeseleer, tél. 8134; Mme Cantanin, tél. 8324 |
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| HOUBLON | M. Ten Have, tél. 6625; Mme Cardelus, tél. 9312 | Mme d'Hoeseleer, tél. 8134; Mme Cantanin, tél. 8324 |
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| GRUPE | REDACTEURS | SECRETAIRES |
|---|--|---|
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| Secteur 3 - Chef de Division: M. Culley , tél.6197 - Coord. aspects internationaux de la PAC (OMC, OCDE, FAO); Fruits et légumes; bananes; floriculture, vin, alcool, vinaigre, olives et huile d'olive. | | |
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| AIDE ALIMENTAIRE | M. Murdock, tél. 7785 | idem |

| GROUPE | REDACTEURS | SECRETAIRES |
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| PREPARATION DES CONFERENCES INTERNAT. SUR LE DEVELOPPEMENT | idem | idem |
| PRODUITS DE BASE | Mme. LINDORFER, tél. 9280, M. RAND, tél. 5606 | idem |
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| 2 - ACP/PTOM; négociation Post Lomé | M. BEL, tél. 6661, M. BUCK, tél. 7574, Mme. SPECK, tél. 5491 | idem |
| ACP (PAYS D'AFRIQUE, DES CARAIQUES ET DU PACIFIQUE) | idem | idem |
| ACP/FIN (ACP/FINANCES) | idem | idem |
| ad hoc POST-LÔME | idem | idem |
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| COMITE SPECIAL ART. 133 CECA (ECS EN ANGLAIS) | idem | idem |
| COMITE SPECIAL ART. 133 SERVICES | idem | idem |
| COMITE SPECIAL ART. 133 TEXTILES | idem | idem |
| COMITE SPECIAL ART. 133 MEMBRES TITULAIRES | idem | idem |
| COMITE SPECIAL ART. 133 MEMBRES SUPPLEANTS | M. DOMMADOU, tél. 7170, M. PARNISARI, tél. 8316 | idem |
| 3 - EEE/AELE; Suisse; Iles Feroe; Andorre; Saint Marin; OCDE; Accords textiles; Foires et Expositions | M. BÄRWINKEL, tél. 8241 | idem |
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| RELATIONS TRANSATLANTIQUES | M. PURCELL O'BYRNE, tél. 7385 | |
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| 3 - Amérique Latine | | |
| AMERIQUE LATINE | M. OLIVEIRA, tél. 6619 | idem |
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| EUROPE SUD-EST | M. LARSSON, tél. 9415 | |
| GOLF | idem | |
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| GROUPE | REDACTEURS | SECRETAIRES |
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| | 2 - Processus de Paix au Moyen-Orient, PLO | M. Jaschke, tél. 9087 |
| | PROCESSUS DE PAIX AU MOYEN ORIENT | |
| | 3 - Asie, Océanie | M. Hajskov tél. : 8555 |
| | ASIE-OCEANIE | Mlle Heusghem, tél. 6553 Mme McGee-Kuypers, tél. 6080 Mme D'Hondt, tél.6702 |
| | 4 - Afrique | M. Baneham, tél.7239; M. Manley, tél. 8504; M. Zinzius, tél.8331 |
| | AFRIQUE | M. Clausen tél. : 7356; M. Hanses, tél.7574 |
| | Direction VI - "Europe Orientale, Western Balkans" Directeur: M. Radauer | |
| | 1 - Balkans occidentaux | |
| | BALKANS OCCIDENTAUX | Mme Howe, tél.8472; M. Cortese tél.8034 |
| | 2 - Eastern Europe | |
| | EUROPE ORIENTALE ET ASIE CENTRALE | M. Leskela tél. : 8528; Mme Drubigny tél. : 6651 |
| | 3 - Coopération régionale, Pacte de stabilité | M. Gomez de Rojas tél. : 6946 |
| | Direction VII: "ESDP" Directeur: Mme Giannella tél, 8045 | |
| | 1 - Politique de sécurité et défense, OTAN, pays tiers, désarmements, armements et Non-prolifération | |
| | POIITIQUE EUROPEENNE DE L'ARMEMENT | |
| | DESARMEMENT GLOBAL ET MAITRISE DES ARMEMENTS | |
| | EXPORTATIONS D'ARMES CONVENTIONNELLES | |
| | NON PROLIFERATION | |
| | SECURITE | |
| | BIENS A DOUBLE USAGE | Mme Ciabanski tél. : 6893 |
| | AD HOC UE-OTAN | idem |
| | 2 - OSCE et processus associés | |
| | Conseil de l'Europe, Terrorisme | |
| | OSCE (ORGANISATION P/ SECURITE ET COOPERATION EN EUROPE) | M. Azemopoulos tél. : 8037 |
| | TERRORISME | Mme Silveira Reis tél. : 6093 |
| | Direction VIII: "Opérations et Exercices" Directeur: Mme ARNOULD tél. 6185 | |
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| | EUWC ORGANE MILITAIRE | |
| | GRUPE MILITAIRE INTERNAIRE | |
| | AD HOC MODELE DE SECURITE | |
| | HEADLINE TASK FORCE (HTF) | |

| GRUPE | REDACTEURS | SECRETAIRES |
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| | Direction IX: 'Gestion des crises' (aspects civils) Directeur: M. Gonzales Sanchez tél.: 6546 | |
| 1 - Comité Politique et de Sécurité | Conseillers Relations extérieures | |
| | Dialogue politique | |
| | Mme Comamada, tél.7039 | |
| COMITE POLITIQUE ET DE SECURITE (CORSI) | idem | |
| COMITE POLITIQUE (CORO) | idem | Mme Havaux, tél.7189 |
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| 2 - Aspects civils de la gestion des crises | | |
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| 3 - Unité "Police" | M. Cappola tél.: 5462 | |
| 4 - Financement | M. Vries tél.: 5619 | |
| 5 - Affaires administratives et protocole PESC | | |
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| DROIT DE LA MER | M. Parzio, tél. 6102 | |
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| COMMUNICATIONS (ELECTRONIQUES) | idem | idem |
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| | M. De Kerchove, tél. 7933 | Mmes Van Eyken, tél. 5417; Laurijsens, tél. 5395; Lazaro, tél. 5420 |
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| GRUPE | REDACTEURS | SECRETAIRES |
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| QUESTIONS DE DROIT CIVIL, BRUXELLES I | M. Paulino Pereira, tél. 6621 | Miet Verberckmoes, tél. 6359 |
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| GROUPE HORIZONTAL INFORMATIQUE (PROTECTION DE DONNEES) | M. Vos, tél. 7819 | Mme Dreesen, 6166; Mme Jeangille, 7985 |
| GROUPE MULTIDISCIPLINAIRE SUR LA CRIMINALITE ORGANISEE (GMD) | M. Nilsson, tél. 7915 | Mme Wandel Petersen, tél. 7129; Mme Martin Ruiz, tél. 5419 |
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| GROUPE | REDACTEURS | SECRETAIRES |
|--|---|---|
| Division 2 - Santé, Législation alimentaire; Chef de Division: Mme AIROLDI, tél.7875 | | |
| ATTACHES DIENRES ALIMENTAIRES | M. Laboure, tél. 7400; M. Cavanagh, tél. 5800; Mme Namarado, tél. 7049 | Mmes Maretto, tél. 8212; Ramos, tél. 7102; Mme Morgan/7102; |
| SANTE PUBLIQUE | M. Laboure, tél. 7400; M. Cavanagh, tél. 5800; Mme Namarado, tél. 7049 | Mmes Maretto, tél. 8212; Ramos, tél. 7102; Mme Morgan/7102; |
| PROTECTION ET INFORMATION DES CONSOMMATEURS | M. Laboure, tél. 7400; M. Cavanagh, tél. 5800; Mme Namarado, tél. 7049 | Mmes Maretto, tél. 8212; Ramos, tél. 7102; Mme Morgan 7102 |
| Division 3 - Protection civile | | |
| PROTECTION CIVILE | M. Vermote, tél.6436 | Mme Estahani, tél.7559 |
| DG J - Politique sociale et Emploi, Politiques structurelles et de cohésion, Education et Jeunesse, Culture, Audiovisuel, Dir. gén.: M. LEPOUVRE, tél.8267 - Sec.: Mme Beyney, tél. 8337 | | |
| Division 1 - Politique sociale et Emploi; Chef de Division: M. George, tél.7354 - Sec.: Mme Piscoort, tél. 8473 | | |
| QUESTIONS SOCIALES | Mme Hivonneel, tél. 8332; M. Enqvist, tél. 8301; Mme Marques, tél. 8716 | Mmes Rizzo, tél.7253; Nilsson, tél.5250; Pastina, tél.5509 |
| COMITE PERMANENT DE L'EMPLOI | Mme Hivonneel, tél. 8332; M. Enqvist, tél. 8301; Mme Marques, tél. 8716 | Mmes Rizzo, tél.7253; Nilsson, tél.5250; Pastina, tél.5509 |
| | M. Harms 5012 | |
| Division 2 - Education/Jeunesse/Culture/Audiovisuel; Chef de Division: M. Frediani, tél.6439 | | |
| COMITE DE L'EDUCATION | M. Frediani, tél. 6439; M. Whilton, tél.7313; Mme Hietanen, tél. 8197 | Mme Santana, tél. 5449 |
| COMITE DES AFFAIRES CULTURELLES | M. Frediani, tél. 6439; M. Whilton, tél.7313 | Mme Santana, tél. 5449 |
| AUDIOVISUEL | M. Frediani, tél. 6439; Mme Hietanen 8197 | Mme Santana, tél. 5449 |
| JEUNESSE | M. Frediani, tél. 6439; Mme Hietanen 8197 | Mme Santana, tél. 5449 |
| Division 3 - Politiques structurelles et cohésion économique et sociale | | |
| Action structurelles | M. Carmona Nuñez, tél. 9548 | Mme Noteboom, tél. 6892; |
| Régions ultrapéniariques | M. Carmona Nuñez, tél. 9548 | Mme Noteboom, tél. 6892; |
| SERVICE JURIDIQUE - Directeur général: M. PRIS, tél.6227 - Secrétaire: Mme Lecoq, tél. 6327; Mme Piaser, tél. 6329 | | |
| AD HOC COUR DE JUSTICE | M. Petersen, tél. 7169 | Mme Malamatoù, tél. 8475 |
| JURISTES LINGUISTES | Mme Blanchet, tél. 8775 | Mme Salfary, tél. 6711 |
| CODIFICATION LEGISLATIVE | M. Borges, tél. 8371 | Mme Del Bino, tél.8319 |

**Decision of the Secretary-General of the Council/High Representative
for the common foreign and security policy
concerning reimbursement of travel expenses
of delegates of Council members**

THE SECRETARY-GENERAL OF THE COUNCIL/HIGH REPRESENTATIVE
FOR THE COMMON FOREIGN AND SECURITY POLICY,

Having regard to the Council's Rules of Procedure of 5 June 2000 ⁽¹⁾, and in particular Article 23(5) thereof,

Whereas:

1. The Secretary-General of the Council/High Representative for the Common Foreign and Security Policy (hereafter Secretary-General/High Representative), assisted by the Deputy Secretary-General, is fully responsible for administering the appropriations under Section II — Council — of the general budget of the European Communities, and takes all necessary steps to ensure their sound management. He implements the appropriations in accordance with the provisions of the financial regulation applicable to the general budget of the European Communities.
2. Given existing budgetary constraints, and in order to facilitate planning of budgetary expenditure of Member States and the General Secretariat of the Council, it is necessary to specify the criteria, limits and practical arrangements for the reimbursement of delegates' expenses by the Council.
3. Under Article 1 of the financial regulation, expenses shall comprise those arising from the activities of the institutions. The appropriations in Section II — Council — of the budget under 'meetings in general' are intended to cover the refund of travel expenses incurred by the Presidency and delegations at meetings of the Council and meetings held within the Council framework.
4. Only expenses arising from travel which actually took place in order to participate in meetings of the Council or its subordinate bodies, in meetings within the framework of the activities of the Council as an institution or those held within the framework of the Treaties and which are inextricably linked to the work of the Council may be reimbursed, independently of whether or not such sessions or meetings are held at the Council's headquarters.
5. The decision of the Secretary-General of 21 May 1997 should be repealed and replaced by this decision.

⁽¹⁾ OJ L 149, 23.6.2000, p. 21.

HAS DECIDED AS FOLLOWS:

Article 1
Principles

1. Travel expenses incurred by delegates of Council members, with the exception of administrative and secretarial staff of Council members, shall be charged to the general budget of the European Communities (Section II — Council), subject to the conditions and limits set out below, as long as the travel actually took place to attend:
 - (a) a meeting of the Council or one of its preparatory bodies; however, when in the course of an international meeting in which they participate because of the competences of the Member States, delegates from the Member States also participate in a meeting of one of the Council's preparatory bodies, their travel expenses shall not be reimbursed by the Council;
 - (b) another meeting in the framework of the activities of the Council as an institution;
 - (c) a meeting of an intergovernmental conference with a view to revising the Treaties or the accession of a State to the European Union, or of one of its dependent bodies;
 - (d) any meeting other than those mentioned under (c), held within the framework of the Treaties and which is considered to be inextricably linked to the work of the Council and aimed at giving major political impetus to the development of the Union.

For meetings mentioned under (b) and (d), reimbursement requires the prior agreement of the Secretary-General/High Representative, in accordance with Article 8.

2. Travel expenses listed under paragraph 1 shall be reimbursed on the basis of the expense actually incurred, subject to the conditions and limits set out below. Such reimbursement shall exclude payment by the Council of any other allowance to the persons concerned.

Article 2
Methods of applying for reimbursement

1. Delegates' travel expenses shall be reimbursed on the basis of a declaration by the person concerned and of the travel ticket which constitutes the supporting document. The declaration must, in particular, state whether the applicant's

travel expenses are covered in whole or in part by another authority and indicate whether he is eligible for free travel or for a reduced fare.

2. All applications for reimbursement of delegates' expenses must be submitted to the General Secretariat of the Council within 45 days of the date of the meeting. No application submitted late or without supporting documents shall be taken into consideration.
3. Following the instructions issued by the competent national administration, travel expenses shall as a general rule be reimbursed to the delegate's administration, or in exceptional, duly substantiated cases, to his personal account.

Article 3
Methods of reimbursement

1. Reimbursement of air fares shall be made, upon production of supporting documents, at the cheapest return rate available on the market; Ministers and State Secretaries shall be entitled to reimbursement of the club class fare or equivalent.

Where duly substantiated requirements of the service necessitate additional expense for making or changing reservations, such expense shall be borne by the Council.

Where the distance between the capital of the Member State which has sent the delegate and Brussels is less than 400 km, reimbursement of air travel shall be at a flat rate based on the first class rail fare, with the exception of travel from and to the United Kingdom and of Ministers and State Secretaries.

2. Rail travel expenses shall be reimbursed upon production of supporting documents at the rate corresponding to the direct route on the basis of the 1st class fare, plus any supplements (paid for express trains, TGV, Eurostar, sleepers), upon production of the appropriate coupons and taking account of any reductions given.
3. Delegates of Council members, with the exception of administrative and secretarial staff of Council members, authorised by their national administrations to travel by car, shall have their travel expenses reimbursed at a flat rate based on the first class train fare. If two or more persons use one car, only the person in charge of the vehicle shall be entitled to the reimbursement.

Article 4
Meetings of the Council and its subordinate bodies

The maximum number of delegates whose travel expenses may be reimbursed shall be as follows:

- (a) meetings at the Council's headquarters:
 - Council meetings: six persons per delegation (including head of delegation) plus three more for the Presidency ⁽¹⁾;
 - joint meetings of two Councils: 10 persons per delegation (including two heads of delegation) plus four more for the Presidency ⁽²⁾;

For Council meetings held in Luxembourg, travel expenses for a maximum of four delegates from the Permanent Representations shall be reimbursed in addition to the abovementioned delegates' expenses;

- working parties and committees in the list of committees and working parties involved in the Council's preparatory work established by Coreper: two persons per delegation plus one more for the Presidency; for the SCA, the Article 36 Committee, the Multidisciplinary Group on Organised Crime and the European Judicial Network: three persons per delegation plus one more for the Presidency; at the request to the Chairman of Coreper, and in exceptional, duly substantiated cases, particularly to take into account the competences of different ministries in a Member State on a given matter, the Secretary-General/High Representative may decide to increase the maximum number of persons entitled to reimbursement to three and four respectively for the abovementioned working parties and committees.
- joint working parties and committees: two more persons per delegation plus an additional two for the Presidency;

- (b) meetings held outwith the Council's headquarters:

- in European Union Member States:

⁽¹⁾ For meetings in Luxembourg, these figures do not include delegates from the Permanent Representations.

⁽²⁾ The previous footnote also applies.

- Council meetings: four persons per delegation (including head of delegation) plus one more for the Presidency;
 - working parties and committees in the list of committees and working parties involved in the Council's preparatory work established by Coreper: one person per delegation plus one more for the Presidency; for Coreper II, the SCA and the Article 36 Committee: two persons per delegation plus one for the Presidency;
 - European Councils: two persons per delegation;
- meetings held outwith the European Union:
- Council meetings: three persons per delegation, including the head of delegation, plus one more for the Presidency;
 - working parties and committees in the list of committees and working parties involved in the Council's preparatory work established by Coreper: one person per delegation plus one more for the Presidency;
 - meetings of the Article 133 Committee (full members) in Geneva: two persons per delegation plus one for the Presidency.

Article 5

Meetings within the framework of the common foreign and security policy

For meetings inside and outside the European Union Member States held in the framework of the Presidency tasks mentioned in Article 18(4) of the Treaty on European Union, the maximum number of persons whose travel expenses shall be reimbursed shall be limited to two persons for the Presidency and one person for the next Council member to hold the Presidency.

Article 6

Meetings held outwith the Council's headquarters

With the exception of meetings of the European Council, no reimbursement shall be granted for any meeting mentioned in Article 4(1)(b) and Article 5 held outwith the Council's headquarters, unless holding this meeting outwith the Council's headquarters was decided by the Council or by Coreper.

Article 7

Intergovernmental conferences and meetings of its dependent bodies

For activities listed under Article 1(1)(c), the number of delegates whose travel expenses are reimbursed shall be determined on a case-by-case basis by the Secretary-General/High Representative after consultation with the Presidency.

Article 8

***Meetings in the framework of the activities of the Council
as an institution and meetings in the framework of Treaties
inextricably linked to the work of the Council***

For meetings listed under Article 1(1)(b) and (d), a request for prior authorisation for the Council to cover the travel expenses must be sent by the Coreper Chair to the Secretary-General/High Representative, so that he can ascertain whether the conditions giving rise to the reimbursement are met in that specific instance. The decision of the Secretary-General/High Representative shall determine the number of delegates whose travel expenses will be met by the Council.

Article 9

Final provisions

This decision repeals and replaces the decision of the Secretary-General of the Council of 21 May 1997 concerning reimbursement of travel expenses of delegates of Member States. It shall enter into force on 1 November 2000.

Brussels, 10 October 2000

Javier SOLANA

Secretary-General/High Representative

List of commitments in relation to non-member States

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
|---|--|--|------------------|-----------------|---|
| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| ÉLARGISSEMENT Conférences intergouvernementales bilatérales d'adhésion (Chypre, Hongrie, Pologne, Estonie, République tchèque, Slovaquie, Malte, Roumanie, Slovaquie, Lettonie, Lituanie, Bulgarie) | <ul style="list-style-type: none"> Article 49 du TUE Conclusions du Conseil européen de Luxembourg (12 et 13.12.97) Six conférences au niveau ministériel inaugurant les négociations d'adhésion avec Chypre, la Hongrie, la Pologne, l'Estonie, la République tchèque et la Slovaquie (doc. 6962/98 à 6967/98 adoptés par le Conseil le 24.3.1998) Conclusions du Conseil européen de Cardiff (15 et 16.6.1998) Conclusions du Conseil européen de Vienne (11 et 12.12.1998) Conclusions des Conseils européens de Berlin et de Cologne (24 et 25.3 et 3 et 4.6.1999) Conclusions du Conseil européen de Helsinki (10 et 11.12.1999) Six conférences au niveau ministériel inaugurant les négociations d'adhésion avec Malte, la Roumanie, la Slovaquie, la Lettonie, la Lituanie et la Bulgarie (15.2.2000 — doc. 5362/00 à 5367/00 adoptés par le Conseil le 24.1.2000) (p.m.) Modalités internes de la procédure de négociation de l'UE (doc. 5361/00 adopté par le Conseil le 24.1.2000) | Pour chacun des douze pays candidats: <ul style="list-style-type: none"> Rencontre au niveau des ministres des affaires étrangères: séquence minimale deux fois par an (dont une session en liaison avec conseil d'association si possible) Rencontre au niveau suppléants (Coreper + État candidat): séquence minimale quatre fois par an | | | Mise à jour de l'examen analytique de l'acquis (<i>screening</i>) (Préparation de l'examen analytique avec la Turquie) |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
|---|---|---|--|--|--|
| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| <p>Processus global d'adhésion (Chypre + 10 PECO, ainsi que Malte et la Turquie à la suite du Conseil de Helsinki)</p> | <ul style="list-style-type: none"> Article 49 du TUE Conclusions du Conseil européen de Luxembourg (12 et 13.12.97) Conférence au niveau ministériel: lancement du processus d'adhésion avec Chypre + 10 PECO le 30.3.1998 (doc. 6961/98 adopté par le Conseil le 24.3.1998) Conclusions du Conseil européen de Helsinki (10 et 11.12.1999) Règlement relatif à l'assistance en faveur de 10 PECO dans le cadre de la stratégie de préadhésion: régl. (CE) 622/98 (JO L 85 du 20.3.1998, p. 1) Partenariats d'adhésion avec la Hongrie, la Pologne, la Roumanie, la Slovaquie, l'Estonie, la Letonie, la Lituanie, la Bulgarie, la République tchèque et la Slovaquie (JO L 335 du 28.12.1999) (p.m.) Programme PHARE, ISPA (Fonds structurels) — régl. (CE) 1268/99 (JO L 161 du 26.6.1999, p. 87) Sapard (agriculture et développement rural) — régl. (CE) 1267/99 (JO L 161 du 26.6.1999, p. 73) | <p>Cadre multilatéral:</p> <ul style="list-style-type: none"> Niveau ministres des affaires étrangères: en tant que de besoin Réunions ministérielles techniques: pourront également être envisagées en tenant compte des expériences du dialogue structuré | <p>Cadre multilatéral:</p> <ul style="list-style-type: none"> Conclusions du Conseil européen de Copenhague (21 et 22.6.1993) Conclusions du Conseil (7 et 8.3.1994) Lignes directrices relatives à un dialogue politique renforcé avec les PECO, Chypre et Malte (Coreu SEC 660 du 31.5.1996) Malte: conclusions du Conseil (21 et 22.6.1999) Turquie: conclusions du Conseil européen de Helsinki (10 et 11.12.1999) et Coreu SEC 69/00 (14.1.2000) <p>Une fois par présidence, réunion au niveau des directeurs politiques (15 + 10) et à la discrétion de la présidence, d'autres réunions avec la trouka. Une réunion au niveau des experts avec la trouka: les groupes concernés sont: Nations unies, non-prolifération, exportation d'armes conventionnelles, Balkans occidentaux, Europe de l'Est et Asie centrale, sécurité, terrorisme, droits de l'homme, drogues, désarmement</p> <p>Une réunion au niveau des experts avec tous les partenaires; les groupes concernés sont: OSCE, analyse et prévisions</p> | <p>Conclusion du pacte de préadhésion, le 28 mai 1998 par les ministres JAI</p> <p>Réunions régulières avec tous pays candidats dans le cadre d'un dialogue politique renforcé avec les PECO, Chypre et Malte (Coreu SEC 660 du 31.5.1996)</p> <p>(GMD) pour la mise en œuvre du pacte. Système d'évaluation collective mis en place par le Conseil, par l'adoption d'une action commune, le 29 juin 1998. Lors du Conseil JAI des 26 et 27 mai 1999, ce système a été renforcé.</p> | <p>Stratégie de préadhésion renforcée (10 PECO), Stratégies de préadhésion pour Chypre et Malte. Stratégie de préadhésion pour la Turquie.</p> |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
|--|--|--|---|---|--|
| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| Conférence européenne Chypre, Malte + 10 PECOCS + Turquie (invitation à la Suisse comme « <i>member elects</i> ») | <ul style="list-style-type: none"> Conclusions du Conseil européen de Luxembourg (12 et 13.12.97) Conclusions du Conseil européen de Vienne (12 et 13.12.98) Conclusions du Conseil européen de Helsinki (10 et 11.12.1999) | <p>Cadre multilatéral:</p> <ul style="list-style-type: none"> Niveau des chefs d'Etat ou de gouvernement: une fois par an Niveau des ministres des affaires étrangères: une fois par an | | | |
| L. PECOCS associés (Relations bilatérales) BULGARIE | Accord européen d'association (JOL 358 du 31.12.1994) (Accord mixte) | <ul style="list-style-type: none"> S'il y a lieu, rencontres entre le président du Conseil européen, le président de la Commission et le président de la Bulgarie Une fois par an, le conseil d'association, au niveau ministériel, traite toute question importante bilatérale ou internationale (y compris le dialogue politique) | <ul style="list-style-type: none"> Réunions des directeurs politiques entre la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération de la justice et des affaires intérieures | <ul style="list-style-type: none"> Comité d'association: normalement 1 x par an, au niveau fonctionnaires |
| RÉPUBLIQUE TCHÈQUE | Accord européen d'association (JOL 360 du 31.12.1994) (Accord mixte) | <ul style="list-style-type: none"> S'il y a lieu, rencontres entre le président de la République tchèque, le président du Conseil européen et le président de la Commission Une fois par an, le conseil d'association, au niveau ministériel traite toute question importante bilatérale ou internationale (y compris le dialogue politique) | <ul style="list-style-type: none"> Réunions des directeurs politiques entre la République tchèque, la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | <ul style="list-style-type: none"> Comité d'association: normalement 1 x par an, au niveau fonctionnaires |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
|----------|--|---|---|---|--|
| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| ESTONIE | Accord européen d'association (JO L 68 du 9.3.1998) (Accord mixte) | <ul style="list-style-type: none"> • Une fois par an, le conseil d'association, au niveau ministériel, traite toute question importante bilatérale ou internationale (y compris le dialogue politique) | <ul style="list-style-type: none"> • S'il y a lieu, réunion entre les directeurs politiques d'Estonie, la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | <ul style="list-style-type: none"> • Comité d'association: normalement 1 x par an, au niveau fonctionnaires |
| HONGRIE | Accord européen d'association (JO L 347 du 31.12.1993) (Accord mixte) | <ul style="list-style-type: none"> • Consultations entre les parties, au niveau politique le plus élevé • Une fois par an, le conseil d'association, au niveau ministériel, traite toute question importante bilatérale ou internationale (y compris le dialogue politique) | <ul style="list-style-type: none"> • Réunions au niveau des directeurs politiques hongrois, de la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | <ul style="list-style-type: none"> • Comité d'association: normalement 1 x par an, au niveau fonctionnaires |
| LETTONIE | Accord européen d'association (JO L 26 du 2.2.1998) (Accord mixte) | <ul style="list-style-type: none"> • Une fois par an, le conseil d'association, au niveau ministériel, traite toute question importante bilatérale ou internationale (y compris le dialogue politique) | <ul style="list-style-type: none"> • S'il y a lieu, réunion entre les directeurs politiques de Lettonie, la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | <ul style="list-style-type: none"> • Comité d'association: normalement 1 x par an, au niveau fonctionnaires |
| LITUANIE | Accord européen d'association (JO L 51 du 20.2.1998) (Accord mixte) | <ul style="list-style-type: none"> • Une fois par an le conseil d'association, au niveau ministériel, traite toute question importante bilatérale ou internationale (y compris le dialogue politique) | <ul style="list-style-type: none"> • S'il y a lieu, réunion entre les directeurs politiques de Lituanie, la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | <ul style="list-style-type: none"> • Comité d'association: normalement 1 x par an, au niveau fonctionnaires |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
|------------------------|--|---|---|---|--|
| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| POLOGNE | Accord européen d'association (JO L 348 dt 31.12.1993) (Accord mixte) | <ul style="list-style-type: none"> • Consultations, s'il y a lieu, entre le président du Conseil européen, le président de la Commission et le président de la Pologne • Une fois par an le conseil d'association, au niveau ministériel, traite toute question importante bilatérale ou internationale (y compris le dialogue politique) | <ul style="list-style-type: none"> • Réunions entre les directeurs politiques de Pologne, la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | <ul style="list-style-type: none"> • Comité d'association: normalement 1 x par an, au niveau fonctionnaires |
| ROUMANIE | Accord européen d'association (JO L 357 dt 31.12.1994) (Accord mixte) | <ul style="list-style-type: none"> • S'il y a lieu, rencontres envisagées entre parties, au plus haut niveau politique • Une fois par an le conseil d'association, au niveau ministériel, traite toute question importante bilatérale ou internationale (y compris le dialogue politique) | <ul style="list-style-type: none"> • Réunions entre les directeurs politiques de Roumanie, la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | <ul style="list-style-type: none"> • Comité d'association: normalement 1 x par an, au niveau fonctionnaires |
| RÉPUBLIQUE SLOVAQUE | Accord européen d'association (JO L 359 dt 31.12.1994) (Accord mixte) | <ul style="list-style-type: none"> • S'il y a lieu, rencontres entre le président de la République slovaque, le président du Conseil européen et le président de la Commission • Une fois par an le conseil d'association, au niveau ministériel, traite toute question importante bilatérale ou internationale (y compris le dialogue politique) | <ul style="list-style-type: none"> • Réunions des directeurs politiques de la République slovaque, de la présidence du Conseil et de la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | <ul style="list-style-type: none"> • Comité d'association: normalement 1 x par an, au niveau fonctionnaires |
| SLOVÉNIE | Accord européen d'association (JO L 51 du 26.2.1999) (Accord mixte) | <ul style="list-style-type: none"> • Une fois par an le conseil d'association, au niveau ministériel, traite toute question importante bilatérale ou internationale (y compris le dialogue politique) | <ul style="list-style-type: none"> • Réunions des directeurs politiques de Slovénie, de la présidence du Conseil et de la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | <ul style="list-style-type: none"> • Comité d'association: normalement 1 x par an, au niveau fonctionnaires |

| | Base juridique/ Engagement politique | Engagements du Conseil | | Activités gérées par la Commission (p.m.) |
|--|---|------------------------|--|--|
| | | Horizontaux | Spécifiques PESC | |
| 2. Multilatéral DIALOGUE STRUCTURÉ (PECOs avec accords européens, Chypre et Malte) | | | <p>Voir: Élargissement: processus global d'adhésion – Engagements spécifiques PESC</p> | <ul style="list-style-type: none"> • Contacts spécifiques • Réunions périodiques avec des experts en matière d'asile et immigration dans le cadre du CIREA/CIREFI, en matière de visas au sein du groupe « Visa », en matière de police au sein du groupe de travail « Police et coopération douanière » |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
|---|--|--|---|--|---|
| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| II. CHYPRE/ MALTE ET TURQUIE CHYPRE (bilatéral) (Voir également: Élargissement: processus global d'adhésion — Engagements spécifiques PESC) | Accord d'association (JO L 133 du 21.5.1973) (Caractère mixte) | <ul style="list-style-type: none"> • Une fois par an le conseil d'association, au niveau ministériel, traite toute question importante bilatérale ou internationale (y compris le dialogue politique) • Comité d'association, niveau fonctionnaires | <ul style="list-style-type: none"> • Dialogue structuré [doc. CE – CY 702/95 (12.6.1995)] et conclusions du Conseil du 17.7.1995 | | |
| MALTE (bilatéral) (Voir également: Élargissement: processus global d'adhésion — Engagements spécifiques PESC) | Accord d'association (JO L 61 du 14.3.1971) (Caractère mixte) | <ul style="list-style-type: none"> • Une fois par an le conseil d'association, au niveau ministériel, traite toute question importante bilatérale ou internationale (y compris le dialogue politique) • Comité d'association au niveau fonctionnaires | <ul style="list-style-type: none"> • Dialogue structuré [doc. CE-M 602/95 (12.6.1995)] et conclusions du Conseil du 17.7.1999 • Conclusions du Conseil des 21 et 22.6.1999 | Le 28 avril 1998 dans le cadre du conseil d'association, une déclaration relative à la coopération dans les domaines de la justice et des affaires intérieures a été adoptée | |
| TURQUIE (bilatéral) (Voir également: Élargissement: processus global d'adhésion — Engagements spécifiques PESC) | Accord d'association de 1963 (JO L 217 du 29.12.1964) (Accord mixte) + Résolutions du conseil d'association du 6 mars 1995 et du 31 octobre 1995 (doc. CE-TR 108/95 et CE-TR 130/95) Conclusions du Conseil européen de Helsinki (10-11.12.1999) et Coreu SEC 69/00 (14.1.2000) | <ul style="list-style-type: none"> • Une réunion annuelle entre le chef d'Etat ou le chef du gouvernement de la Turquie, le président du Conseil et le président de la Commission • Deux fois par an, conseil d'association, au niveau ministériel • Comité d'association, au niveau des hauts fonctionnaires | <ul style="list-style-type: none"> • Ministres des affaires étrangères: réunions semestrielles — une de ces deux réunions coïncidera avec le conseil d'association, l'autre associant la troïka • Deux fois par an, réunions des hauts fonctionnaires en formation troïka • Consultations entre experts turcs et de l'UE au niveau de certains groupes: «Sécurité», Balkans occidentaux, Nations unies, Europe de l'Est et Asie centrale, OSCE [caduques après les conclusions du Conseil européen de Helsinki (10 au 12.12.1999)] | Le 26 novembre 1999, réunion à haut niveau entre l'UE (président du comité de l'article 36, la CSIFA, la Commission, le secrétaire du Conseil) et les homologues turcs, afin de relancer le dialogue | <ul style="list-style-type: none"> • Comité mixte de l'union douanière |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
|--------------------------|---|---|---|---|--|
| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| | | | <ul style="list-style-type: none"> Dialogue multilatéral PESC avec les PECO, Chypre, et Malte (voir Élargissement: processus global d'adhésion — Engagements spécifiques PESC) Poursuite du dialogue bilatéral au niveau des ministres des affaires étrangères et des hauts fonctionnaires, mais pas au niveau des experts | | |
| III. MÉDITERRANÉE | | | | | |
| 1. Multilatéral | | | | | |
| PROCESSUS DE BARCELONE | Déclaration de Barcelone (adoptée le 28 novembre 1995) (Caractère mixte) | Réunion des ministres des affaires étrangères; à peu près tous les ans Comité euro-méditerranéen du processus de Barcelone: se réunit normalement 4 à 5 fois par an | <ul style="list-style-type: none"> Réunion de hauts fonctionnaires chargés du volet politique et de sécurité | La déclaration de Barcelone comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | |
| 2. Bilatéral | | | | | |
| ALGÉRIE | Accord de coopération signé le 26 avril 1976 (Accord mixte) Accord euro-méditerranéen d'association en cours de négociation (Accord mixte) | <ul style="list-style-type: none"> Une fois par an: conseil de coopération au niveau ministériel Comité de coopération: au niveau fonctionnaires (caduc) Un conseil d'association au niveau ministériel par an Comité d'association: généralement une fois par an | <ul style="list-style-type: none"> Dialogue politique à intervalles réguliers et chaque fois que nécessaire, notamment: <ul style="list-style-type: none"> au niveau ministériel, principalement dans le cadre du conseil d'association (au moins une fois par an) au niveau des hauts fonctionnaires représentant l'Algérie, la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération en matière d'affaires intérieures et de justice | |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| ÉGYPTE | Accord de coopération signé le 18 janvier 1977 (Accord mixte) Accord euro-méditerranéen d'association en cours de négociation (Accord mixte) | <ul style="list-style-type: none"> • Une fois par an: conseil de coopération au niveau ministériel • Comité de coopération, au niveau fonctionnaires (caduc) • Une fois par an: conseil d'association au niveau ministériel • Comité d'association: normalement une fois par an au niveau fonctionnaires | <p>Dialogue politique à intervalles réguliers et chaque fois que nécessaire, notamment:</p> <ul style="list-style-type: none"> • au niveau ministériel, principalement dans le cadre du conseil d'association (au moins une fois par an) • au niveau des hauts fonctionnaires représentant l'Égypte, la présidence du Conseil et la Commission | <p>L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures</p> | |
| ISRAËL | Accord CE-Israël signé le 29 juin 1970 Accord euro-méditerranéen d'association, signé à Bruxelles, le 20 novembre 1995 (pas encore entré en vigueur) (doc. 10373/95) (Accord mixte) Accord intermédiaire (JO L 71 du 20.3.96) | <ul style="list-style-type: none"> • Une fois par an, conseil de coopération, au niveau ministériel • Comité de coopération: normalement une fois par an, au niveau fonctionnaires • Une fois par an, conseil d'association au niveau ministériel • Comité d'association: normalement une fois par an au niveau fonctionnaires • Les anciens organes de coopération restent en vigueur en attendant l'entrée en vigueur du nouvel accord | <p>Dialogue politique à intervalles réguliers et chaque fois que nécessaire, notamment:</p> <ul style="list-style-type: none"> • au niveau ministériel, principalement dans le cadre du conseil d'association (au moins une fois par an) • au niveau des hauts fonctionnaires représentant Israël, la présidence du Conseil et la Commission | <p>L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures</p> | |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| JORDANIE | Accord de coopération signé le 18 janvier 1977 (Accord mixte) Accord euro-méditerranéen d'association, signé à Bruxelles, le 24 novembre 1997 (pas encore entré en vigueur) (doc. 11119/97 RHL 3) (Accord mixte) | <ul style="list-style-type: none"> • Une fois par an, conseil de coopération au niveau ministériel • Comité de coopération, au niveau fonctionnaires (caduc) • Une fois par an, conseil d'association au niveau ministériel • Comité d'association: normalement une fois par an au niveau fonctionnaires | <p>Dialogue politique à intervalles réguliers et chaque fois que nécessaire, notamment:</p> <ul style="list-style-type: none"> • au niveau ministériel, principalement dans le cadre du conseil d'association (au moins une fois par an) • au niveau des hauts fonctionnaires représentant la Jordanie, la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | |
| LIBAN | Accord de coopération signé le 3 mai 1977 (Accord mixte) Accord euro-méditerranéen d'association en cours de négociation (Accord mixte) | <ul style="list-style-type: none"> • Une fois par an conseil de coopération au niveau ministériel • Comité de coopération au niveau fonctionnaires (caduc) • Une fois par an conseil d'association, au niveau ministériel • Comité d'association: normalement une fois par an, au niveau fonctionnaires | <p>Dialogue politique à intervalles réguliers et chaque fois que nécessaire, notamment:</p> <ul style="list-style-type: none"> • au niveau ministériel, principalement dans le cadre du conseil d'association (au moins une fois par an) • au niveau des hauts fonctionnaires représentant le Liban, la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | |
| MAROC | Accord de coopération signé le 27 avril 1976 (Accord mixte) Accord euro-méditerranéen d'association, signé le 26 février 1996 (doc. 4.132/96 + ADD 1), devrait entrer en vigueur le 1 ^{er} mars 2000 (Accord mixte) | <ul style="list-style-type: none"> • Une fois par an, conseil de coopération au niveau ministériel • Comité de coopération au niveau fonctionnaires (caduc) • Une fois par an, conseil d'association au niveau ministériel • Comité d'association: normalement une fois par an au niveau fonctionnaires | <p>Dialogue politique à intervalles réguliers et chaque fois que nécessaire, notamment:</p> <ul style="list-style-type: none"> • au niveau ministériel, principalement dans le cadre du conseil d'association (au moins une fois par an) • au niveau des hauts fonctionnaires représentant le Maroc, la présidence du Conseil et la Commission | Les contacts avec ce pays, établis dans le cadre de Trévi (États-Unis, Canada, Suisse, Maroc) ont lieu sous les auspices de la présidence, le secrétariat général du Conseil ayant un rôle d'intermédiaire. L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| OLP | Accord intérimaire d'association signé le 24 février 1997 et entré en vigueur le 1 ^{er} juillet 1997 (JO L 187 du 16.7.97) Déclaration conjointe signée en même temps | | Dialogue politique à intervalles réguliers et chaque fois que nécessaire, notamment: <ul style="list-style-type: none"> • au niveau ministériel, principalement dans le cadre du conseil d'association (au moins une fois par an) • au niveau des hauts fonctionnaires représentant l'OLP, la présidence du Conseil et la Commission | | Comité mixte, une fois par an, au niveau des hauts fonctionnaires |
| SYRIE | Accord de coopération signé le 18 janvier 1977 (Accord mixte) Accord euro-méditerranéen d'association en cours de négociation (Accord mixte) | <ul style="list-style-type: none"> • Une fois par an, conseil de coopération au niveau ministériel • Une fois par an, conseil d'association au niveau ministériel • Comité d'association: normalement une fois par an au niveau fonctionnaires | Dialogue politique à intervalles réguliers et chaque fois que nécessaire, notamment: <ul style="list-style-type: none"> • au niveau ministériel, principalement dans le cadre du conseil d'association (au moins une fois par an) • au niveau des hauts fonctionnaires représentant la Syrie, la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | |
| TUNISIE | Accord euro-méditerranéen d'association, (JO L 97 du 30.3.98) (Accord mixte) | <ul style="list-style-type: none"> • Une fois par an, conseil d'association au niveau ministériel • Comité d'association: normalement une fois par an au niveau fonctionnaires | Dialogue politique à échelons réguliers et chaque fois que nécessaire, notamment: <ul style="list-style-type: none"> • au niveau ministériel, principalement dans le cadre du conseil d'association (au moins une fois par an) • au niveau des hauts fonctionnaires représentant la Tunisie, la présidence du Conseil et la Commission | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| IV. AUTRES ÉTATS EN EUROPE DE L'OUEST ESPACE ÉCONOMIQUE EUROPÉEN (Islande, Norvège, Liechtenstein) | Accord sur l'Espace économique européen (JO L 1 du 3.1.1994) (Accord mixte) Déclaration commune sur le dialogue politique adoptée par le Conseil de l'EEE le 30 mai 1995 (doc. EEE 1604/95) | <ul style="list-style-type: none"> Réunions régulières entre les Premiers ministres des États de l'EEE, du président du Conseil européen et du président de la Commission Deux fois par an, conseil de l'EEE au niveau ministériel, qui traite de toute question importante bilatérale ou internationale (y compris le dialogue politique) | <ul style="list-style-type: none"> Réunions éventuelles au niveau des directeurs politiques Le cas échéant, réunions entre experts; les groupes suivants sont concernés: sécurité, processus de paix au Moyen-Orient, Europe de l'Est et Asie centrale, Balkans occidentaux, désar- mement, non-prolifération, exportation d'armes conventionnelles, OSCE | Réunions à tous les niveaux dans le cadre du comité mixte | Comité mixte (plusieurs réunions par an; un certain nombre de sous-comités ont été créés) |
| SUISSE | Accord entre la CEE et la Confédération helvétique (Accord de libre-échange) (JO L 300 du 31.12.1972) Accords signés le 21.6.99 dans 7 secteurs | | | Les contacts avec ce pays, établis dans le cadre de Trévi (États Unis, Canada, Suisse, Maroc) ont lieu sous les auspices de la présidence, le secrétariat général du Conseil ayant un rôle d'intermédiaire | Comité mixte (fréquence irrégulière) |
| ISLANDE | Accord entre la CEE et la République d'Islande (Accord de libre-échange) (JO L 301 du 31.12.1972) | | | Réunions à tous les niveaux dans le cadre du comité mixte sur les matières qui étaient couvertes par la coopération «Schengen» | Comité mixte (fréquence irrégulière) |
| NORVÈGE | Accord entre la CEE et le Royaume de Norvège (Accord de libre-échange) (JO L 171 du 27.6.1973) | | | Réunions à tous les niveaux dans le cadre du comité mixte sur les matières qui étaient couvertes par la coopération «Schengen» | Comité mixte (fréquence irrégulière) |
| ANDORRE | Accord sous forme d'échange de lettres entre la CEE et la Principauté d'Andorre (JO L 374 du 31.12.1990) Accord de coopération en cours de négociation | | | | Comité mixte (une réunion par an) |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| SAINT-MARIN | Accord de coopération et d'union douanière entre la CEE et la République de Saint-Marin Accord intermédiaire signé le 27.11.92 (JO L.359 du 9.12.92) | Conseil de coopération: une fois par an au niveau ministériel Le conseil de coopération constitue l'organe mixte le plus élevé, qui examine toutes les questions importantes bilatérales et internationales d'intérêt commun (y compris le dialogue politique) | <ul style="list-style-type: none"> Réunions régulières de hauts fonctionnaires représentant la Communauté et ses États membres et la République d'Arménie Tous autres moyens, tels que les réunions d'experts Ce dialogue peut être mené sur une base régionale | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | Comité de coopération (fréquence irrégulière) |
| V. 12 RÉPUBLIQUES EX-Union Soviétique ARMÉNIE | Entrée en vigueur le 1 ^{er} juillet 1999 de l'accord de partenariat signé le 22 avril 1996 le 1 ^{er} juillet 1999 (JO L.239 du 9.1.1999) (Accord mixte) | Conseil de coopération: une fois par an au niveau ministériel Le conseil de coopération constitue l'organe mixte le plus élevé, qui examine toutes les questions importantes bilatérales et internationales d'intérêt commun (y compris le dialogue politique) | <ul style="list-style-type: none"> Réunions régulières de hauts fonctionnaires représentant la Communauté et ses États membres et la République d'Azerbaïdjan Tous autres moyens tels que les réunions d'experts Ce dialogue peut être mené sur une base régionale | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | Comité mixte: normalement une fois par an au niveau fonctionnaires Comité de coopération: normalement une fois par an au niveau fonctionnaires |
| AZERBAÏDIAN | Entrée en vigueur le 1 ^{er} juillet 1999 de l'accord de partenariat signé le 22 avril 1999 le 1 ^{er} juillet 1999 (JO L.246 du 17.9.1999) (Accord mixte) | Conseil de coopération: une fois par an au niveau ministériel Le conseil de coopération constitue l'organe mixte le plus élevé, qui examine toutes les questions importantes bilatérales et internationales d'intérêt commun (y compris le dialogue politique) | <ul style="list-style-type: none"> Réunions régulières de hauts fonctionnaires représentant la Communauté et ses États membres et la République d'Azerbaïdjan Tous autres moyens tels que les réunions d'experts Ce dialogue peut être mené sur une base régionale | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | Comité mixte: normalement une fois par an au niveau fonctionnaires Comité de coopération: normalement une fois par an au niveau fonctionnaires |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| BELARUS | Accord de coopération CEE-URSS de 1989 (JO L 68 du 15 mars 1990) + accord intérimaire signé le 25 mars 1996 (pas encore conclu) (doc. 567/1/96) Avec l'entrée en vigueur de l'accord de partenariat signé le 6 mars 1995 (doc. 4890/95) (Accord mixte) | Conseil de coopération: une fois par an au niveau ministériel Le conseil de coopération constitue l'organe mixte le plus élevé, qui examine toutes les questions importantes bilatérales et internationales d'intérêt commun (y compris le dialogue politique) | <ul style="list-style-type: none"> Réunions régulières de hauts fonctionnaires représentant la Communauté et ses États membres, d'une part, et la République du Bélarus, d'autre part | L'accord avec ce pays comporte des dispositions concernant la coopération dans le domaine de la justice et des affaires intérieures | Comité de coopération: normalement une fois par an au niveau fonctionnaires |
| GÉORGIE | Entrée en vigueur le 1 ^{er} juillet 1999 de l'accord de partenariat signé le 22 avril 1996, le 1 ^{er} juillet 1999 (JO L 205 du 4.8.1999) (Accord mixte) | Conseil de coopération: une fois par an au niveau ministériel Le conseil de coopération constitue l'organe mixte le plus élevé, qui examine toutes les questions importantes bilatérales et internationales d'intérêt commun (y compris le dialogue politique) | <ul style="list-style-type: none"> Réunions régulières de hauts fonctionnaires représentant la Communauté et ses États membres et la République de Géorgie Tous autres moyens tels que les réunions d'experts (groupe «Europe de l'Est et Asie centrale»). Ce dialogue peut se dérouler sur une base régionale | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | Comité de coopération: normalement une fois par an au niveau fonctionnaires |
| KAZAKHSTAN | Entrée en vigueur le 1 ^{er} juillet 1999 de l'accord de partenariat signé le 23 janvier 1995 le 1 ^{er} juillet 1999 (JO L 196 du 28.7.1999) (Accord mixte) | Conseil de coopération: une fois par an au niveau ministériel Le conseil de coopération constitue l'organe mixte le plus élevé, qui examine toutes les questions importantes bilatérales et internationales d'intérêt commun (y compris le dialogue politique) | <ul style="list-style-type: none"> Réunions régulières de hauts fonctionnaires représentant la Communauté et ses États membres, d'une part, et la République du Kazakhstan, d'autre part Tous autres moyens, tels que les réunions d'experts, susceptibles de contribuer à consolider et à développer le dialogue politique | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | Comité de coopération: normalement une fois par an au niveau fonctionnaires |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| KIRGHIZSTAN | Entrée en vigueur le 1 ^{er} juillet 1999 de l'accord de partenariat signé le 9 février 1995 (JO L 196 du 28.7.1999) (Accord mixte) | Conseil de coopération: une fois par an au niveau ministériel Le conseil de coopération constitue l'organe mixte le plus élevé, qui examine toutes les questions importantes bilatérales et internationales d'intérêt commun (y compris le dialogue politique) | <ul style="list-style-type: none"> Réunions régulières de hauts fonctionnaires représentant la Communauté et ses États membres, d'une part, et la République kirghize, d'autre part Tous autres moyens, tels que les réunions d'experts, susceptibles de contribuer à consolider et à développer le dialogue politique | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | Comité de coopération: normalement une fois par an au niveau fonctionnaires |
| MOLDOVA | Accord de partenariat (JO L 181 du 24.6.1998) (Accord mixte) | Conseil de coopération: une fois par an au niveau ministériel Le conseil de coopération constitue l'organe mixte le plus élevé, qui examine toutes les questions importantes bilatérales et internationales d'intérêt commun (y compris le dialogue politique) | <ul style="list-style-type: none"> Réunions régulières de hauts fonctionnaires représentant la République de Moldova d'une part, et la Communauté, d'autre part | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures La première réunion du sous-comité traitant des affaires JAI a eu lieu en mai 1999 | Comité de coopération: normalement une fois par an au niveau fonctionnaires |
| OUZBÉKISTAN | Entrée en vigueur le 1 ^{er} juillet 1999 de l'accord de partenariat signé le 21 juin 1996 (JO L 229 du 31.8.1999) (Accord mixte) | Conseil de coopération: une fois par an au niveau ministériel Le conseil de coopération constitue l'organe mixte le plus élevé qui examine toutes les questions importantes bilatérales et internationales d'intérêt commun (y compris le dialogue politique) | <ul style="list-style-type: none"> Au niveau ministériel, le dialogue politique est mené au sein du conseil de coopération ou à d'autres occasions, par accord mutuel Réunions régulières de hauts fonctionnaires représentant la Communauté et ses États membres et la République d'Ouzbékistan Tous autres moyens tels que les réunions d'experts Ce dialogue peut être mené sur une base régionale | L'accord avec ce pays comporte des dispositions concernant la coopération dans les domaines de la justice et des affaires intérieures | Comité de coopération: normalement une fois par an au niveau fonctionnaires |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
|--------|---|---|--|--|---|
| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| RUSSIE | Déclaration politique conjointe du 9 décembre 1993 (doc. 11237/93) Accord de partenariat (JO L 327 du 28.11.1997) (Accord mixte) Stratégie commune de l'UE à l'égard de la Russie (conclusions du Conseil européen de Cologne, 3 et 4.6.1999) | <ul style="list-style-type: none"> Réunions en principe deux fois par an entre le président du Conseil européen, le président de la Commission et le président de la Russie <p>Conseil de coopération: une fois par an au niveau ministériel</p> | <ul style="list-style-type: none"> Au niveau ministériel, le dialogue politique est mené au sein du conseil de coopération ou à d'autres occasions, notamment avec la troïka de l'UE, par accord mutuel Une réunion des directeurs politiques représentant la troïka de l'UE et la Russie, au début de chaque présidence Une réunion des directeurs politiques représentant l'UE (évent. 15 États membres) et la Russie lors de chaque présidence, en marge du POCO, un peu avant le sommet Tous autres moyens: comprenant notamment la possibilité de réunions d'experts <p>(Sont concernés, les groupes suivants: Nations unies, Balkans occidentaux, non-prolifération, drogues, terrorisme, OSCE, processus de paix au Moyen-Orient, analyse et prévision, Maghreb/Machrek, sécurité, Europe du Sud-Est, Asie/Océanie, désarmement, Moyen-Orient/Golfe, exportation d'armes conventionnelles)</p> <p>Ce dialogue peut être mené sur une base régionale</p> | <p>Sous-comité n° 6 sur la lutte contre la criminalité (première et deuxième réunions tenues respectivement à Moscou, les 27 et 28.1.1999, et à Bruxelles, les 28 et 29.1.1999)</p> <p>Une réunion des officiers de liaison avec la participation des autorités russes a eu lieu à Moscou en juin 1999</p> <p>Le plan d'action sur la criminalité organisée est en cours d'élaboration</p> | Comité de coopération: normalement une fois par an au niveau fonctionnaires |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| TADJIKISTAN | Accord de coopération CEE-Union Soviétique de 1989 (JO L 68 du 15.3.1990) | | | | Comité mixte: non activé |
| TURKMÉNISTAN | Accord de coopération CEE-Union Soviétique de 1989 (JO L 68 du 15.3.1990) Accord de partenariat signé le 25 mai 1998 (doc. 5606/98) pas encore en vigueur | Conseil de coopération: une fois par an au niveau ministériel Le conseil de coopération constitue l'organe mixte le plus élevé, qui examine toutes les questions importantes bilatérales et internationales d'intérêt commun (y compris le dialogue politique) | Réunions régulières des hauts fonctionnaires Réunions d'experts | | Comité mixte: normalement une fois par an au niveau fonctionnaires Comité de coopération: normalement une fois par an au niveau fonctionnaires |
| PAYS D'ASIE CENTRALE (KAZAKHSTAN, KIRGHIZISTAN, TADJIKISTAN, TURKMÉNISTAN, OUZBÉKISTAN) | Conseil européen de Dublin (décembre 1996) | | | Plan global d'action en matière de drogue en voie d'adoption par le Conseil | |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESK | Spécifiques JAI | |
| UKRAINE | Accord de partenariat (JO L 49 du 19.2.1998) (Accord mixte) Stratégie commune de l'UE à l'égard de l'Ukraine (conclusions du Conseil européen de Helsinki (10 au 12.12.1999)) | Une fois par an: sommet entre le président de l'Ukraine, le président du Conseil européen et le président de la Commission Conseil de coopération: une fois par an au niveau ministériel Dialogue économique de haut niveau | <ul style="list-style-type: none"> • S'il y a lieu, les consultations sont organisées entre les parties au plus haut niveau politique • Au niveau ministériel, le dialogue politique se déroule au sein du conseil de coopération ou à d'autres occasions, d'un commun accord, avec la tróika de l'Union • Réunions régulières de hauts fonctionnaires représentant l'Ukraine et la Communauté Réunions d'experts (groupe «Sécurité») Réunion de la tróika au niveau des experts; groupes concernés: sécurité, désarmement, non-prolifération, exportation d'armes conventionnelles, OSCE | La première réunion du sous-comité sur la criminalité organisée et le blanchiment d'argent s'est tenue à Kiev en mars 1999 | Comité de coopération: normalement 1 x par an au niveau fonctionnaires |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| VI. BALKANS OCCIDENTAUX BOSNIE-ET- HERZÉGOVINE | Déclaration de l'Union européenne du 8 juin 1998 instituant une task force consultative (8 juin 1998, conclusions du Conseil affaires générales, doc. 9243/98) | | | | Task force consultative: 2 x par an |
| CROATIE | Conclusions du Conseil (21.1.2000) sur la mise en place d'une task force consultative; le mandat figure dans les conclusions du Conseil (14 et 15.2.2000) | | | | Task force consultative: 2 x par an |
| ARYM | Accord de coopération (JO L 348 du 18.12.1997) Déclaration commune du 29.4.97 | | <ul style="list-style-type: none"> Réunions au niveau ministériel Réunion au niveau des hauts fonctionnaires Réunions au niveau des experts (Balkans occidentaux) | | Conseil de coopération: <ul style="list-style-type: none"> niveau indéterminé 1 x par an |
| RFY | — | | | | |
| ALBANIE | <ul style="list-style-type: none"> Accord de commerce et de coopération, signé le 11.5.1992 (JO L 343 du 25.11.1992) Déclaration conjointe instituant un dialogue politique (11 mai 1992 Coreu LIS 62892) | | <ul style="list-style-type: none"> Réunions au niveau ministériel Réunions au niveau des hauts fonctionnaires entre l'Albanie, la présidence du Conseil et la Commission | | Comité de coopération: normalement 1 x par an au niveau fonctionnaires |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| VII. AMÉRIQUE DU NORD | ÉTATS-UNIS Déclaration transatlantique du 23 novembre 1990 «Nouvel agenda transatlantique» du 3 décembre 1995 | <ul style="list-style-type: none"> • Une fois par présidence: sommet entre le président des États-Unis, le président du Conseil européen et le président de la Commission • Au niveau ministériel, une fois par an (premier semestre), réunion entre les présidents du Conseil et de la Commission et leur homologue américain réunions ad hoc (normalement une fois par an au cours du deuxième semestre) entre tous les ministres des affaires étrangères de l'UE, le représentant de la Commission et leur homologue américain • Deux à trois fois par présidence: réunion du groupe de haut niveau (GHN) • Deux à trois fois par présidence: réunion de la task force | <ul style="list-style-type: none"> • Réunions au niveau des directeurs politiques au début de chaque présidence + chaque fois que nécessaire • Au niveau des experts, une réunion troïka + Commission par présidence en marge des groupes de travail cités ci-après: exportation d'armes, Afrique, Asie/Océanie, Europe centrale, OSCE, affaires consulaires, désarmement, Europe orientale et Asie centrale, droits de l'homme, Amérique latine, Machrek/Maghreb, non-prolifération, terrorisme, Nations unies, Balkans occidentaux, sécurité, drogues, Europe du Sud-Est, Moyen-Orient/Golfe, processus de paix au Moyen-Orient. En outre, réunions de hauts fonctionnaires UE-Etats-Unis-Canada sur l'Iran, en général une fois par présidence | <ul style="list-style-type: none"> • la criminalité organisée (groupe multidisciplinaire Europol) • la traite de femmes • les drogues • l'asile/immigration (CIREA/CIREF) | |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| CANADA | Accord-cadre de coopération commerciale et économique entre la CE et le Canada (JO L. 260 du 24.9.1976) (Coreu BON 316 du 14.4.1988) Déclaration conjointe du 22 novembre 1990 (Coreu SEC 793/90) Déclaration conjointe UE-Canada du 17 décembre 1996 | <ul style="list-style-type: none"> Une fois par présidence, réunion entre le Premier ministre du Canada, le président du Conseil européen et le président de la Commission Rencontres semestrielles entre le président du Conseil, la Commission et le secrétaire d'État aux affaires extérieures du Canada | <ul style="list-style-type: none"> Une fois par présidence au niveau des hauts fonctionnaires (en formation troïka) Réunions ad hoc d'experts sur des questions d'intérêt commun (non-prolifération, désarmement, droits de l'homme, Nations unies, Amérique latine, Europe de l'Est et Asie centrale, Afrique, Asie/Océanie, Balkans occidentaux) Réunions de hauts fonctionnaires UE-Etats-Unis-Canada sur l'Iran, en général une fois par présidence | <p>Mise en œuvre du plan d'action par participation du Canada aux travaux du groupe multidisciplinaire, CIREA, CIREFI et plusieurs séminaires.</p> <p>Le Canada assurera la présidence du groupe de Dublin (mécanisme de consultation en matière de drogue) en 2000 et 2001.</p> | Comité mixte de coopération |
| VIII. MOYEN-ORIENT/GOLFE | <ul style="list-style-type: none"> Accord de coopération de 1988 (JO L. 54 du 25.2.89) Communiqué conjoint de la réunion ministérielle et du 6^e Conseil conjoint UE-CCG, Luxembourg, du 22 avril 1996 (doc. CE-GOLFE 3501/96) | <p>Une fois par an: réunion ministérielle et session du Conseil conjoint au niveau ministériel (en alternance, à Bruxelles/Luxembourg et dans la région du Golfe)</p> | <ul style="list-style-type: none"> Les réunions des hauts fonctionnaires UE-CCG peuvent avoir lieu deux fois par an Déjeuner ministériel (15 + 6) en marge de l'AGNU | Comité mixte de coopération: une fois par an au niveau fonctionnaires | |
| IRAN | Conclusions du Conseil du 23.2.1998 | «Dialogue global» | | | |
| YÉMEN | Accord de coopération de 1997 (JO L. 72 du 11.3.1998) | | | | Comité de coopération: une fois par an au niveau fonctionnaires |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| IX. ASIE/Océanie 1. Bilatéral AUSTRALIE | Déclaration conjointe du 26 juin 1997 (doc. 9305/97) | <ul style="list-style-type: none"> • S'il y a lieu, réunions entre le président du Conseil, le président de la Commission et le Premier ministre australien | <ul style="list-style-type: none"> • S'il y a lieu, réunions avec la présidence au niveau ministériel • Réunions au niveau des hauts fonctionnaires • Experts (Asie/Océanie) | <p>Ce pays fait partie du groupe de Dublin qui réunit, dans le domaine de la lutte contre la drogue, en plus des Quinze, les Etats-Unis, le Canada, le Japon, l'Australie, la Norvège et le PNUCID</p> | |
| BANGLADESH | <p>Accord de coopération de 1976 (JO L 319 du 19.11.1976)</p> <p>Négociations en cours pour un nouvel accord de coopération</p> | | | | Comité mixte: une fois par an au niveau des experts |
| CAMBODGE | Accord de coopération signé le 29.4.96 et entré en vigueur le 1.1.1999 (JO L 269 du 19.10.1999) | | | | Comité mixte: tous les deux ans au niveau des experts |

| | Base juridique/ Engagement politique | Engagements du Conseil | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC Spécifiques JAI | |
| CHINE | Accord de coopération (JO L 250 du 19.9.1985) et échange de lettres du 9 juin 1994 (COREU ATH 1209/94) Conclusions du Conseil 29.6.98 | | <ul style="list-style-type: none"> • Une fois par an au niveau ministériel en formation troïka (en marge de l'AG de l'ONU) • Une fois par présidence au niveau des ambassadeurs des Etats membres de l'UE avec le ministre chinois des affaires étrangères • Une fois par présidence, présidence + ambassadeur chinois • Périodiquement au niveau des hauts fonctionnaires en formation troïka • Groupes de travail: Asie/Océanie, droits de l'homme, non-prolifération, exportation d'armes conventionnelles • Instauration des sommets annuels | Comité mixte une fois par an |
| CORÉE DU NORD | Décision du comité politique 26.11.98 | | <ul style="list-style-type: none"> • Experts (Asie/Océanie) | |
| CORÉE DU SUD | Accord-cadre de coopération signé le 28.10.1996 (Accord mixte) | | <ul style="list-style-type: none"> • S'il y a lieu, réunions au niveau des chefs d'Etat (Prés + Cion) • Une fois par an au niveau ministériel (en formation troïka) • Au niveau hauts fonctionnaires, fréquence non précisée • Experts (Asie/Océanie) | Comité mixte une fois par an normalement au niveau des experts |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| INDE | Accord de coopération de 1994 (JO L 223 du 27.8.1994) Déclaration conjointe, signée à Bruxelles le 20.12.1993 Conclusions du Conseil, 6.12.96 Conclusions ministérielles conjointes du 3.12.1999 | | <ul style="list-style-type: none"> Réunions au sommet Réunions au niveau ministériel entre l'Inde, d'une part, et la troïka de l'UE, d'autre part Réunions au niveau des hauts fonctionnaires Experts (non-prolifération) | | Comité mixte: une fois par an normalement au niveau des experts |
| JAPON | Déclaration conjointe de La Haye du 18 juillet 1991 (doc. P 66/91) et conclusions du Conseil du 29 mai 1995 (doc. 7393/95) Décision du comité politique du 18.1.1996 (Coreu SEC 57/96) | <ul style="list-style-type: none"> Une fois par an, réunion entre le Premier ministre du Japon, le président du Conseil européen et le président de la Commission Une fois par présidence, réunion au niveau ministériel en formation troïka | <ul style="list-style-type: none"> Une fois par présidence, réunion au niveau des directeurs politiques en formation troïka Réunions au niveau des experts; groupes de travail concernés: Asie/Océanie, Europe de l'Est et Asie centrale, Balkans occidentaux, Moyen-Orient/Golfe, processus de paix au Moyen-Orient, Afrique, non-prolifération, droits de l'homme, Nations unies | Ce pays fait partie du groupe de Dublin qui réunit, dans le domaine de la lutte contre la drogue, en plus des Quinze, les États-Unis, le Canada, le Japon, l'Australie, la Norvège et le PNUCID | |
| LAOS | Accord de coopération (JO L 334 du 5.12.1997) | | | | Comité mixte: tous les deux ans au niveau des experts |
| MACAO | Accord de coopération (JO L 404 du 31.12.1992) | | | | Comité mixte: une fois par an au niveau des experts |
| MONGOLIE | Accord de coopération (JO L 41 du 18.2.1993) | | | | Comité mixte: une fois par an au niveau des experts |
| NÉPAL | Accord de coopération (JO L 137 du 8.6.1996) | | | | Comité mixte: tous les deux ans au niveau des experts |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| NOUVELLE- ZÉLANDE | Déclaration commune du 4.5.99 | | <ul style="list-style-type: none"> Réunions régulières au niveau ministériel Réunions au niveau hauts fonctionnaires Experts (Asie/Océanie) | | |
| PAKISTAN | Accord de coopération (JO L 108 du 25.4.1986) Décision du comité politique du 12-13 janvier 1992 (Coreu LIS 291/92) Texte d'un nouvel accord de coopération paraphé le 22 avril 1998 | | <ul style="list-style-type: none"> Dialogue politique au niveau des directeurs politiques adjoints Experts (non-prolifération) | | Comité mixte: une fois par an au niveau des experts |
| SRI LANKA | Accord de coopération (JO L 85 du 19.4.1995) Déclaration de l'UE et du Sri Lanka sur le dialogue politique du 16 mai 1994 (Coreu ATH 758/94) | | <ul style="list-style-type: none"> Réunions au niveau de ministres ou des fonctionnaires et, s'il y a lieu, entre les autorités du Sri Lanka et la troïka de l'UE | | Comité mixte: une fois par an au niveau des experts |
| VIÊT NAM | Accord de coopération (JO L 136 de 1996) | | | | Comité mixte: tous les deux ans au niveau des experts |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| <p>2. Multilatéral</p> <p>ASEAN (Brunei, Brunei, Cambodge, Indonésie, Laos, Malaisie, Philippines, Singapour, Thaïlande, Viêt Nam)</p> | <p>Accord de coopération CE-ASEAN (JO L 144 du 10.6.1980)</p> <p>Déclaration de Karlsruhe du 23.9.1994</p> <p>Communiqué de la réunion ministérielle CE-ASEAN à Manille, 29-30 octobre 1992</p> | <ul style="list-style-type: none"> Les ministres se rencontrent au moins une fois tous les deux ans N.B. La réunion des ministres prévue à Berlin en mars 1999 a dû être annulée en raison du problème de la Birmanie Les hauts fonctionnaires se réunissent entre les réunions des ministres (dans la pratique, également une fois tous les deux ans) | <ul style="list-style-type: none"> Le dialogue politique constitue une partie essentielle des rencontres UE-ASEAN à tous les niveaux | <p>Lors de la deuxième rencontre Asie-Europe les 3 et 4 avril 1998, il a été convenu de renforcer la coopération dans la lutte contre le trafic de drogues illicites et le blanchiment d'argent</p> | <p>Comité mixte: tous les deux ans</p> |
| <p>ASEM (Brunei, Chine, Corée du Sud, Indonésie, Japon, Malaisie, Philippines, Singapour, Thaïlande, Viêt Nam)</p> | <p>Déclaration de Bangkok du 1.3.1996 et déclaration de Londres d'avril 1998</p> | <ul style="list-style-type: none"> Réunions au niveau des chefs d'Etat ou de gouvernement tous les deux ans Réunions au niveau des ministres des affaires étrangères tous les deux ans (date de la première réunion: Singapour, février 1997) Réunions des ministres de l'économie et des finances: tous les deux ans Réunions des hauts fonctionnaires tous les deux ans | <ul style="list-style-type: none"> Depuis les discussions qui ont eu lieu lors de la ministérielle ASEM de Singapour (15.2.1997), la tenue d'un dialogue politique non exclusif est à considérer comme acquise pour les réunions futures Il a été convenu à Bangkok (1^{er} au 4.3.1996) que les fonctionnaires auraient des consultations régulières dans le cadre de l'ONU à New York | <p>Lors de la deuxième rencontre Asie-Europe les 3 et 4 avril 1998, il a été convenu de renforcer la coopération dans la lutte contre le trafic de drogues illicites et le blanchiment d'argent</p> | |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| X. AMÉRIQUE LATINE I. Bilatéral ARGENTINE | Accord de coopération (JO L 295 du 26.10.1990) | | | <p>Contacts dans le cadre des mécanismes de coopération/coordination avec les Caraïbes/Amérique latine sur les drogues, paraphés les 23 et 24 mars 1998. Deuxième réunion à Panama City les 8 et 9 avril 1999, troisième réunion à Lisbonne en mai 2000</p> | <ul style="list-style-type: none"> • Une fois par an: comité mixte au niveau des experts (dans la pratique tous les 18 à 24 mois), se réunissant en alternance à Bruxelles ou en Argentine |
| BRÉSIL | Accord de coopération (JO L 262 du 1.11.1995) | | | <p>Contacts dans le cadre des mécanismes de coopération/coordination avec les Caraïbes/Amérique latine sur les drogues, paraphés les 23 et 24 mars 1998. Deuxième réunion à Panama City les 8 et 9 avril 1999, troisième réunion à Lisbonne en mai 2000</p> | <ul style="list-style-type: none"> • Une fois par an: comité mixte au niveau des experts (dans la pratique tous les 18 à 24 mois), se réunissant en alternance à Bruxelles ou au Brésil |

| | Base juridique/ Engagement politique | Engagements du Conseil | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | |
| CHILI | <p>Accord-cadre de coopération entre la CEE et le Chili, signé le 20.12.90 (JO L 122 du 17.5.91)</p> <p>Déclaration commune concernant le dialogue politique entre l'UE et le Chili, signé à Florence, le 21 juin 1996 (doc. 7868/96 et 7792/96) (Accord mixte)</p> | <ul style="list-style-type: none"> Des réunions, dont les modalités seront définies par les parties, se tiendront régulièrement entre le président de la République du Chili et les plus hautes autorités de l'Union européenne Des réunions, dont les modalités seront définies par les parties, se tiendront régulièrement au niveau des ministres des affaires étrangères (le dialogue sera mené au sein du Conseil conjoint institué par l'accord-cadre de coopération) Des réunions se tiendront régulièrement entre d'autres ministres compétents sur des questions d'intérêt commun, lorsque les parties estiment qu'elles sont nécessaires au renforcement de leurs relations | <ul style="list-style-type: none"> Des réunions se tiendront périodiquement entre hauts fonctionnaires des deux parties | <ul style="list-style-type: none"> Une fois par an: comité mixte au niveau des experts (dans la pratique tous les 18 à 24 mois), se réunissant en alternance dans un Etat membre de l'UE ou au Chili; les services de la Commission représentent la CE, les représentants des Etats membres y participent Sous-comités commerciaux: tous les six mois; les Etats membres sont invités à y participer |
| MEXIQUE | <p>Accord de partenariat économique, de coordination politique et de coopération. Signé le 8.12.97 (pas encore ratifié)</p> <p>Accord intérimaire de commerce conclu le 29 juin 1998 (doc. 11890/1/97) (JO L 226 du 13.8.98)</p> <p>Déclaration commune du 8.12.97</p> | <ul style="list-style-type: none"> Dialogue régulier au niveau du Conseil conjoint (composé des membres du Conseil de l'UE, de membres de la Commission et de membres du gouvernement mexicain) Une fois par an, réunion du comité conjoint (représentants de l'UE, de la Commission et du Mexique) | <ul style="list-style-type: none"> Dialogue <ul style="list-style-type: none"> au niveau présidentiel au niveau ministériel au niveau des hauts fonctionnaires | <ul style="list-style-type: none"> Un fois par an: comité mixte au niveau des experts (dans la pratique tous les 18 à 24 mois), se réunissant en alternance à Bruxelles ou au Mexique |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| PARAGUAY | Accord de coopération (JO L 313 du 30.10.92) | | | <p>Contacts dans le cadre des mécanismes de coopération/coordination avec les Caraïbes/Amérique latine sur les drogues, paraphés les 23 et 24 mars 1998. Deuxième réunion à Panama les 8 et 9 avril 1999, troisième réunion à Lisbonne en mai 2000</p> | <ul style="list-style-type: none"> • Une fois par an: comité mixte au niveau des experts (dans la pratique tous les 18 à 24 mois), se réunissant en alternance à Bruxelles ou au Paraguay |
| URUGUAY | Accord de coopération (JO L 94 du 8.4.1992) | | | <p>Contacts dans le cadre des mécanismes de coopération/coordination avec les Caraïbes/Amérique latine sur les drogues, paraphés les 23 et 24 mars 1998. Deuxième réunion à Panama les 8 et 9 avril 1999, troisième réunion à Lisbonne en mai 2000</p> | <ul style="list-style-type: none"> • Une fois par an: comité mixte au niveau des experts (dans la pratique tous les 18 à 24 mois), se réunissant en alternance à Bruxelles ou en Uruguay |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
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| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| 2. Multilatéral AMÉRIQUE LATINE, CARAÏBES | <ul style="list-style-type: none"> Conclusions du Conseil européen d'Amsterdam, 1997 | <p>Sommet des chefs d'État ou de gouvernement UE-Amérique latine/Caribéens, les 28 et 29 juin 1999 à Rio de Janeiro.</p> <ul style="list-style-type: none"> Possibilité de sommets futurs Mécanisme(s) de suivi (à décider à Rio) | | <p>Plan global d'action en matière de drogue entériné lors du sommet de Rio, les 28 et 29 juin 1999</p> | |
| COMMUNAUTÉ ANDINE (Bolivie, Colombie, Équateur, Pérou, Venezuela) | <p>Accord-cadre de coopération de 1993 (JO L 127 du 29.4.1998)</p> <p>Déclaration conjointe sur le dialogue politique, signée à Rome le 30.6.1996 (doc. 7722/96)</p> <p>Déclaration conjointe de la troïka des ministres de la justice et des affaires intérieures de l'UE et des ministres responsables de la lutte contre le trafic de drogue des pays du Pacte andin, signée à Bruxelles le 26 septembre 1995</p> | <ul style="list-style-type: none"> Des réunions auront lieu en Europe, chaque fois que cela sera jugé opportun, entre le président du Conseil présidentiel andin, la présidence du Conseil de l'UE et le président de la Commission européenne | <ul style="list-style-type: none"> Des rencontres auront lieu périodiquement au niveau des ministres des affaires étrangères, selon des modalités qui seront arrêtées par les parties, en marge d'autres dialogues politiques en cours. Dans la pratique, il y aura en règle générale une rencontre ministérielle en marge de l'AGNE ainsi qu'une rencontre ministérielle en marge de la réunion ministérielle UE-groupe de Rio Des rencontres auront lieu au niveau approprié, lorsque les circonstances l'exigent | <ul style="list-style-type: none"> au niveau ministériel (JAI), s'il y a lieu au niveau des hauts responsables techniques, de manière périodique <p>Une réunion au niveau des hauts responsables a eu lieu à Lima, le 29 mars 2000</p> <p>Contacts dans le cadre des mécanismes de coopération/coordination avec les Caraïbes/Amérique latine sur les drogues, paraphés les 23 et 24 mars 1998.</p> <p>Deuxième réunion à Panama les 8 et 9 avril 1999, troisième réunion à Lisbonne en mai 2000</p> | <p>Réunion du comité mixte tous les 18 mois</p> |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
|---|--|---|---|---|--|
| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| <p>GRUPE DE RIO (Argentine, Brésil, Bolivie, Chili, Équateur, Colombie, Mexique, Panama, Paraguay, Pérou, Uruguay, Venezuela)</p> | <p>Déclaration de Rome du 20 décembre 1990 (doc. P90/91 PE) et communiqués suivants</p> | <ul style="list-style-type: none"> Réunion annuelle au niveau ministériel au cours du 1^{er} semestre, en alternance en Amérique latine et dans le pays qui exerce la présidence du Conseil. En 1999, cette réunion sera remplacée par le sommet des chefs d'Etat ou de gouvernement UE-Amérique latine | <p>Ue fois par an, réunion au niveau ministériel en marge de l'Assemblée générale de l'ONU</p> | <p>Contacts dans le cadre des mécanismes de coopération/coordination avec les Caraïbes/Amérique latine sur les drogues, paragraphes les 23 et 24 mars 1998. Deuxième réunion à Panama les 8 et 9 avril 1999, troisième réunion à Lisbonne en mai 2000</p> | |
| <p>Mercosur (Argentine, Brésil, Paraguay, Uruguay)</p> | <p>Accord-cadre interrégional de coopération commerciale et économique (entre en vigueur très prochainement) (doc. 11133/95 et JO L 69 du 19.3.1996)</p> <p>Accord mixte, partie communautaire en application provisoire</p> | <ul style="list-style-type: none"> Réunions régulières entre les chefs d'Etat du Mercosur et les plus hautes autorités de l'UE Réunions annuelles des ministres affaires étrangères plus la Commission Réunions périodiques de hauts fonctionnaires Réunions d'autres ministres Conseil de coopération | <ul style="list-style-type: none"> Dialogue politique, peut être étendu au Chili et à la Bolivie | | <ul style="list-style-type: none"> Comité de coopération (Commission plus représentants des États membres, en principe une fois par an) Sous-comité (même composition) en principe tous les six mois |
| <p>SAN JOSÉ (membres: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua et Panama. pays coopérants: Colombie, Mexique, Venezuela; observateurs: Belize et République dominicaine)</p> | <p>Déclaration solennelle signée à Florence le 21 juin 1996 (doc. 6332/96)</p> | <p>Dialogue annuel au niveau ministériel en alternance dans un pays d'Amérique centrale et dans un pays de l'Union européenne de la manière suivante:</p> <ul style="list-style-type: none"> tous les deux ans, des réunions plénières se tiendront en alternance dans le pays qui exerce la présidence de l'Union européenne et en Amérique centrale dans l'intervalle, les ministres des pays d'Amérique centrale se réuniront avec la troïka de l'UE, selon la même formule d'alternance que pour les réunions plénières | <ul style="list-style-type: none"> Ue fois par an, réunion au niveau ministériel en marge de l'AG de l'ONU | <p>Contacts dans le cadre des mécanismes de coopération/coordination avec les Caraïbes/Amérique latine sur les drogues, paragraphes les 23 et 24 mars 1998. Deuxième réunion à Panama les 8 et 9 avril 1999, troisième réunion à Lisbonne en mai 2000</p> | |

| | Base juridique/ Engagement politique | Engagements du Conseil | | | Activités gérées par la Commission (p.m.) |
|---|---|---|--|-----------------|--|
| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| XI. AFRIQUE ACP (71 pays d'Afrique sub-saharienne, des Caraïbes et du Pacifique) | IV ^e convention de Lomé (JO L.229 du 17.8.1991) (Accord mixte) Accord portant modification de la IV ^e convention signé le 4.11.95 (JO L.156 du 29.5.98) Directives de négociation d'un accord de partenariat pour le développement avec les États ACP, adopté par le Conseil le 29 juin 1998 (doc.10017/98) | <ul style="list-style-type: none"> • Réunions annuelles du Conseil ACP-CE au niveau ministériel (ces réunions ont lieu, alternativement, dans un pays ACP et à Bruxelles ou Luxembourg) • Au moins une fois par an, réunion du comité ACP-CE des ambassadeurs (à Bruxelles) • Réunions régulières des comités conjoints ACP-CE concernant notamment les questions relatives à la coopération pour le financement du développement, les produits de base et la coopération industrielle. Ces comités sont coprésidés par la présidence du Conseil (les deux premiers au niveau ministériel) | | | <p>Sous-comités spécialisés au niveau des experts coprésidés par la Commission</p> |
| AFRIQUE DU SUD | Accord de commerce et de coopération, 11 octobre 1999 | <ul style="list-style-type: none"> • Composition, fréquence et lieu des réunions du conseil de coopération à décider par les parties | <ul style="list-style-type: none"> • Dialogue politique au niveau ministériel et des hauts fonctionnaires • Dialogue au niveau des experts (non-prolifération) • Experts (non-prolifération, désarmement) | | |

| | Base juridique/ Engagement politique | Engagements du Conseil | | Activités gérées par la Commission (p.m.) |
|--|--|---|---|--|
| | | Horizontaux | Spécifiques PESC | |
| OUA | Décision du comité politique du 12 décembre 1994 (Coreu SEC 1324/94 et SEC 1274/94) | | <ul style="list-style-type: none"> La délégation de l'UE aux réunions ordinaires avec l'OUA revêt la forme du groupe «Afrique» dans le cas de réunions à Bruxelles, et celle de la troïka dans le cas de réunions en Afrique Ces réunions ordinaires auront lieu une fois par présidence, au niveau des directeurs, des réunions ad hoc au niveau supérieur et inférieur pouvant être prévues le cas échéant Les réunions ordinaires se tiendront en alternance à Bruxelles et à Addis-Abeba | |
| SADC (Afrique du Sud, Angola, Botswana, Île Maurice, Lesotho, Malawi, Mozambique, Namibie, République démocratique du Congo, Seychelles, Swaziland, Tanzanie, Zambie, Zimbabwe) | <ul style="list-style-type: none"> Déclaration de la conférence ministérielle UE-SADC, à Berlin, septembre 1994 (doc. 9287/94) Communiqué conjoint de la conférence ministérielle UE-SADC à Windhoek, octobre 1996 (doc. 11194/96) | <ul style="list-style-type: none"> S'il y a lieu, réunions de la conférence ministérielle (toutes les délégations y participent) Réunions annuelles du comité conjoint de hauts fonctionnaires (toutes les délégations y participent) Au moins une fois par an, réunion du comité directeur conjoint (l'UE y participe sous forme de troïka) <p>Toutes ces réunions ont lieu en alternance dans une des deux régions</p> | idem | |

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|--|--|--|---|-----------------|--|
| | | Horizontaux | Spécifiques PESC | Spécifiques JAI | |
| SOMMET UE-AFRIQUE | Conclusions du Conseil européen d'Amsterdam, 16 et 17 juin 1997 | Réunions dont les niveaux seront déterminés préalablement au sommet UE-Afrique prévu les 3 et 4 avril 2000 au Caire. Possibilité de sommets futurs ainsi que de mécanismes de suivi, qui seront décidés au sommet du Caire | | | |
| Cedeao (Béniin, Burkina Faso, Cap-Vert, Côte d'Ivoire, Gambie, Ghana, Guinée, Guinée-Bissau, Libéria, Mali, Niger, Nigeria, Sénégal, Sierra Leone, Togo — La Mauritanie a annoncé son retrait en décembre 1999 | Décision du comité politique du 30 septembre 1999 (Coreu SEC 1483/99) | Réunions annuelles au niveau des hauts fonctionnaires, en alternance à Abuja et Bruxelles; réunion ministérielle si cela s'avère nécessaire (Coreu SEC 0864/99) | | | |
| SOUDAN | Décision du comité politique du 4 novembre 1999 (Coreu SEC 1731/99) | | «Reprise de dialogue» selon le mandat (Coreu HEL 0904/99 et 1166/99). Ce dialogue a été lancé pour une période d'un an et est mené par les chefs de mission à Khartoum, côté UE, et les représentants du gouvernement du Soudan | | |
| XII. MOUVEMENT DES NON-ALIGNÉS | Décision du comité politique du 6 septembre 1990 (Coreu ROM 703/90) | | Une fois par an en marge de l'AG de l'ONU: rencontre au niveau ministériel en formation trioka | | |

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IV – Co-decision Guide



COUNCIL GUIDE

Internal document

II. Comments on the Council's Rules of Procedure

- September 2000 -

General Secretariat

DG F — Information Policy, Transparency and Public Relations

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FOREWORD

The complexity of the tasks facing the Council means that Council working methods need to be redefined regularly. In order to facilitate the work of the Presidency and of the delegations, the Council introduced systematic planning of meetings from the end of 1988 and initiated publication by the General Secretariat of a *Presidency vade-mecum*. The entry into force of the Treaty on European Union made the organisation of proceedings even more complex: consequently, the Council instructed the Secretary-General to draw up a genuine handbook covering all Council activities, the *Council Guide*.



This second edition of the *Council Guide* presented by the General Secretariat was compiled under its sole responsibility; it has no legal force and is an internal document intended solely as an aid for the Presidency and Member State delegations.

The guide covers the whole range of Council activities. It consists of four sections, each published separately. The first section — the **Presidency Handbook** — continues the operation begun with the *Presidency vade-mecum* and sets out in a practical context the arrangements concerning the preparation and running of a Presidency. The second section consists of **Comments on the Council's Rules of Procedure**, reflecting the current interpretation of that text in practice. The third section — the **Delegates' Handbook** — contains practical information on the planning and running of meetings, the internal organisation of the General Secretariat and the services provided for delegates. The fourth section — the **Co-decision Guide** — explains the new co-decision procedure resulting from the changes brought about by the Treaty of Amsterdam.

My wish, in making this version of the *Council Guide* available to those involved in the work of our institution, has been to satisfy the request voiced by the Council and to contribute towards efforts to ensure information and transparency. Any suggestions concerning the content of this guide will be welcome.

Secretary-General/High Representative

A handwritten signature in black ink, which appears to read 'Javier Solana'.

Javier Solana

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Part II

Comments on the Council's Rules of Procedure

INTRODUCTION

The Council's Rules of Procedure (CRP) constitute an instrument necessary for the operation of the institution. Within the framework established by the Treaty on European Union and the Treaties establishing the European Communities, the Rules of Procedure lay down a series of provisions governing the Council's proceedings. These comments on the Rules of Procedure (which are not intended to be exhaustive or to state the legal position but rather to serve as a practical guide for members of the Council and their representatives) have been divided into five chapters:

1. The Council's proceedings;
2. Council decision-making;
3. Council acts and their form;
4. Structure of the Council;
5. Other provisions.

The 28 articles of the Rules of Procedure have been grouped together by subject under these five chapters. The Rules of Procedure, in the version of 5 June 2000, are given in Annex I.

Chapter I — The Council's proceedings

1. Notice and venue of meetings (Article 1 of the CRP)

A. Notice

As in Article 204 of the Treaty establishing the European Community (TEC), Article 1(1) of the CRP provides that the Council meets when convened by its President on his own initiative or at the request of one of its members or of the Commission. If a delegation or the Commission requests that the Council be convened, the President is obliged to convene it. The President may, however, exercise some discretion in selecting the date. In making this choice, he must take account, in addition to his colleagues' opinions, of:

- the deadlines imposed by the Rules of Procedure (Article 3(1) and 3(3) of the CRP);
- the fact that the Council may be legally obliged to meet or to act before a set date (e.g. in the case provided for in Article 22(2) of the Treaty on European Union (TEU) or where the Council is obliged to state a position on a Commission proposal in the context of committee procedure);
- rules governing the quorum (Article 11(4) of the CRP) so that the Council can take a vote.

Without prejudice to the first paragraph of Article 203 of the TEC and the rules governing the quorum, each Council member is entitled to decide on the composition of his/her delegation ⁽¹⁾.

The future Presidency makes known the proposed dates for the Council meetings at least seven months before the start of its Presidency. Naturally, this programming is flexible and the scheduled dates may be changed during the Presidency. Not longer than one week before it takes office, the Presidency adopts a

⁽¹⁾ Note that the Council has not yet made use of the possibility given to it by Article 5(3) of the CRP to set a legal limit on the number of officials accompanying members of the Council. On 10 December 1988, however, the Council adopted conclusions concerning working methods in which a maximum of six members per delegation is set (see point 2(b) of the conclusions). On the limits and procedures for reimbursement of delegates' expenses by the Council, see below the decision of the Secretary-General on reimbursement of travel expenses of delegates of the Member States, in Chapter IV, Section 4.

six-month programme in the form of provisional agendas for the meetings of the Council, indicatively mentioning the legislative work and operational decisions envisaged.

For the common foreign and security policy (CFSP), Article 22(2) of the TEU provides that, in cases requiring a rapid decision, the Presidency, of its own motion, or at the request of the Commission or a Member State, may convene an extraordinary Council meeting within 48 hours or, in an emergency, within a shorter period.

In addition, in accordance with well-established practice, each Council Presidency organises informal ministerial meetings. The Presidency conclusions of the Helsinki European Council of 10 and 11 December 1999 provide for the number of such meetings to be limited to five per Presidency.

The aim of the informal meetings is to consider jointly and exchange ideas on topics of a general scope. They are not Council meetings and cannot replace the Council's activities. In order to preserve their informal character, there is no agenda and the discussions cannot give rise to the drawing-up of documents prior to or after the meeting. These meetings obviously cannot give rise to formal decisions or conclusions.

B. Venue of meetings

The protocol on the location of the seats of the institutions and of certain bodies and departments of the European Communities and of Europol annexed to the Treaties provides that the seat of the Council is in Brussels and that Council meetings are held in Luxembourg in April, June and October. It may happen exceptionally that it is necessary for the Council to meet in other places. This is the case, in particular, with international negotiations in which the Community takes part. In that case, the second subparagraph of Article (1)(3) of the CRP provides that the decision must be taken unanimously by the Council or Coreper.

2. Agenda (Article 3 of the CRP)

A. Deadline for sending and inclusion of items

The provisional agenda for each Council meeting is drawn up by the President and sent to the other members of the Council and to the Commission at least 14

days before the beginning of the meeting. Convening a meeting at shorter notice is therefore possible on condition that there is unanimous agreement to include at least one substantive item on the agenda.

The provisional agenda contains items in respect of which a request for inclusion, together with any relevant documents, has been received by the General Secretariat at least 16 days before the beginning of the meeting.

A specific arrangement exists for proceedings under Title IV of Part Three of the TEC and Title VI of the TEU ('Justice and home affairs' — JHA). A statement for the Council minutes (given as a footnote) states that, in these fields, the President will endeavour to ensure that, in principle, the provisional agenda and relevant documentation are received by the members of the Council at least 21 days before the beginning of each Council meeting.

To allow national parliaments to express their views on questions that might have particular interest for them, the protocol on the role of national parliaments in the European Union, annexed to the Treaties by the Treaty of Amsterdam, established a mechanism preventing the Council from adopting a legislative act or a common position under co-decision before national parliaments have had time to examine the text.

Point 3 of the protocol provides that if the Council is notified of a legislative proposal or initiative, it may place it on the provisional agenda for decision only when six weeks have elapsed between the submission of the proposal or initiative and the Council's decision to adopt it.

That provision is recalled in Article 3(3) of the CRP.

The six-week period begins when the Council has all the language versions of the legislative proposal (Community field) or of the initiative pursuant to Title VI of the Treaty on European Union (JHA field). The Council may, acting unanimously, derogate from the six-week period for reasons of urgency set out in the act or common position.

The list of items on the provisional agenda is first drawn up by the Presidency. It is sent to the members of the Council by telex or fax (within the 14-day deadline) and then submitted to Coreper. Normally, the agreement reached in Coreper is confirmed by the Council. The provisional agenda is submitted to the Council, which adopts it by a simple majority. Any addition of an item to the agenda,

including ‘A’ items, must be approved unanimously ⁽¹⁾ if it was not submitted at least 14 days in advance. This is not the case with regard to ‘Other business’ items, whose addition to the Council agenda is generally requested by members of the Council or the Commission at the beginning of the meeting, since ‘Other business’ items cannot give rise to any decision or even, in principle, any discussion.

The provisional agenda also indicates items on which the Presidency, a member of the Council or the Commission may request that a vote be taken ⁽²⁾. The indication takes the form of an asterisk following the mention of the item on the agenda. It is intended to enable Member States to complete all the internal procedures they consider necessary or desirable and to ensure that the vote does not take them by surprise. This means that unless the Council unanimously decides otherwise, a vote must be scheduled at least 14 days before the Council meeting. The asterisk indicates that the conditions for a vote to take place are met, without making it obligatory.

But note that, unless otherwise required because of urgency and without prejudice to Article 3(2) of the CRP, the Presidency must withdraw from the provisional agenda those legislative items within the meaning of Article 7 of the CRP of which Coreper has not completed its examination by the end of the week preceding the week prior to the Council meeting (second subparagraph of Article 3(6) of the CRP).

B. Structure of the agenda

The provisional agenda is divided into Part A and Part B.

‘A’ items on the agenda are items for which, given their state of preparation by Coreper, approval by the Council seems possible without discussion, which does not exclude the possibility, offered to any member of the Council and to the Commission, of expressing an opinion at the time of the approval of those items and having statements included in the minutes. Matters which must be discussed and on which a vote may be taken are included under Part B.

⁽¹⁾ Note that if the item to be added, in accordance with the procedure laid down in Article 3(6) of the CRP, concerns a decision in respect of which, under the Treaties, members of the Council or of Coreper are not entitled to vote, account is not to be taken of votes by such members when the addition of the item is approved unanimously (Annex I(1)(b) to the CRP).

⁽²⁾ Re voting, see Chapter II below: ‘Council decision-making’.

The practice of 'A' items prevents Council meetings from being burdened by a large number of items on which agreement has already been reached and which therefore do not need to be examined individually.

'A' items are included on a list which in principle is approved as a whole by the Council, normally at the beginning of the meeting. However, legally speaking, there is a set of votes covering each 'A' item; any item included on the list of 'A' items is the subject of a note, known as an 'A' item note, forecasting the outcome of the vote and indicating the existence of the majority required, as provided during Coreper's proceedings. By adopting the list of 'A' items, each item is formally adopted, confirming the forecasts of votes mentioned in each 'A' item. Those vote forecasts may, of course, be altered by the members of the Council as they see fit.

It must, however, be pointed out that an 'A' item is withdrawn from the agenda and thus is not adopted, unless the Council decides otherwise by simple majority, if a position on an 'A' item might lead to its further discussion or if a member of the Council or of the Commission so requests ⁽¹⁾.

It is then included in Part B of the same meeting by a decision taken by a majority of the members of the Council, if it was included on the provisional agenda at least 14 days before the meeting, and may then be discussed and possibly adopted.

Otherwise, i.e. if the 'A' item in question does not appear on the provisional agenda at least 14 days before the meeting, the Council decides unanimously ⁽²⁾ to keep it as a 'B' item during the same meeting, failing which, the item is carried over to another meeting.

⁽¹⁾ Note that with regard to the possibility of requesting that an 'A' item be withdrawn from the agenda (Article 3(8) of the CRP), a member of the Council or of Coreper may not make use of this provision in connection with decisions on which, under the Treaties, that member may not participate in the vote (Annex I(2)(a) to the CRP).

⁽²⁾ Note that if the 'A' item maintained on the agenda as a 'B' item under the procedure laid down in Article 3(8) of the CRP concerns a decision in respect of which, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of votes by such members in the unanimous approval required to keep the item on the agenda (Annex I(1)(c) to the CRP).

3. Minutes (Article 13 of the CRP)

Article 13 of the CRP provides that the minutes of each Council meeting shall be drawn up. The minutes are a document which summarises the decisions taken and occasionally the content of the discussions held during that Council meeting ⁽¹⁾.

The draft minutes are drawn up by the General Secretariat within 15 days and submitted to Coreper for approval (Article 19(5)(f) of the CRP).

Before the minutes are approved, any member of the Council, or the Commission, may request that more details be inserted in the minutes regarding any item on the agenda. These requests may be made in Coreper. When approved, the minutes are signed by the President-in-Office at the time of approval and by the Secretary-General of the Council or by the Deputy Secretary-General.

According to the CRP, the minutes generally contain three points concerning each item on the agenda:

- indication of the documents submitted to the Council;
- decisions taken or conclusions reached by the Council;
- statements made by the Council and those whose entry has been requested by a member of the Council or the Commission.

With regard to the indication of documents, all documents submitted to the Council are numbered and bear a reference for their identification.

With regard to decisions taken or conclusions adopted, the practice of drawing up Council minutes tends towards a very brief description of the decision taken. The content of Council discussions is, in fact, reflected more fully in the press releases issued by the General Secretariat after each Council meeting than in the minutes of the meeting. Press releases are produced by the General Secretariat alone.

Any statements for the Council minutes are annexed to the minutes ⁽²⁾.

⁽¹⁾ A summary record of Coreper's meetings is also produced by the General Secretariat.

⁽²⁾ See Section 4D below for disclosure of items in the minutes concerning legislative acts and statements in the Council minutes.

4. Public access and transparency (Articles 5 to 10 of the CRP)

Articles 5 and 6 of the CRP, which provide, subject to exceptions, that Council meetings are not public and that the deliberations of the Council are covered by the obligation of professional secrecy, also apply to preparations for Council meetings, i.e. all the Council's subordinate bodies: Coreper, Committees (Article 113, Political, Article 36, Economic and Financial, SCA, etc.) and working parties.

The principle of openness set out in Article 1 of the TEU is reflected in the holding of public debates, the inviting of representatives of other institutions, the obligation to make votes and statements in the Council minutes public, as well as the minutes themselves, and public access to documents.

A. Public debates

Article 8 of the CRP provides that the Council holds public debates. The Council's General Affairs and Economic and Financial Affairs configurations each hold a public policy debate every six months on the work programme submitted by the Presidency and, if appropriate, on the Commission's annual work programme (Article 8(1) of the CRP).

As regards the other configurations of the Council, the Council or Coreper, acting by qualified majority, decides on a case-by-case basis on the public transmission by audiovisual means of debates concerning important issues affecting the interests of the Union or an important legislative proposal. For such matters, the Council must hold at least one public debate every half-year. It is for the Presidency, any member of the Council, or the Commission to propose issues or specific subjects for such debates. Only debates held by the Council, and not those held by its preparatory bodies, may be retransmitted. The debates are sent to the Council's press room and transmitted by 'Europe by satellite' (<http://europa.eu.int/comm/ebs/index.html>).

B. Reception of representatives from the other institutions

In practice, the Commission is practically always present at Council meetings and at meetings of Council preparatory bodies at all levels and in all fields of action, even if the act adopted by the Council does not require a Commission proposal. The European Central Bank is invited to take part in meetings of the Council in cases where it exercises its right of initiative. The Council rarely decides to deliberate without the presence of the Commission or of the European

Central Bank ⁽¹⁾, but this occurs above all when the Council considers internal affairs (appointment of officials, cases before the Court of Justice, etc.). Commission participation in the Council's proceedings is facilitated by the fact that it receives documentation issued by the Council General Secretariat on an equal footing with the permanent representations.

Other Community institutions or bodies participate occasionally in the Council's proceedings. Within the framework of the budgetary procedure, representatives of the European Parliament are sometimes invited to put their institution's viewpoint to the Council. Similarly, representatives of the Court of Justice or the Court of Auditors are normally invited to attend Council meetings dealing with matters connected with those institutions. The same applies to the European Investment Bank. Representatives of the Economic and Social Committee or the Committee of the Regions may also be invited to submit their budgetary requests to the Council.

The presence of representatives from other Community institutions or bodies depends to a large extent on the subject discussed and the appropriateness. A decision must be taken by the Council concerning any invitation.

C. Making agendas public

Article 1 of the decision of 6 December 1999 on the improvement of information on the Council's legislative activities and the public register of Council documents ⁽²⁾ provides that the General Secretariat of the Council shall in advance of meetings make accessible to the public a list of the items on the provisional agendas of meetings of the Council and its preparatory bodies referring to cases where the Council acts in its legislative capacity, as defined in Article 7 of its Rules of Procedure ⁽³⁾. This list includes references to the documents considered in respect of those items. It is available in advance of the respective meeting and

⁽¹⁾ Note that if the decision to deliberate without the presence of the European Central Bank, under the procedure laid down in Article 5(2) of the CRP, concerns a decision in respect of which, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of votes by such members (Annex I(1)(d) to the CRP).

⁽²⁾ OJ L 9, 13.1.2000, p. 22.

⁽³⁾ Article 7 stipulates that: 'The Council acts in its legislative capacity within the meaning of the second subparagraph of Article 207(3) of the EC Treaty when it adopts rules which are legally binding in or for the Member States, by means of regulations, directives, framework decisions or decisions, on the basis of the relevant provisions of the Treaties, with the exception of discussions leading to the adoption of internal measures, administrative or budgetary acts, acts concerning interinstitutional or international relations or non-binding acts (such as conclusions, recommendations or resolutions).'

is updated in case of any changes. Since 1 January 2000, this list has been made public on the Internet (<http://ue.eu.int>).

D. Publicising votes, minutes and statements in the minutes

Pursuant to Article 207(3) of the TEC, when the Council is acting in its legislative capacity, the results and explanations of votes are made public in accordance with the terms of Article 9 of the CRP. A distinction can be drawn between making votes public automatically and requiring a vote to make them public.

(a) Making votes public automatically

The following are made public automatically:

- the results and explanations of votes by Council members, statements entered in the Council minutes and items in those minutes relating to the adoption of legislative acts, when the Council is acting in its legislative capacity, as defined in Article 7 of the CRP;
- the results of votes and explanations of votes when the Council adopts a common position pursuant to Article 251 or 252 of the TEC;
- the results of votes and explanations of votes cast by the members of the Council or their representative on the Conciliation Committee set up by Article 251 of the TEC (co-decision);
- the results of votes and explanations of votes when the Council establishes a convention on the basis of Title VI of the TEU.

(b) Decision to make votes public

- **Statements entered in the Council minutes and items in those minutes** relating to the adoption of conventions based on Title VI of the TEU are made public by a Council or Coreper decision taken by simple majority at the request of one of their members.
- When the Council acts pursuant to Title V of the TEU or adopts a common position as defined by Title VI of the TEU, the vote is made public by a unanimous Council or Coreper decision taken at the request of one of their members. In other cases, a Council or Coreper decision taken by a simple majority at the request of one of their members is required.

- When the results of the votes referred to in the preceding indent are made public, the **explanations of votes** will also be made public at the request of the Council members concerned, with due regard for the CRP, legal certainty and the interests of the Council.
- Statements entered in the Council minutes and items in those minutes relating to the adoption of the acts referred to above are also made public by Council or Coreper decisions taken unanimously at the request of one of their members.

In all cases where a vote is taken, it is for the Antici Group, the Mertens Group and the SCA to examine these statements before the definitive adoption of the act. The lists of ‘A’ items submitted to the Council are marked ‘AL’ and, where appropriate, ‘D’, to indicate, respectively, that it is a legislative act, possibly accompanied by one or more statements entered in the Council minutes. Consequently, when the Council adopts an ‘A’ item bearing these two references, it decides *ipso facto* to make public the statements in question (for the arrangements for access, see Section E below).

Lastly, Article 6(2) of the CRP provides that the Council or Coreper may authorise the production for use in legal proceedings of a copy or an extract from Council documents if they have not already been released to the public. Prior authorisation by Coreper must therefore be requested before a Council document not released to the public can be produced for use in legal proceedings.

Use of that provision is made particularly when a Member State or an institution wishes to produce a Council document in a case before the Court of Justice, the Court of First Instance or a national court. In such a case, the Council Legal Service examines the content of the document to assess whether it contains confidential information, disclosure of which could be harmful to the Council’s interests. After that assessment, the Legal Service suggests to Coreper the action that should be taken on the request. Similarly, in cases in which the Council is involved, the Legal Service’s agents appointed to represent the Council ask the latter for authorisation to produce documents which they consider it useful to make known to the Court of Justice or the Court of First Instance. The Council’s decision on the application of this article is taken by a simple majority.

E. Access to documents

Pending a decision of the European Parliament and of the Council on the basis of Article 255 of the TEU ⁽¹⁾, public access to Council documents is governed by Council Decision 93/731/EC of 20 December 1993 ⁽²⁾, which constitutes the legal instrument for the implementation of the code of conduct approved by the Council and the Commission concerning public access to the documents of these two institutions ⁽³⁾.

The procedure laid down in Decision 93/731/EC guarantees the applicant for access to a Council document a deadline for the Council's reply, a detailed examination of his/her request and the right of appeal to the Council if the first reply — drawn up by the Council General Secretariat — is negative. Finally, if a confirmatory application is rejected, the applicant is informed of the content of Articles 195 and 230 of the TEC concerning respectively the conditions governing referral to the Ombudsman and review by the Court of Justice of the legality of Council acts.

A report on implementation of that decision is submitted every year by the Secretary-General of the Council pursuant to Article 9 of that decision ⁽⁴⁾.

Statements in the Council minutes concerning the final adoption of legislative acts are released to the public. Anyone may obtain them simply by requesting them from the Council General Secretariat. The Council General Secretariat prepares a monthly record of legislative acts adopted by the Council, accompanied by the statements for the minutes that are made public. These monthly records are also available on request or via the Council's Internet site (<http://www.eudor.com>). They are sent regularly to the European Parliament and to delegations. Extracts from the minutes may be found on the EUDOR site (<http://www.eudor.com>).

Decision 93/731/EC was supplemented by Council Decision 2000/23/EC of 6 December 1999 ⁽⁵⁾, which provides for a public register listing documents made

⁽¹⁾ Commission proposal (COM(2000) 30 final/2, 21.2.2000).

⁽²⁾ OJ L 340, 31.12.1993, p. 43.

⁽³⁾ Decision 93/731/EC (OJ L 340, 31.12.1993, p. 41) was amended by Decision 96/705/Euratom, ECSC, EC of 6 December 1996 (OJ L 325, 14.12.1996, p. 19).

⁽⁴⁾ First report on the implementation of Council Decision 93/731/EC on public access to Council documents (July 1996, 8330/96) and the second report (June 1998, 6715/2/98 REV 2 COR 1) are published in Council of the European Union, *Basic texts on transparency concerning the activities of the Council of the European Union*, Luxembourg, February 2000; third report (13275/00).

⁽⁵⁾ OJ L 9, 13.1.2000.

accessible to the public. The content of these documents since 1 January 1999 is available on the Council's Internet site (<http://ue.eu.int>) (Article 3 of Decision 2000/23/EC).

5. *Language rules (Article 14 of the CRP)*

The rules governing languages which apply to the various basic Treaties (European Communities and European Union), the Treaties amending them and conventions between Member States, on the one hand, must be distinguished from the rules applicable to the institutions of the European Union (acts of the institutions and working languages), on the other.

A. Language rules which apply to the constituent Treaties and conventions between Member States

Apart from the ECSC Treaty which was drawn up in French, the only authentic text of which is in French (Article 100 of the ECSC Treaty), the authentic text of the EC, Euratom and EU Treaties is in 12 languages, namely: Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish ⁽¹⁾. In this context, Irish is also an official language of the Community and the European Union.

Similarly, the texts of conventions concluded between the Member States of the European Union (either within the framework of Article 293 (ex Article 220) of the EC Treaty or on the basis of Article 34(2)(d) of the TEU (ex Article K.3(2)(c) of the TEU) are authentic in the 12 languages concerned ⁽²⁾.

B. Language rules which apply to the institutions of the European Union (acts of the institutions and working languages)

The rules applicable to the institutions are based on Article 290 (ex Article 217) of the EC Treaty (the wording of Article 190 of the Euratom Treaty is identical). Pursuant to Articles 28 and 41 of the TEU, Article 290 applies to Titles V and VI of the TEU.

⁽¹⁾ See Article 314 of the EC Treaty, Article 225 of the Euratom Treaty and the Accession Treaties, most recently Article 176 of the Treaty concerning the accession of Austria, Finland and Sweden, and Article 53 of the TEU.

⁽²⁾ See, for example, Article 68 of the Brussels Convention concluded within the framework of Article 293 of the TEC and the final wording of conventions based on Article 36 of the TEU.

(a) *Basic texts*

Article 290 of the TEC instructs the Council to determine unanimously the rules governing the languages of the institutions of the Community ‘without prejudice to the provisions contained in the Rules of Procedure of the Court of Justice’. It was therefore on that basis that on 15 April 1958 the Council adopted Regulation No 1 determining the languages to be used by the European Economic Community ⁽¹⁾, as amended by the various acts of accession. That regulation provides for 11 official languages (Ireland waived the right for Irish to become an official language of the institutions of the Community) ⁽²⁾. The main provisions of that regulation are as follows.

- ‘The official languages and the working languages of the institutions of the Community shall be Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Swedish and Finnish.’ (Article 1).
- Documents which a Member State or a person subject to the jurisdiction of a Member State sends to the institutions may be in one of the official languages selected by the sender, the reply being drafted in the same language, whereas documents which an institution sends to a Member State or to a person subject to its jurisdiction are drafted in the language of that State (Articles 2 and 3). Only the text in the languages used in that correspondence is authentic.
- Regulations and other documents of general application are drafted in the 11 official languages and the Official Journal is published in those languages (Articles 4 and 5). All the linguistic versions are authentic.

(b) *Arrangements for internal implementation (Article 14 of the CRP)*

Under Article 6 of the abovementioned Council Regulation No 1, the institutions may stipulate in their rules of procedure which of the languages are to be used in specific cases, which the Council did in Article 14 of the CRP.

(i) The principle

Pursuant to paragraph 1 of Article 14 of the CRP, except as otherwise decided unanimously, ‘the Council shall deliberate and take decisions only on the basis of documents and drafts drawn up in the languages specified in the rules in force

⁽¹⁾ OJ 17, 6.10.1958, p. 385.

⁽²⁾ Statement made on 24 November 1971 during the accession negotiations.

governing languages' (i.e. the above Regulation No 1) ⁽¹⁾. The term 'drafts' refers, in particular, to Commission proposals that must be submitted to the Council in the 11 official languages. This provision allows a delegation to oppose discussion of an item if, when the Council brings up the item, the relevant documentation is not available in the official language it prefers.

Paragraph 2 of Article 14 of the CRP also enables each member of the Council to oppose discussion if the texts of any proposed amendments are not drawn up in such of the languages referred to in paragraph 1 as he or she may specify ⁽²⁾.

If a document is not yet available in all 11 official languages, it can nevertheless be the subject of a 'political agreement' on the substance. However, subject to the possible derogations set out below, that text may be adopted only if it is available in good and due form (i.e. finalised by the legal/linguistic experts) in the 11 official languages.

It is to be noted that:

- a regulation or a directive addressed to all Member States or a decision addressed to all Member States cannot enter into force (nor, therefore, be published nor the Member States be notified of it) unless the text exists in the 11 official languages (Article 4 of Regulation No 1);
- a common position of the Council adopted pursuant to the procedures referred to in Articles 251 and 252 of the TEC is not forwarded to the European Parliament unless it is available in all 11 official languages.

(ii) Waivers

Article 14(1) of the CRP, in fact, allows for the possibility of waiving that rule, provided that the Council both decides unanimously and that it is a matter of urgency. That waiver is mainly used in the first few months following the accession of new Member States to the European Union as revised translations in their languages may not be available within the period laid down.

⁽¹⁾ Note that under the procedure provided for in Article 14(1) of the CRP (unanimous decision concerning deliberations and decisions on the basis of documents and drafts not drawn up in all the languages) when, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of votes by such members (Annex I(1)(h) to the CRP).

⁽²⁾ A member of the Council or of Coreper may not make use of this provision in connection with decisions on which, under the Treaties, that member may not participate in the vote (Annex I(2)(d) to the CRP).

As stated above, the normal languages' rules apply in the fields under Title V of the TEU (CFSP). This was emphasised in a statement annexed to the TEU ⁽¹⁾.

In the CFSP field, however, Council acts may be adopted by a simplified written procedure (known as COREU, Article 12(4) of the CRP) ⁽²⁾ particularly adapted to urgent situations justifying recourse to the derogation provided for in Article 14(1) of the CRP. Consequently, while the normal language rules apply to the adoption of any act in the CFSP field, in particular those having a legal scope (joint action or common position), the Council may nonetheless decide, on a case-by-case basis, on grounds of urgency, to act in the absence of texts in all the official languages, when it does not intend to publish the text of its decision in the *Official Journal of the European Communities*. It is desirable that this particular urgent situation be briefly mentioned in a recital of the act justifying, in the particular case, the waiving of the ordinary language rules.

In practice, whenever the Council has recourse to the waiver provided for in Article 14 of the CRP, it is necessary to:

- indicate it in the documents submitted to it (report to the Council, 'I/A' item notes);
- record in the Council minutes the decision to have recourse to the waiver;
- likewise note any decision to postpone publication or notification of the act pending availability of the text in the 11 official languages;
- provide, where appropriate, for subsequent adoption of the missing language versions by the Council.

It is to be noted that:

- the addressee(s) of a directive or an individual decision may be notified of it in the language(s) of the Member State concerned without waiting for the text to be available in the 11 official languages (Article 3 of Regulation No 1);
- a decision *sui generis* having no effect vis-à-vis third parties may enter into force without the text being available in the 11 official languages.

⁽¹⁾ Declaration No 29 on the use of languages in the field of the common foreign and security policy, annexed to the Final Act of the TEU.

⁽²⁾ See Chapter II, Section 3, below for further details concerning this procedure.

Chapter II — Council decision-making

1. Voting rules (Article 11 of the CRP)

A. *Decision to take a vote*

According to Article 11(1) of the CRP, the decision to take a vote is taken by the Presidency, which judges its desirability, even if it may be obliged to do so by a simple majority of the Council. The second subparagraph of Article 11(1) of the CRP provides that any member of the Council or the Commission may request a vote. In that case, the Presidency is obliged to open a voting procedure provided that a majority of the Council's members so decides ⁽¹⁾. That provision merely reflects the unwritten general rule that the Presidency is always 'in the Council's hands': it can always override a procedural decision by its President.

However, as stated above ⁽²⁾, a set of rules is applied for setting the provisional agenda which makes 'surprise' voting impossible. The fact that it is indicated on the provisional agenda that a vote may be taken on an item does not imply that the vote will necessarily be taken. The Presidency may postpone the vote if it observes that the conditions have not been met.

B. *Voting procedure*

Pursuant to Article 11(2) of the CRP, the members of the Council vote in the order of the Member States laid down in Article 27 of the ECSC Treaty, Article 203 of the TEC and Article 116 of the Euratom Treaty ⁽³⁾, beginning with the member who, according to that order, follows the member holding the office of President. That practice is not always followed; it is specifically followed in cir-

⁽¹⁾ Note that according to the procedure provided for in the second subparagraph of Article 11(1) of the CRP (decision to open a voting procedure) when, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of votes by such members (Annex I(1)(f) to the CRP).

Note also that if a member of the Council requests that a voting procedure be opened (second subparagraph of Article 11(1) of the CRP), a member of the Council or of Coreper may not make use of this provision in connection with decisions on which, under the Treaties, that member may not participate in the vote (Annex I(2)(b) to the CRP).

⁽²⁾ See above Chapter I, Section 2: 'Agenda'.

⁽³⁾ This is the order laid down for holding the Presidency of the Council in turn (see the Council decision of 1 January 1995 determining the order in which the office of President of the Council shall be held (OJ L 1, 1.1.1995, p. 220).

cumstances where the vote requires a degree of solemnity or where delegations' positions are not sufficiently clear. Most frequently, at the end of the discussion, the Presidency asks the members voting for, against or wishing to abstain to identify themselves.

A member of the Council may wish to receive confirmation from his/her national authorities of the position to be adopted or the internal formalities for defining the position may not be completed. He/she will then enter a reservation which may subsequently be withdrawn; the reservation must be withdrawn during the same meeting. If at the end of the meeting the reservation is not withdrawn and the required majority has therefore not been achieved, the item is not adopted. It is deleted from the provisional agenda and added to the provisional agenda of another meeting. Apart from the written procedure, voting is carried out only during a meeting of the Council.

In cases where adoption of an act is subject to a proposal from the Commission, at some stage in the procedure the Commission may be unable to agree to the amendments made to its proposal by the Council. This situation changes the Council's voting rules because, under Article 250(1) of the TEC, the Council must act unanimously if it wishes to adopt an act constituting an amendment to the Commission proposal. In practice, therefore, the Council votes only when the Commission has clearly adopted a position on any amendment of its proposal.

Finally, the Council often takes a so-called 'indicative' vote that serves to define its members' positions concerning the item under consideration. An 'indicative' vote is not a vote within the meaning of the Treaty and has no legal effect. Such a vote need not be made public (Article 9(4) of the CRP). Formal adoption must therefore take place in due course ⁽¹⁾.

The voting procedure within the Council is laid down in Article 205 of the TEC.

(a) Simple majority voting

Paragraph 1 states the principle that, failing a specific provision in the Treaty, the Council shall act by a majority of its members, i.e. at present a majority

⁽¹⁾ See Chapter II, Section 3, below for voting by the written procedure.

of eight members. Such is the case, for example, with adoption of the CRP (Article 207(3) of the TEC), requests for studies or proposals addressed to the Commission (Article 208 of the TEC) or decisions taken pursuant to Article 284 of the TEC ⁽¹⁾.

However, the Treaty rarely fails to provide for other rules and acting by a majority of members remains exceptional, apart from procedural decisions which are always taken by a simple majority (see, in particular, Articles 23(3) and 34(4) of the TEU), as are the adoption of replies to be given to parliamentary questions, decisions on consultation or further consultation of the European Parliament.

(b) Unanimity

Article 205(3) of the TEC provides that abstentions by members present in person or represented shall not prevent the adoption by the Council of acts which require unanimity ⁽²⁾.

In addition to cases in which the Council adopts an act amending a Commission proposal (Article 250(1) of the TEC), unanimity is required by a number of articles of the TEC, such as those concerning social security (Article 42), harmonisation of indirect taxation (Article 93), legislative harmonisation (Article 94), certain measures to protect the environment (Article 175), certain actions necessary for attaining one of the objectives of the Community (Article 308), certain measures in the fields of social policy, culture, education, health and industry.

(c) Qualified majority voting

This voting procedure is also frequently provided for by the TEC. The votes of the Council members are weighted as follows:

⁽¹⁾ See the judgment of 9 November 1995, Case C 426/93 *Germany v Council* [1995] ECR I-3723.

⁽²⁾ Acts of the representatives of the governments of the Member States meeting within the Council are adopted by 'common accord', which implies the agreement of all the Member States. They are not Council acts. The TEC, for example, provides in a number of provisions for the adoption of an act by the Member States themselves or their governments rather than the Council (see Article 20 concerning diplomatic protection of EU citizens, Article 214 on appointment of members of the Commission, Article 223 concerning the appointment of judges and advocates-general of the Court of Justice, etc.).

- Germany, France, Italy, United Kingdom: 10 votes each;
- Spain: 8 votes;
- Belgium, Greece, Netherlands, Portugal: 5 votes each;
- Austria, Sweden: 4 votes each;
- Denmark, Ireland, Finland: 3 votes each;
- Luxembourg: 2 votes.

There are two arrangements for voting by a qualified majority. The majority is 62 votes (out of 87) ⁽¹⁾ where the Council acts on a Commission proposal ⁽²⁾ and 62 votes in favour, cast by at least 10 members, in other cases, for example in budgetary matters where the Commission draws up only a preliminary draft budget or for recommendations concerning an excessive deficit in the context of economic and monetary union (Article 104(13) of the TEC) or where the Council acts by a qualified majority under Titles V and VI of the TEU.

Finally, two texts known as the ‘Luxembourg compromise’ and the ‘Ioannina compromise’ must be mentioned.

The ‘empty chair’ policy practised by France for seven months in 1965 led to the adoption of a text generally known as the ‘Luxembourg compromise’. That political statement contained the following paragraph:

‘Where, in the case of decisions which may be taken by majority vote on a proposal of the Commission, very important interests of one or more partners are at stake, the Members of the Council will endeavour, within a reasonable time, to reach solutions which can be adopted by all the Members of the Council while respecting their mutual interests and those of the Community, in accordance with Article 2 of the Treaty.’

That paragraph is followed by the following divergent assessments:

‘With regard to the foregoing paragraph, the French delegation considers that where very important interests are at stake the discussion must be continued until unanimous agreement is reached. The six delegations note that there is a

⁽¹⁾ The blocking minority is therefore 26 votes.

⁽²⁾ The fact that the Commission does not support a text put to the vote which requires a qualified majority does not attenuate that requirement but adds the additional condition of unanimity to that of a qualified majority (Article 250(1) of the TEC).

divergence of views on what should be done in the event of a failure to reach complete agreement.’

The ‘Luxembourg compromise’ — which has no legal value and can have no effect unless a number of Council members sufficient to form a blocking minority join the member who avails himself/herself of the ‘compromise’ — is therefore a political rather than a legal weapon, which has not, in fact, been invoked operationally for several years.

The texts known as the ‘Ioannina compromise’ arose from the change in the minimum number of votes required for a qualified majority as a result of the enlargement to include Austria, Finland and Sweden. Certain Member States considered that the new weighting of the votes could, in certain cases, result in States grouping together a considerable proportion of the Community’s population being defeated. After difficult discussions, a solution called the ‘Ioannina compromise’ was found, which took the form of a Council decision of 29 March 1994 ⁽¹⁾. That decision gives the ‘Ioannina compromise’ legal status, unlike the ‘Luxembourg compromise’. It provides that if the members of the Council representing 23 to 25 votes indicate their intention to oppose a decision, the Presidency will do all in its power to reach, within a reasonable time, a satisfactory solution that can be adopted by at least 65 votes. This procedure is subject to compliance with the Treaties, which means that where the Treaty sets the Council a deadline for acting, the search for a solution cannot lead to that deadline being postponed. Furthermore, and above all, it is also subject to the CRP, which means that Article 11 of the CRP applies and that at any time a simple majority of members may request and obtain the taking of a vote. A minority of 23 to 25 votes cannot therefore in any case delay the taking of a decision if it does not win the support of a majority of the members of the Council.

2. Quorum and delegation of voting rights (Articles 4 and 11 of the CRP)

A. *Quorum*

When the vote is taken, the President, assisted by the General Secretariat, checks that there is a quorum.

Since the accession of Austria, Finland and Sweden, the presence of eight members of the Council is required to enable the Council to vote.

⁽¹⁾ OJ C 105, 13.4.1994, p. 1, as last amended on 1 January 1995 (OJ C 1, 1.1.1995, p. 1).

The quorum requirement must be read in the light of Article 203(1) of the TEC, which provides that the Council consists of a representative of each Member State at ministerial level, authorised to commit the government of that Member State. For the Council to be able to take a vote, there must therefore be at least eight representatives of Member States who fulfil the conditions of Article 203 of the TEC.

The quorum rule, normally limited to the final stage of decision-making, i.e. voting at a Council meeting, nevertheless also inspires the practice of preparatory Council bodies which, in practice, generally suspend their discussions if fewer than eight delegations are present.

B. Delegation of voting rights

Delegation of voting rights is provided for both in Article 206 of the TEC and Article 11(3) of the CRP. Article 206 of the TEC provides that a member of the Council may act on behalf of not more than one other member. Article 11(3) of the CRP employs the exact terms of Article 206 of the TEC: ‘Where a vote is taken, any member of the Council may also act on behalf of not more than one other member.’⁽¹⁾

No formalities are required for delegation of voting rights. In practice, the position of the member concerned is expressed by the Permanent Representative of the Member State or the Deputy Permanent Representative and the vote is deemed to have been exercised by a member of the Council.

3. Written procedure (Article 12 of the CRP)

A. Decision on recourse to the written procedure

Two possibilities exist for deciding on recourse to the written voting procedure:

- the decision may be taken beforehand, unanimously, at a Council or Coreper meeting⁽²⁾;
- failing that, the Presidency may propose recourse to the written procedure by means of the written procedure itself. In that case, the decision to agree

⁽¹⁾ If a member of the Council or Coreper cannot take part in the voting, he/she may not receive a delegation of voting rights (Annex I(2)(c) to the CRP).

⁽²⁾ Note that according to the procedure provided for in Article 12(1) of the CRP (unanimous decisions to use the written procedure) when, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of votes by such members (Annex I(1)(g) to the CRP).

to recourse to the written procedure forms part of the procedure itself: all the members of the Council must agree to recourse to the written procedure before expressing their substantive opinions.

In both cases, the Commission must also agree to recourse to the written procedure if it concerns a subject referred to the Council by the Commission.

Where a decision has already been taken within the Council or Coreper to adopt the written procedure, the only question put in writing to members of the Council will be whether they agree to adopt the act concerned.

However, if recourse to the written procedure has not been decided beforehand within the Council or Coreper, the members of the Council and, where appropriate, the Commission must reply to the first question concerning recourse to the written procedure and the members of the Council must express their positions on the second question concerning adoption of the act.

In order to speed up the written procedures, replies must be addressed to the General Secretariat official responsible for the dossier. Replies must, of course, be written (normally sent by fax or telex); oral replies are not sufficient in any case.

If the deadline for replying has not already been agreed within the Council or Coreper, it is set in accordance with the urgency of the matter. The importance of meeting the deadline must be emphasised if the act must be adopted before a specific date. If replies are delayed, the General Secretariat will issue a reminder. If the delay continues, an assessment should be made in each individual case of whether the period after which the procedure must be concluded is reasonable and whether its outcome is considered as being negative.

If the Council or Coreper has already decided to have recourse to the written procedure and if the act in question must be adopted by a qualified majority or simple majority, the conditions for adopting the act are met as soon as the number of positive replies received tallies with the number of votes required.

However, if the question of recourse to the written procedure was raised, a positive reply to this question is required from all the members of the Council (unanimity), and from the Commission if the procedure concerned a matter which it brought before the Council. Adoption of the act remains subject to the relevant voting rules.

Once the General Secretariat is certain that the conditions for adoption of the act have been met, it takes the necessary steps for signature, publication in the Official Journal, or notification of the parties to which it is addressed.

It is the General Secretariat's responsibility to conclude written procedures and to state their results.

On that occasion, all members of the Council and, where appropriate, the Commission are informed of any unilateral statements made by the other members of the Council or the Commission to enable them to decide if they wish to respond to them. Neither the conduct nor the completion of the written procedure for adoption of the act concerned is affected by such statements.

Acts adopted by the written procedure are the subject of press releases drawn up individually by the General Secretariat's press office. On that occasion, the outcome and the explanation of the vote is made public under the terms of Article 9 of the CRP (see under Chapter I, Section 4D, above).

The General Secretariat produces a monthly summary of acts adopted under the written procedure, which also includes any statements and explanations of votes.

In addition, the General Secretariat's archives conserve at least:

- the communication opening the written procedure, the document on which the procedure was based and any Council statements;
- the replies from members of the Council and, where appropriate, the Commission together with any unilateral statements;
- the duly signed original of the act adopted by the Council.

B. Special written procedures

Two other types of written procedure are also provided for.

Firstly, there is the simplified written procedure (COREU) or 'silent procedure' for the implementation of the common foreign and security policy (CFSP). In this case, a decision is deemed to be adopted at the end of the period laid down by the Presidency depending on the urgency of the matter, except where a member of the Council objects ⁽¹⁾.

In addition, the normal streamlined written procedure (Article 12(5) of the CRP) may be used by the Council, on the initiative of the Presidency and in order to decide to consult other institutions or bodies in all cases where such consultation

⁽¹⁾ Statement (f) re Article 12(4) of the CRP: 'The Council would point out that the COREU network must be used in accordance with the Council conclusions of 12 June 1995 concerning the Council's working methods.'

is required by Community law (such a decision may be taken by Coreper in accordance with Article 19(5)(h) of the CRP). The decision to consult is deemed to be adopted after expiry of the deadline (usually one week) set by the Presidency, unless a member of the Council objects.

Cases in which the Council must act urgently must be the subject of a special examination. The General Secretariat makes suitable suggestions in this context, in particular on a reasonable period to be allowed for the European Parliament to deliver its opinion, after which the Council may act even if it has not received that opinion, provided that it complies with the conditions established by case-law.

The same procedure applies for deciding on consultation of the Economic and Social Committee and the Committee of the Regions.

The streamlined written procedure is also used to approve the opening of the mission to the European Union of a non-member State or the accreditation of the head of such a mission. In that case, the members of the Council have one month to raise any objections.

Chapter III — Council acts and their form

1. Signing of acts (Article 15 of the CRP)

Like Article 254 of the TEC, Article 15 of the CRP provides for the obligation to sign acts adopted by the Council, alone or together with the European Parliament under the co-decision procedure. Those acts must be signed by the President-in-Office of the Council at the time of their adoption and by the Secretary-General of the Council or by the Deputy Secretary-General.

Article 15 of the CRP stipulates that the signature of the President of the Council is that of the President-in-Office at the time when the act is adopted. The Secretary-General or the Deputy Secretary-General must also sign and may delegate their signatures.

In practice, the President of the Council signs the last page of the original text of the act (this is a multilingual page); signing takes place at the Council meeting which adopted the act concerned. The Secretary-General or the Deputy Secretary-General subsequently signs the same page of the text, the original of which is forwarded to the Council General Secretariat's archives, where it is kept in a safety vault.

The last sentence of Article 15 enables the Secretary-General and the Deputy Secretary-General to delegate their signature to directors-general of the General Secretariat.

2. Title and form of regulations (Annex II, Section A, to the CRP)

Section A of Annex II to the CRP specifies the various features which must be included in the title of regulations adopted by the Council, alone or together with the European Parliament under the co-decision procedure:

- the word 'Regulation';
- the serial number;
- the date of adoption; and
- the subject matter.

These are features which must be included in the regulation and which serve to identify it; moreover, acts adopted by the Council, alone or under the co-decision procedure with the European Parliament, also contain the name(s) of the institution(s) which adopted the act and an indication of the Community or Communities concerned.

The structure of the preamble to regulations adopted by the Council, alone or under the co-decision procedure with the European Parliament, is specified in Section A(1) of Annex II ((b), (c), (d), (e), (f)) to the CRP, which reflects the obligation to state the reasons as laid down by Article 253 of the TEC (or Article 162 of the Euratom Treaty). The preamble to the regulation incorporates the features provided for in Section A(1) of Annex II ((b), (c), (d), (e), (f)) to the CRP in the order followed therein.

With regard to citations, it should be noted that the legal bases of the regulation and the prior procedural acts are set out in that order and preceded by the words 'Having regard to'.

The citations are followed by the recitals, which constitute the reasons, in the strict sense, for the regulation. They are introduced by the word 'Whereas' ⁽¹⁾ and are also numbered.

3. Structure of regulations (Annex II, Section A(2), (3) and (4), to the CRP)

Section A(2) of Annex II to the CRP organises the enacting terms of the regulation. It is subdivided as follows: the regulation contains articles which may be grouped into chapters or sections. No other name, such as 'rule' or 'principle', is permitted to describe or subdivide the components of the enacting terms of the regulation.

To take account of Article 254 of the TEC (or Article 163 of the Euratom Treaty) concerning the entry into force of regulations, Section A(3) of Annex II to the CRP provides that if the Council, alone or under the co-decision procedure with the European Parliament, wants a regulation to enter into force on a date other

⁽¹⁾ With regard to recitals, the following statement concerning Sections A(1) and B of Annex II to the CRP, published in OJ L 149, 23.6.2000, p. 34 (see Annex I), was entered in the Council minutes:

'The Council notes the undertaking given by the Commission in the Presidency conclusions of the Edinburgh European Council to justify in a recital in each of its proposals the relevance of the proposal with regard to the principle of subsidiarity.'

than the 20th day following its publication in the Official Journal, it stipulates the date in the last article. If appropriate, that article may contain details concerning application of the regulation.

According to Section A(4) of Annex II to the CRP, the last article of a regulation is followed by a form of words reflecting the general scope and the binding character of the regulation as provided for in Article 249 of the TEC (or Article 161 of the Euratom Treaty).

Finally, the place and date of adoption of the regulation are indicated. A Council regulation is normally 'Done at Brussels' unless adopted in April, June and October, periods during which Council meetings are held in Luxembourg ⁽¹⁾.

Regulations adopted by the European Parliament and the Council under the co-decision procedure give Brussels, Luxembourg or Strasbourg as the place of signature, depending on the case. Only one date of signature is given for those regulations; where the Presidents of the two institutions do not sign on the same day, it is the date of the last signature that appears in the regulation.

The name(s) of the signatory or signatories appear(s) at the end of the enacting terms: depending on the case, the name of the President of the European Parliament (on the left-hand side at the foot of the enacting terms) and that of the President of the Council (on the same line on the right-hand side), or else only the name of the President of the Council. This is the layout of the text of the regulation as it appears in the Official Journal. The name of the Secretary-General or of the Deputy Secretary-General (who, pursuant to Article 15 of the CRP, also signs the text of the regulation adopted) does not appear in the Official Journal.

4. Title and form of other acts of secondary legislation (Annex II, Section B, to the CRP)

Like Section A(1) of Annex II concerning regulations, Section B of Annex II to the CRP organises the title, preamble and enacting terms of other Council acts. It therefore provides that directives, decisions, recommendations and opinions should respectively include the word 'Directive', 'Decision', 'Recommendation' or 'Opinion' in their titles.

⁽¹⁾ For the Council's places of work, see Chapter I, Section 1, above.

Section B of Annex II makes no mention, however, of the other features (serial number, date of adoption, subject matter) which must be included in the title of regulations pursuant to Section A(1) of Annex II. In practice, however, all Council acts include these features, enabling them to be identified. For the preamble and enacting terms of directives and decisions, Section B of Annex II refers to the provisions of Section A of Annex II as applicable to those acts ⁽¹⁾.

Article 22 of the CRP lays down that in order to assist the Council in its task of ensuring the drafting quality of the legislative acts which it adopts, the Legal Service is responsible for checking the drafting quality of proposals and draft acts at the appropriate stage, as well as for bringing drafting suggestions to the attention of the Council and its bodies, pursuant to the interinstitutional agreement of 22 December 1998 ⁽²⁾.

5. Title and form of instruments under Titles V and VI of the TEU (Annex II, Sections C and D, to the CRP)

Sections C and D of Annex II to the CRP define the title to be borne, on the one hand, by common strategies, common positions and joint actions adopted on the basis of Article 12 of the TEU (Section C of Annex II) and, on the other hand, by common positions, framework decisions, decisions and conventions on the basis of Article 34(2) of the TEU (Section D of Annex II).

The titles read as follows:

- ‘European Council Common Strategy, a serial number (year/number/CFSP), the date of adoption and the subject matter’;
- ‘Council Joint Action, a serial number (year/number/CFSP), the date of adoption and the subject matter’;
- ‘Council Common Position, a serial number (year/number/CFSP [JHA]), the date of adoption and the subject matter’;
- ‘Council framework Decision, a serial number (year/number/JHA), the date of adoption and the subject matter’;

⁽¹⁾ For example, the wording concerning the general scope and binding character of the act referred to in Section A(4) of Annex II appears only in regulations; in directives, the last article indicates the Member State(s) to which the directive is addressed.

⁽²⁾ OJ C 73, 17.3.1999.

- ‘Council Decision, a serial number (year/number/JHA), the date of adoption and the subject matter’.

The title of conventions reads as follows:

- ‘Convention established by the Council in accordance with Article 34 of the Treaty on European Union and the subject matter.’

6. Publication of acts (Articles 17 and 18 of the CRP)

Pursuant to Article 17 of the CRP, regulations, directives and decisions adopted by the Council under the co-decision procedure with the European Parliament and Council regulations and Council directives addressed to all the Member States must be published in the *Official Journal of the European Communities*.

Publication in the Official Journal is a condition of the applicability of those acts and their entry into force may be subject to it (Article 254 of the TEC).

The Official Journal is divided into two series, ‘L’ and ‘C’, the ‘L’ series being itself divided into two categories (I and II). Acts having a binding legal effect are published in the ‘L’ series. Category ‘L.I’ comprises acts whose publication is a condition of their applicability and category ‘L.II’ comprises acts whose publication is not a condition of their applicability. The ‘C’ series contains information and notices.

Article 17 of the CRP stipulates that:

The following shall be published in the Official Journal by the Secretary-General or the Deputy Secretary-General:

- acts referred to in Article 254(1) and (2) of the TEC;
- acts referred to in the first paragraph of Article 163 of the Euratom Treaty;
- common positions adopted by the Council in accordance with the procedures referred to in Articles 251 and 252 of the TEC, and the reasons underlying those common positions;
- framework decisions and decisions referred to in Article 34(2) of the TEU;

- conventions established by the Council in accordance with Article 34(2) of the TEU;
- conventions signed between Member States on the basis of Article 293 of the TEC;
- international agreements concluded by the Community or in accordance with Article 24 of the TEU.

Unless the Council or Coreper decides otherwise, the following are published in the Official Journal by the Secretary-General or the Deputy Secretary-General:

- initiatives presented to the Council by a Member State pursuant to Article 67(1) of the TEC ⁽¹⁾;
- initiatives presented to the Council by a Member State pursuant to Article 34(2) of the TEU ⁽²⁾;
- common positions referred to in Article 34(2) of the TEU ⁽³⁾;
- directives other than those referred to in Article 254(1) and (2) of the TEC, decisions other than those referred to in Article 254(1) of the TEC, recommendations and opinions ⁽⁴⁾.

The following acts are published in the Official Journal, following a decision by the Council or Coreper acting unanimously, on a case-by-case basis, by the Secretary-General or the Deputy Secretary-General:

- common strategies referred to in Article 12 of the TEU;
- joint actions referred to in Article 12 of the TEU;
- common positions referred to in Article 12 of the TEU.

⁽¹⁾ Note that in accordance with the procedures laid down in Article 17(2)(a) of the CRP, when, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of votes by such members (Annex I(1)(i) to the CRP).

⁽²⁾ Note that in accordance with the procedures laid down in Article 17(2)(b) of the CRP when, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of the votes by such members (Annex I(1)(i) to the CRP).

⁽³⁾ Note that in accordance with the procedures laid down in Article 17(2)(c) of the CRP when, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of the votes by such members (Annex I(1)(j) to the CRP).

⁽⁴⁾ Note that in accordance with the procedures laid down in Article 17(2)(d) of the CRP when, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of the votes by such members (Annex I(1)(j) to the CRP).

The following are published in the Official Journal, following a decision by the Council or Coreper, on a case-by-case basis and taking account of possible publication of the basic act, by the Secretary-General or the Deputy Secretary-General:

- measures implementing the joint actions referred to in Article 12 of the TEU;
- joint actions, common positions or any other decision adopted on the basis of a common strategy, as provided for in the first indent of Article 23(2) of the TEU;
- any measures implementing the decisions referred to in Article 34(2) of the TEU and any measures implementing the conventions established by the Council in accordance with Article 34(2) of the TEU ⁽¹⁾.

On this point, the Council agreed at its meeting on 19 and 20 December 1994 that any agreement to be concluded between the Communities and one or more States or international organisations setting up a body with powers to take decisions must contain a provision on the publication of the decision which that body will take ⁽²⁾.

7. Notification of acts (Article 18 of the CRP)

The first two paragraphs of Article 18 of the CRP instruct the Secretary-General, the Deputy Secretary-General of the Council, or a director-general acting on their behalf to give notification of or transmit a number of acts to the Member States and the Commission.

Under paragraphs 1 and 2, the Secretary-General or the Deputy Secretary-General of the Council or a director-general acting on his behalf notifies the addressees of the following acts:

- Council directives other than those referred to in Article 254(1) and (2) of the TEC, i.e. directives which are not addressed to all the Member States (directives which are not of general application);

⁽¹⁾ Note that in accordance with the procedures laid down in Article 17(4)(c) of the CRP when, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of the votes by such members (Annex I(1)(k) to the CRP).

⁽²⁾ Note that in accordance with the procedures laid down in Article 17(5) of the CRP when, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of the votes by such members (Annex I(1)(l) to the CRP).

- decisions other than those referred to in Article 254(1) of the TEC;
- Council recommendations;
- common strategies, joint actions and common positions referred to in Article 12 of the TEU;
- common positions of the Council referred to in Article 34(2) of the TEU;
- measures implementing acts referred to in Articles 12 and 34 of the TEU.

Recommendations, common strategies, common positions and implementing measures are notified only if not published in the Official Journal.

Under paragraph 3, the Secretary-General, the Deputy Secretary-General or a director-general acting on their behalf sends authentic copies of the following acts to the governments of the Member States and to the Commission:

- directives other than those referred to in Article 254(1) and (2) of the TEC;
- Council decisions;
- Council recommendations.

For all acts which have not been mentioned, the practice is to inform the Member States and the Commission.

Pursuant to the right granted to him to delegate his powers, the Secretary-General, by Decision No 351/84 of 11 April 1984, authorised the directors-general or, if prevented from attending to their duties, the directors in order of seniority in the directorate-general concerned, to sign on his behalf the notifications and communications of Council acts provided for in Article 18 of the CRP according to the fields of competence of the respective directorates-general.

Chapter IV — Structure of the Council

The Council of the European Union is a single body although it meets in different ‘configurations’ — the expression used in the Rules of Procedure since 1999. When an act has to be adopted, no link is needed between the ‘configuration’ of the Council and the nature of the act. Thus, for example, one configuration may adopt as an ‘A’ item a text prepared by another configuration.

1. Configurations of the Council (Article 2 of the CRP)

The configuration of the Council which brings together the Ministers for Foreign Affairs is known as the ‘General Affairs Council’. This configuration is responsible, in particular, for the overall coordination of policies and preparatory work for European Council meetings. The General Affairs Council decides on the list of configurations, which at present numbers 16 ⁽¹⁾.

2. Coreper and committees or working parties (Articles 19 and 21 of the CRP)

A. *Coreper*

The Permanent Representatives Committee (Coreper) was originally set up for the EEC by the CRP in 1958, modelled on the Coordination Committee (COCOR) in the field of the ECSC Treaty. The two bodies were merged in 1967 by Article 4 of the Merger Treaty, which mentioned Coreper for the first time within the framework of the Treaties. In December 1974, the Heads of State or Government strengthened this role by agreeing to give the permanent representatives ‘greater latitude [...] so that only the most important political problems need be discussed in the Council’.

As indicated by its name, Coreper is composed of the permanent representatives of the Member States to the European Union. Coreper is divided into two parts, the first, Coreper (Part 1), composed of deputy permanent representatives and the second, Coreper (Part 2), of the permanent representatives themselves.

(1) The list of configurations provided for at present is published in OJ C 174, 23.6.2000 (see Annex II to the Presidency handbook, Part I of this *Council Guide*).

Coreper ensures consistency in the Union's policies and actions and sees to it that the following principles and rules are observed:

- the principles of legality, subsidiarity and providing reasons for acts;
- rules establishing the powers of the Union institutions and bodies;
- budgetary provisions;
- rules on procedure, transparency and the quality of drafting.

It may adopt the following procedural decisions provided, however, that the relevant items are entered on its provisional agenda at least three working days prior to the meeting:

- decision to hold a Council meeting in a place other than Brussels or Luxembourg ⁽¹⁾;
- authorisation to produce a copy of or an extract from a Council document for use in legal proceedings;
- decision to hold a public debate in the Council;
- decision to make the results of votes public in the cases laid down in Article 9(2) and (3) of the CRP;
- decision to use the written procedure;
- approval or amendment of Council minutes;
- decision to publish a text or an act in the Official Journal;
- decision to consult an institution or body;
- decision setting or extending a time limit for consultation of an institution or body;
- decision to extend the periods laid down in Article 251(7) of the TEC;
- approval of the text of a letter sent to an institution or a body.

⁽¹⁾ Note that in accordance with the procedures laid down in Article 1(3) of the CRP (unanimous decision to convene the Council in another place) when, under the Treaties, members of the Council or of Coreper cannot participate in the vote, account is not to be taken of the votes by such members (Annex I(1)(a) to the CRP).

Coreper (Part 1) prepares the work of a large number of Council meetings (Agriculture; Internal Market, Consumer Affairs and Tourism; Employment and Social Policy; Environment; Transport and Telecommunications; Industry and Energy; Fisheries; Education and Youth Affairs, Research, Cultural Affairs and Health. Coreper (Part 2) prepares, in particular, the work of the General Affairs (covering, in particular, external economic relations, CFSP, institutional and general affairs), Economic and Financial Affairs, Justice, Home Affairs and Civil Protection, Budget and Development configurations.

Coreper is 'responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council' (Article 207(1) of the TEC, reiterated in the first sentence of Article 19(1) of the CRP ⁽¹⁾). Coreper's main role is to coordinate the proceedings of the various Council configurations and to attempt to achieve agreement at its level for subsequent submission for adoption by the Council.

Coreper is responsible for ensuring suitable presentation of each dossier to the Council. It evaluates the different aspects of the dossier, defines the options available and prepares all the Council's discussions.

Coreper's central role is illustrated by the fact that all the items included on the Council's agenda must be examined beforehand by Coreper (Part 1 or 2) unless, in an emergency, the Council decides unanimously to consider the matter without prior examination or Coreper itself has decided (by a simple majority) to refrain from prior examination (Article 19(2) of the CRP).

It should, however, be emphasised that broad conclusions worked out by Coreper can always be called into question by the Council, which alone has the power to make decisions.

Coreper is therefore neither an EU institution nor a decision-making body which can replace the Council. It is certainly vested with its own powers (see item above — list of Coreper decisions, Article 19(5) of the CRP), but it can reach a valid decision only in this limited sphere. It is a preparatory body or, as recently described by the Court of Justice, 'an auxiliary body of the Council, for which it carries out preparation and implementation work. Coreper's function of carry-

⁽¹⁾ The wording of Article 30(1) of the ECSC Treaty and Article 121(2) of the Euratom Treaty is the same.

ing out the tasks assigned to it by the Council does not give it the power to take decisions which belongs, under the Treaty, to the Council' ⁽¹⁾.

Coreper is chaired respectively by the Permanent Representative and the Deputy Permanent Representative of the Member State which holds the Presidency (first sentence of Article 19(4) of the CRP).

Coreper's agenda, like the Council's, is divided into two parts: I and II. Part I, like Part 'A' of the Council's agenda, includes items which do not in principle require discussion, whereas Part II, like Part 'B' of the Council's agenda, implies discussion. If Coreper reaches agreement on a 'II' item on its agenda, that item will therefore become an 'A' item on the Council's agenda.

Coreper meets every week. Preparations for its work are made the day before by the personal assistants of the Coreper members who meet respectively under the name of the **Mertens Group** for Coreper Part 1 and the **Antici Group** for Coreper Part 2. The Antici Group (named after its first chairman) was set up in 1975 to review the agenda for Coreper Part 2 and settle technical and organisational details. That preparatory stage also sometimes makes it possible to have an initial idea of the positions which the various delegations will adopt at the Coreper meeting. The Mertens Group (also named after its first chairman) was set up for the same purpose in 1993.

B. Committees set up by the Treaties or by the Council

The Treaties set up certain specific committees responsible for coordinating activities in a particular field. However, given the institutional unity provided for in Article 3 of the TEU, as reflected in Articles 21 and 36 of the TEU (which render applicable to Titles V and VI various provisions of the TEC, in particular Article 207), those committees are without prejudice to Coreper's central role. Each provision of the Treaty setting up one of those committees specifically reserves application of Article 207 of the TEC, i.e. Coreper's general responsibility for preparing the work of the Council. Reports from those committees must be available in good time prior to the Coreper meeting at which they are to be examined (Article 21 of the CRP).

⁽¹⁾ Paragraphs 26 and 27 of the judgment of 19 March 1996, Case C-25/94 *Commission v Council* [1996] ECR I-1469.

Unless the Council decides otherwise, those committees are chaired by a delegate of the Member State which holds the Presidency (second sentence of Article 19(4) of the CRP). However, for the preparation of meetings of Council configurations meeting only once during the first half of a six-monthly period, the meetings of those committees held during the preceding six months may be chaired by a delegate of the Member State which will hold the Presidency during the following six months (last sentence of Article 19(4) of the CRP).

The **Economic and Financial Committee**, set up by Article 114 of the TEC, is responsible for keeping under review the monetary and financial situation of the Member States and may deliver opinions. Without prejudice to Article 207 of the TEC, it is also responsible for helping to prepare the work of the Council in various fields such as safeguards for the movement of capital and the coordination of Member States' economic policies. Finally, it is responsible for examining the situation regarding capital movements and freedom of payments. In addition to these tasks, the committee also follows the monetary and financial situation and the Member States' general payment arrangements. A specific reminder of that committee's special role is given in a footnote to Article 19 of the CRP. Its chairmanship is not subject to the normal rules of rotation every six months.

The **Special Committee on Agriculture (SCA)**, set up in May 1960, is specifically responsible for preparing many matters falling within the scope of the Agriculture Council. That committee therefore plays the same role in very technical agricultural areas as Coreper does in other areas. The items which it has examined are therefore included directly on the agendas for the Agriculture Council.

The special committee (known as the '**Article 133 Committee**'), the establishment of which is laid down by Article 133(3) of the TEC, is responsible for assisting the Commission when, after receiving authorisation from the Council, it conducts negotiations for the conclusion of an international agreement under the common commercial policy.

The **Political Committee (COPOL)**, set up by Article 25 of the TEU, is composed of the political directors of Member States' Ministries of Foreign Affairs. The committee is a body for consultation and conciliation which monitors and analyses the international situation and its development in the areas covered by the CFSP. It contributes to the definition of policies by delivering opinions, all of which is without prejudice to Article 207 of the TEC.

The coordinating committee in the fields covered by Title VI of the TEU (the ‘**Article 36 Committee**’), set up by Article 36 of the TEU, gives opinions and contributes to the preparation of the Council’s discussions in the fields covered by Article 29 of the TEU, without prejudice to Article 207 of the EC Treaty.

The **Employment Committee**, set up in accordance with Article 130 of the TEC, has the task of monitoring employment and employment policy developments in the Member States and in the Community and for delivering opinions, also without prejudice to Article 207 of the TEC.

In the context of the strengthening of the CFSP, and, in particular, of the common European security and defence policy provided for in Article 17 of the TEU, the Council set up a **Political and Security Committee (PSC)** and a **Military Committee** ⁽¹⁾.

The PSC is made up of high-level national representatives (ambassadors) in office at the permanent representations of Member States. In close liaison with the Secretary-General/High Representative, this committee draws up recommendations concerning the future operation of the common European security and defence policy and deals with day-to-day CFSP business.

The Military Committee is made up of representatives of the chiefs of defence staff of the armed forces of the Member States and gives military opinions to COPOL, to the PSC and to the Secretary-General/High Representative ⁽²⁾.

Finally, in May 2000, the Council set up a **Committee for Civilian Aspects of Crisis Management** ⁽³⁾. This committee is made up of representatives of the Member States and its task is to formulate recommendations and give its opinion to the PSC and other appropriate Council bodies, in accordance with their respective areas of responsibility, on civilian aspects of crisis management.

C. Committees and working parties set up by Coreper

To help in preparing the Council’s work, Coreper may set up committees or working parties and establish their mandate (Article 19(3) of the CRP). Those working parties are composed of delegates from each Member State. They may

⁽¹⁾ OJ L 27, 30.1.2001, p. 1.

⁽²⁾ The Council decided, in February 2001, that military experts are to be seconded by Member States to the Council General Secretariat.

⁽³⁾ OJ L 127, 27.5.2000, p. 1.

be more or less permanent as required. To date, Coreper has set up more than 250 working parties in the various areas of the Council's activities ⁽¹⁾.

As with the committees set up by the Treaties or by the Council, these committees and working parties are chaired, unless Coreper decides otherwise, by a delegate of the Member State which holds the Presidency (second and third sentences of Article 19(4) of the CRP). When preparing for a meeting of a Council configuration which meets only once during the first half of a six-month period, the meetings of committees and working parties held during the preceding six months may, however, be chaired by a delegate of the Member State which will hold the Presidency during the following six months (last sentence of Article 19(4) of the CRP).

Reports from Council committees and working parties must be available in good time prior to the Coreper meeting at which they are to be examined. It is the responsibility of the Presidency pursuant to Article 21 of the CRP, assisted by the General Secretariat, to organise and plan the meetings of the various working parties. To do so, before the start of its six-month Presidency, it draws up a timetable of the meetings it plans to hold. That timetable must be adjusted in accordance with the progress of proceedings. The second paragraph of Article 21 of the CRP lays down that the Presidency must postpone to a subsequent Coreper meeting any legislative items within the meaning of Article 7 on which the committee or working party has not completed its discussions at least five working days prior to Coreper's meeting, unless considerations of urgency require otherwise.

If a working party reaches agreement on a dossier, the item concerned is included on the agenda of Coreper (Part I) and then in Part 'A' of the Council's agenda. However, the possibility is never ruled out of any of the members of Coreper or the Council, or the Commission, expressing their opinions when those items are being approved and having statements entered in the Council minutes (Article 3(7) of the CRP), or indeed of changing their opinion and requesting a debate or a postponement.

3. The Presidency and the businesslike conduct of discussions (Article 20 of the CRP)

The Presidency is responsible for application of these Rules of Procedure and for ensuring that discussions are conducted properly. It may, unless a decision is

⁽¹⁾ See Annex III to the Presidency handbook, Part I of this *Council Guide*.

taken to the contrary by the configuration or the body it is chairing, take any suitable measure and in particular:

- restrict the numbers per delegation present in the meeting room, and decide whether to authorise the opening of an overflow room;
- set the order in which items are to be taken and determine the duration of discussions on them;
- organise the time allotted for discussion of a particular item.

Article 20(2) of the CRP also lays down that, without prejudice to its powers and its overall political responsibility, the Presidency is assisted by the representative of the Member State next holding the Presidency. At the Presidency's request and acting on its instructions, the latter replaces it as and when required, relieves it, where necessary, of certain administrative tasks and ensures the continuity of the Council's proceedings.

4. The Secretary-General and the Council General Secretariat (Article 23 of the CRP)

At its first meeting in September 1952, the ECSC Council set up a Secretariat under the direction of a Secretary-General. When the two EC and Euratom Treaties entered into force, the General Secretariat extended its activities accordingly. The Secretariat and the Secretary-General were thus mentioned in the successive versions of the Council's Rules of Procedure until the Treaty on European Union established the role of the Secretary-General/High Representative for the CFSP, assisted by a Deputy Secretary-General, and the General Secretariat in Article 207(2) of the TEC ⁽¹⁾.

Article 23(1) and the first subparagraph of Article 23(2) of the CRP replicate the text of Article 207(2) of the TEC. The principle of the single Council therefore also applies to its General Secretariat, which assists the Council and its preparatory bodies in all their activities, including those provided for under Titles V and VI of the TEU (CFSP and JHA).

A. The Secretary-General/High Representative for the CFSP and the Deputy Secretary-General

Since the Treaty of Amsterdam, the Secretary-General has assumed the role of 'High Representative for the Common Foreign and Security Policy' (Article

⁽¹⁾ The wording of Article 30(2) of the ECSC Treaty and Article 121(2) of the Euratom Treaty is the same.

18(3) of the TEU). As head of the General Secretariat, the Secretary-General/High Representative assists the Council and the Presidency as High Representative for the CFSP by helping to formulate, draw up and implement political decisions and, where appropriate, by conducting political dialogue with third parties on behalf of the Council.

In accordance with the TEU, the Secretary-General/High Representative assists the Council and the Presidency in any matter covered by the common foreign and security policy. He coordinates the work of the special representatives of the European Union. If necessary, he may invite the Presidency to convene a committee or a working party, notably in the common foreign and security policy field, or to enter an item on the agenda of a committee or working party.

In practice, the Secretary-General/High Representative is a spokesman and the ‘memory’ of the CFSP. He has the benefit of all the resources of the General Secretariat, including the Policy Planning and Early Warning Unit (PPEWU), of which he is in charge. The creation of the Policy Planning and Early Warning Unit was agreed to by Declaration 6, adopted by the conference that prepared the Treaty of Amsterdam ⁽¹⁾.

The Secretary-General/High Representative and the Deputy Secretary-General are in charge of the General Secretariat and, under the Council’s authority, take any measures needed to ensure its smooth running.

The Secretary-General of the Council and the Deputy Secretary-General are appointed by the Council unanimously (in general for a renewable period of five years). The duties of Secretary-General and Deputy Secretary-General have been carried out since 18 October 1999 by Mr Javier Solana Madariaga and Mr Pierre de Boissieu respectively.

The Secretary-General/High Representative, who was the Secretary-General of the North Atlantic Treaty Organisation (NATO) from December 1995 to October 1999, has also been the Secretary-General of the Western European Union (WEU) since 25 November 1999.

At the time of the appointment of Mr Ersbøll as Secretary-General in 1980, the Council emphasised in the recitals of its decision ⁽²⁾ the great importance of the office of Secretary-General for the proper functioning of the Council, in addition

⁽¹⁾ See OJ C 340, 10.11.1997, p. 132.

⁽²⁾ Decision 80/918/EEC, Euratom, ECSC of 26 September 1980 (OJ L 261, 4.10.1980, p. 16).

to the necessary contribution of the members of the Council and the Presidency. One of those recitals lists the aspects necessary for such proper functioning and hence the role that the Secretary-General is required to play in this context. It mentions:

- continuity in the work of the Council during successive Presidencies;
- coordination of the work of the Council in its various configurations;
- coherence in the work of the subsidiary bodies of the Council;
- efforts to produce more Council decisions by compromise through preparatory contacts with delegations;
- significant alleviation of the Council's workload by way of preliminary agreement being reached in Coreper on a larger number of issues.

In principle, the Deputy Secretary-General attends all Coreper (Part 2) meetings and all Council meetings prepared by Coreper (Part 2). His role is essentially to ensure the continuity and progress of the Council's work and to advise the Council. Under Article 26(1) of the CRP, the Secretary-General/High Representative, acting on instructions from the Presidency, may represent the Council before European Parliament committees.

The CRP mentions the Secretary-General/High Representative and the Deputy Secretary-General several times. They are depositaries of information or documents (names and functions of officials accompanying Council and Commission members (Article 5(3) of the CRP)) or international conventions (Article 25 of the CRP). They officially forward the documents to the Official Journal for publication (Article 17 of the CRP) or notify them to Member States and the Commission (Article 18 of the CRP). They are signatories, along with the President, to the minutes of Council meetings (Article 13(1) of the CRP).

Finally, the Secretary-General/High Representative or the Deputy Secretary-General is responsible for submitting to the Council in good time every year the draft estimates of the Council's expenditure (Article 23(4) of the CRP).

Under Article 23(5) of the CRP, the Secretary-General/High Representative, assisted by the Deputy Secretary-General, has full responsibility for the management of the appropriations entered in Section II — Council — of the budget of the European Union, and takes all measures necessary to ensure its smooth run-

ning. He implements the appropriations in accordance with the provisions of the financial regulation applicable to the general budget of the EC.

In this connection, the Secretary-General has clarified the criteria, restrictions and terms for refunding the expenses of the Member States' delegations ⁽¹⁾.

B. The General Secretariat

It emerges from Article 207(2) of the TEC and Article 23(1) of the CRP that the General Secretariat's main task is to assist the Council and its preparatory bodies in all their activities, including those provided for by Titles V and VI of the TEU (CFSP and JHA) (single General Secretariat). The General Secretariat is at the service of the Council, which decides on its organisation. It is independent and impartial with regard to both the members of the Council and its Presidency.

The General Secretariat is both the Council's 'registrar' (by the drafting of records, material organisation and planning of meetings, production, translation and circulation of documents and their archiving) and its adviser. The Secretariat also assists the Presidency of the Council in its work (first subparagraph of Article 23(3)).

The General Secretariat, which employs approximately 2 600 officials and other staff who are nationals of EU Member States, is divided into nine directorates-general (A to J) in addition to the Secretary-General's and Deputy Secretary-General's private office and the Council Legal Service. The latter has the right and the duty to intervene when it considers it necessary, orally or in writing, both at the level of working parties and committees and at the level of Coreper or the Council. It also represents the Council before the Court of Justice and the Court of First Instance ⁽²⁾.

On 27 July 2000, on the basis of the second subparagraph of Article 23(2) of the CRP, the Secretary-General adopted a decision on measures for the protection of classified information applicable to the General Secretariat of the Council ⁽³⁾. The aim of the decision is to lay down rules governing the arrangements for

⁽¹⁾ Decision concerning the reimbursement of travel expenses of delegates of Council members, Annex IV to the Presidency Handbook, Part I of this *Council Guide*.

⁽²⁾ Council Decision of 12 June 1989 delegating the power to appoint agents to represent the Council before the Court of Justice.

⁽³⁾ OJ C 239, 23.8.2000, p. 1. See Annex II.

classifying information processed or prepared at the General Secretariat, enabling information so classified to be protected, whatever its origin, medium or stage of completion.

The classification levels are: 'Tres Secret/Top Secret', 'Secret', 'Confidentiel' and 'Restreint'. A definition of each level is given in the decision. 'Limite' has become the most common classification.

Chapter V — Other provisions

1. Security (Article 24 of the CRP)

Article 24 of the CRP provides that the rules on security shall be adopted by the Council. On that basis the Council adopted a decision on authorisation for access to classified information ⁽¹⁾.

2. Depository of agreements (Article 25 of the CRP)

As permitted by Articles 77 and 78 of the Vienna Convention on the Law of Treaties, the Secretary-General/High Representative of the Council is sometimes designated as the depository of treaties, conventions or agreements concluded by the Communities: it is, in fact, the Council, not the Commission, which generally concludes international agreements on behalf of the Communities (see Article 300 of the TEC).

The duties of a depository of international agreements are laid down both by general texts (United Nations Charter and subsequent texts and Vienna Convention on the Law of Treaties) and by the texts of specific agreements designating depositaries. The latter are either one of the Member States parties to the agreement concerned or the Secretary-General of an international organisation party to the agreement or under the aegis of which the agreement was signed and concluded.

At present, within the Council General Secretariat, the duties of the depository of agreements are performed mainly by the Agreements Office set up on 15 June 1978, which forms part of the General Coordination Department. Three types of duties are carried out ⁽²⁾:

- that of depository strictly speaking, i.e. mainly involving the production of the texts of acts to be concluded and certified copies and their forwarding to the parties concerned; the centralisation of all information concerning acts which have been signed (ratifications, notifications, acts of accession, etc.)

⁽¹⁾ Council Decision 98/319/EC of 27 April 1998 relating to the procedures whereby officials and employees of the General Secretariat of the Council may be allowed access to classified information held by the Council (OJ L 140, 12.5.1998, p. 12).

⁽²⁾ Some of the depository's duties are performed by other departments of the General Secretariat.

and their forwarding to the parties concerned; and registration of all such information;

- duties connected with protocol (in particular at the time of signature);
- printing of the texts.

3. Representation of the Council before the European Parliament (Article 26 of the CRP)

The first sentence of Article 26(1) of the CRP provides that the Council may be represented by the Presidency before the European Parliament. The principle is therefore that of representation by the Presidency at the level to be defined by it. The CRP also provides that the Council may be represented by ‘any other of its members’.

However, if the Presidency considers it desirable, it may instruct the Secretary-General/High Representative, Deputy Secretary-General or senior officials of the General Secretariat to represent the Council before the European Parliament and its committees. The instructions do not need to be formal; a clear and precise statement of the Presidency’s intention is sufficient.

The Secretary-General/High Representative has issued instructions within the General Secretariat for implementation of that provision. When representing the Council, an official of the General Secretariat must therefore avoid entering into any commitment whatsoever on behalf of the Presidency or the Council unless he/she has clear and explicit instructions to that effect.

In order to comply with the CRP, which restrict the possibility of representation to the Secretary-General/High Representative, Deputy Secretary-General or senior officials, the Council must in principle be represented by the Secretary-General/High Representative, Deputy Secretary-General and/or a director-general (exceptionally a director). The Secretary-General/High Representative himself normally represents the Council. If he is unable to do so, he designates an official for the purpose. If the Presidency requests an official directly, the latter informs the Secretary-General/High Representative as soon as possible through his/her immediate superior in order to obtain the Secretary-General/High Representative’s authorisation.

Directorate-General F — Relations with the European Parliament, the Economic and Social Committee and the Committee of the Regions; Institutional Affairs;

Budget and Staff Regulations; Information Policy, Transparency and Public Relations — is informed beforehand of any appearance before the Parliament in order to ensure the best possible coordination and to enable the appearance to be prepared.

When a temporary Committee of Inquiry is set up by the European Parliament under Article 193 of the TEC ⁽¹⁾, the Council may designate an official to appear before it on its behalf (Article 3(3) of the decision of 6 April 1995). The Council may designate an official of the General Secretariat for that purpose. The latter speaks only as instructed by the Council ⁽²⁾.

4. Correspondence (Article 28 of the CRP)

Article 28 of the CRP provides that correspondence to the Council is to be sent to the President at the address of the Council. Correspondence addressed to the Presidency of the Council must be forwarded to all members of the Council. The above decision of 12 December 1992 ⁽³⁾ provides that the seat of the Council is in Brussels and that Council meetings are held in Luxembourg in April, June and October. The Council's address is:

Council of the European Union
Rue de la Loi/Wetstraat 175
B-1048 Brussels

The Council's Internet address is:

<http://ue.eu.int/>
E-mail: public.info@consilium.eu.int

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⁽¹⁾ The detailed provisions for which were laid down by the decision of the European Parliament, the Council and the Commission of 6 March 1995 (OJ L 78, 6.4.1995, p. 1).

⁽²⁾ See, for example, the designation of an official of the General Secretariat in September 1996 for the temporary Committee of Inquiry into BSE.

⁽³⁾ See OJ C 341, 23.12.1992, p. 1, quoted above.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION
of 5 June 2000
adopting the Council's Rules of Procedure

(2000/396/EC, ECSC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207(3), first subparagraph,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 30(3) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 121(3) thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

The Rules of Procedure of the Council of 31 May 1999 (1999/385/EC, ECSC, Euratom) (1) shall be replaced by the following, which shall enter into force on 6 June 2000.

'RULES OF PROCEDURE OF THE COUNCIL

Article 1

Notice and venue of meetings

1. The Council shall meet when convened by its President on his own initiative or at the request of one of its members or of the Commission (2).
2. Seven months before the beginning of its term of office, the Presidency shall make known the dates which it envisages for meetings that the Council will have to hold in order to complete its legislative work or take operational decisions.

At the latest one week before the beginning of its term of office, the Presidency shall establish a six-month programme in the form of indicative provisional agendas for Council meetings, showing the legislative work and operational decisions envisaged. This programme may, where necessary, provide for extra Council meetings, in addition to those previously planned. If during the Presidency any of the meetings in the six-monthly programme proves to be no longer warranted, the Presidency shall not convene it.

(1) OJ L 147, 12.6.1999, p. 13.

(2) This paragraph reproduces Article 204 of the EC Treaty.

3. The Council shall have its seat in Brussels. During the months of April, June and October the Council shall hold its meetings in Luxembourg ⁽¹⁾.

In exceptional circumstances and for duly substantiated reasons, the Council or the Permanent Representatives Committee (Coreper), acting unanimously, may decide that a Council meeting will be held elsewhere.

Article 2

Configurations of the Council

1. The Council may meet in different configurations according to the subject matter dealt with. The Council, meeting in its General Affairs configuration, shall fix the list of these configurations ⁽²⁾.

No Council configuration not included in the list may be convened unless the Council in its General Affairs configuration so decides.

2. The Council in its General Affairs configuration shall be responsible for the overall coordination of preparatory work for European Council meetings.

Article 3 ⁽³⁾

Agenda

1. The President shall draw up the provisional agenda for each meeting. The agenda shall be sent to the other members of the Council and to the Commission at least 14 days before the beginning of the meeting.

2. The provisional agenda shall contain the items in respect of which a request for inclusion on the agenda, together with any documents relating thereto, has been received by the General Secretariat from a member of the Council or from the Commission at least 16 days before the beginning of that meeting. The provisional agenda shall also indicate the items on which the Presidency, a member of the Council or the Commission may request a vote.

3. Items relating to the adoption of an act or a common position on a legislative proposal or a proposal for a measure to be adopted under Title VI of the Treaty on European Union shall not be placed on the provisional agenda for a decision until the six-week period provided for in point 3 of the Protocol on the role of national parliaments in the European Union has elapsed.

The Council may unanimously derogate from the six-week period where the entry of an item is subject to the exception on grounds of urgency provided for in point 3 of that Protocol.

4. Only items in respect of which the documents have been sent to the members of the Council and to the Commission at the latest by the date on which the provisional agenda is sent may be placed on that agenda.

5. The General Secretariat shall transmit to the members of the Council and to the Commission requests for the inclusion of items in the agenda, documents and indications concerning voting relating thereto in respect of which the time limits specified above were not respected.

⁽¹⁾ This paragraph reproduces paragraph (b) of the sole article of the Protocol on the location of the seats of the institutions and of certain bodies and departments of the European Communities and of Europol annexed to the Treaties.

⁽²⁾ See statement (a) set out below.

(a) Article 2

"The list of configurations is currently set out in OJ C 174, 23 June 2000, p. 1."

⁽³⁾ See statements (b) and (c) set out below:

(b) Article 3(1) and (2)

"The President will endeavour to ensure that, in principle, the provisional agenda for each meeting of the Council dealing with implementation of Title IV of Part Three of the EC Treaty and Title VI of the Treaty on European Union and any documents relating to the items involved reach members of the Council at least 21 days before the beginning of the meeting."

(c) Articles 1 and 3

"Without prejudice to Article 22(2) of the Treaty on European Union, which specifies that an extraordinary Council meeting may be convened at very short notice in cases requiring a rapid decision, the Council is aware of the need for matters relating to the common foreign and security policy to be dealt with swiftly and efficiently. The arrangements in Article 3 shall not prevent this need from being met."

6. The agenda shall be adopted by the Council at the beginning of each meeting. The inclusion in the agenda of an item other than those appearing on the provisional agenda shall require unanimity in the Council. Items entered in this way may be put to the vote.

If, by the end of the week preceding the week prior to a Council meeting, Coreper has not completed its examination of legislative items within the meaning of Article 7, the Presidency shall, unless considerations of urgency require otherwise and without prejudice to paragraph 2, remove them from the provisional agenda.

7. The provisional agenda shall be divided into Part A and Part B. Items for which approval by the Council is possible without discussion shall be included in Part A, but this does not exclude the possibility of any member of the Council or of the Commission expressing an opinion at the time of the approval of these items and having statements included in the minutes.

8. However, an "A" item shall be withdrawn from the agenda, unless the Council decides otherwise, if a position on an "A" item might lead to further discussion thereof or if a member of the Council or the Commission so requests.

9. Any request for the inclusion of an "other business" item shall, in principle, be accompanied by an explanatory document.

Article 4

Representation of a Council member unable to attend

Subject to the provisions of Article 11 on the delegation of voting rights, a member of the Council who is prevented from attending a meeting may arrange to be represented.

Article 5

Meetings

1. Meetings of the Council shall not be public except in the cases referred to in Article 8.

2. The Commission shall be invited to take part in meetings of the Council. The same applies to the European Central Bank in cases where it exercises its right of initiative. The Council may, however, decide to deliberate without the presence of the Commission or of the European Central Bank.

3. The members of the Council and of the Commission may be accompanied by officials who assist them. The number of such officials may be laid down by the Council. Their names and functions shall be notified in advance to the Secretary-General/High Representative for the Common Foreign and Security Policy (hereinafter referred to as "the Secretary-General") or the Deputy Secretary-General.

4. Admission to meetings of the Council shall be subject to the production of a pass.

Article 6

Professional secrecy and production of documents in legal proceedings

1. Without prejudice to Articles 8 and 9 and to other applicable provisions, the deliberations of the Council shall be covered by the obligation of professional secrecy, except in so far as the Council decides otherwise.

2. The Council or Coreper may authorise the production for use in legal proceedings of a copy of or an extract from Council documents which have not already been released to the public pursuant to these Rules or the Council's rules on public access to its documents.

Article 7

Cases where the Council acts in its legislative capacity

The Council acts in its legislative capacity within the meaning of the second subparagraph of Article 207(3) of the EC Treaty when it adopts rules which are legally binding in or for the Member States, by means of regulations, directives, framework decisions or decisions, on the basis of the relevant provisions of the Treaties, with the exception of discussions leading to the adoption of internal measures, administrative or budgetary acts, acts concerning interinstitutional or international relations or non-binding acts (such as conclusions, recommendations or resolutions).

Where legislative proposals or initiatives are submitted to it the Council shall refrain from adopting acts which are not provided for by the Treaties, such as resolutions or declarations other than those referred to in Article 9.

*Article 8***Public debates**

1. The Council in its General Affairs and Economic and Financial Affairs configurations shall hold a public policy debate every six months on the work programme of the current Presidency and, if appropriate, on the Commission's annual work programme.

2. On a decision taken by the Council or by Coreper, acting by a qualified majority, the Council shall hold at least one public debate on important new legislative proposals.

The Council or Coreper may decide by a qualified majority on a case-by-case basis that other public debates are to be held on important issues affecting the interests of the Union.

It shall be for the Presidency, any member of the Council, or the Commission to propose issues or specific subjects for such debates.

3. Public debates shall be the subject of public transmission by audiovisual means.

*Article 9***Making deliberations public**

1. Where the Council acts in its legislative capacity within the meaning of Article 7, the results of votes and explanations of votes by Council members, as well as the statements in the Council minutes and the items in those minutes relating to the adoption of legislative acts, shall be made public.

The results of votes and explanations of votes shall also be made public when the Council adopts a common position pursuant to Article 251 or 252 of the EC Treaty. The same rule shall apply for votes and explanations of votes by members of the Council or their representatives on the Conciliation Committee set up by Article 251 of the EC Treaty.

2. The results of votes and explanations of votes shall also be made public when the Council establishes a convention on the basis of Title VI of the Treaty on European Union. The statements entered in the Council minutes and the items in those minutes relating to adoption of such conventions shall be made public by decision of the Council or Coreper, taken at the request of one of their members.

3. The results of votes shall be made public:

- (a) when the Council acts pursuant to Title V of the Treaty on European Union, by a unanimous Council or Coreper decision taken at the request of one of their members;
- (b) when the Council adopts a common position within the meaning of Title VI of the Treaty on European Union, by a unanimous Council or Coreper decision taken at the request of one of their members;
- (c) in other cases, by Council or Coreper decision taken at the request of one of their members.

When the result of a vote in the Council is made public in accordance with subparagraphs (a), (b) and (c), the explanations of votes made when the vote was taken shall also be made public at the request of the Council members concerned, with due regard for these Rules of Procedure, legal certainty and the interests of the Council.

Statements entered in the Council minutes and items in those minutes relating to the adoption of the acts referred to in subparagraphs (a), (b) and (c) shall be made public by Council or Coreper decision taken at the request of one of their members.

4. Votes shall not be made public in the case of discussions leading to indicative votes or the adoption of preparatory acts.

Article 10

Public access to Council documents

The detailed arrangements for public access to Council documents shall be adopted by the Council ⁽¹⁾.

Article 11

Voting arrangements and quorum

1. The Council shall vote on the initiative of its President.

The President shall, furthermore, be required to open a voting procedure on the initiative of a member of the Council or of the Commission, provided that a majority of the Council's members so decides.

2. The members of the Council shall vote in the order of the Member States laid down in Article 203 of the EC Treaty and in the corresponding Articles of the other two Community Treaties, beginning with the member who, according to that order, follows the member holding the office of President.

3. Where a vote is taken, any member of the Council may also act on behalf of not more than one other member ⁽²⁾.

4. The presence of a majority of the members of the Council who are, under the Treaties, entitled to vote is required to enable the Council to vote. When the vote is taken, the President, assisted by the General Secretariat, shall check that there is a quorum.

Article 12 ⁽¹⁾

Written procedure

1. Acts of the Council on an urgent matter may be adopted by a written vote where the Council or Coreper unanimously decides to use that procedure. In special circumstances, the President may also propose the use of that procedure; in such a case, written votes may be used where all members of the Council agree to that procedure.

2. Agreement by the Commission to the use of the written procedure shall be required where the written vote is on a matter which the Commission has brought before the Council.

3. A summary of acts adopted by the written procedure shall be drawn up every month by the General Secretariat.

⁽¹⁾ See statement (d) set out below:

(d) *Article 10*

"The detailed arrangements for public access to Council documents are currently laid down in Council Decision 93/731/EC of 20 December 1993 on public access to Council documents (OJ L 340, 31.12.1993, p. 43), as amended by Decision 96/705/EC (OJ L 325, 14.12.1996, p. 19) and by Decision 2000/23/EC of 6 December 1999 on the improvement of information on the Council's legislative activities and the public register of Council documents (OJ L 9, 13.1.2000, p. 22)."

⁽²⁾ This paragraph reproduces Article 206 of the EC Treaty.

⁽¹⁾ See statement (e) set out below:

(e) *Article 12*

"The Council agrees to consider the advisability of including in the Rules of Procedure the option of using a simplified written procedure when the Council is acting pursuant to Title VI of the Treaty on European Union."

4. On the initiative of the Presidency, the Council may also act for the purpose of implementing the common foreign and security policy by means of the simplified written procedure (CORFU). In that case the proposal shall be deemed to be adopted at the end of the period laid down by the Presidency depending on the urgency of the matter, except where a member of the Council objects ⁽¹⁾.

5. On the initiative of the Presidency, the Council may also act for the purpose of deciding to consult other institutions or bodies by means of a streamlined written procedure wherever such consultation is required by Community law. In that case the decision to consult shall be deemed to be adopted at the end of the period laid down by the Presidency depending on the urgency of the matter, except where a member of the Council objects ⁽²⁾.

6. The General Secretariat shall establish that the written procedures have been completed.

Article 13

Minutes

1. Minutes of each meeting shall be drawn up and, when approved, shall be signed by the President in Office at the time of such approval and by the Secretary-General or the Deputy Secretary-General.

The minutes shall as a general rule indicate in respect of each item on the agenda:

- the documents submitted to the Council,
- the decisions taken or the conclusions reached by the Council,
- the statements made by the Council and those whose entry has been requested by a member of the Council or the Commission.

2. The draft minutes shall be drawn up by the General Secretariat within 15 days and submitted to the Council or to Coreper for approval.

3. Prior to such approval any member of the Council, or the Commission, may request that more details be inserted in the minutes regarding any item on the agenda. These requests may be made in Coreper.

Article 14

Deliberations and decisions on the basis of documents and drafts drawn up in the languages provided for by the language rules in force

1. Except as otherwise decided unanimously by the Council on grounds of urgency, the Council shall deliberate and take decisions only on the basis of documents and drafts drawn up in the languages specified in the rules in force governing languages.

2. Any member of the Council may oppose discussion if the texts of any proposed amendments are not drawn up in such of the languages referred to in paragraph 1 as he or she may specify.

⁽¹⁾ See statement (f) set out below:

(f) Article 12(4)

"The Council would point out that the COREU network must be used in accordance with the Council conclusions of 12 June 1995 concerning the Council's working methods."

⁽²⁾ See statement (g) set out below:

(g) Article 12(5)

"In accordance with the Council's regular practice, the time limit fixed will normally be one week."

*Article 15***Signing of acts**

The text of the acts adopted by the Council and that of the acts adopted jointly by the European Parliament and the Council shall be signed by the President-in-Office at the time of their adoption and by the Secretary-General or the Deputy Secretary-General. The Secretary-General and the Deputy Secretary-General may delegate their signatures to Directors-General of the General Secretariat.

*Article 16 (1)***Absence of the possibility to participate in the vote**

For the purposes of application of these Rules of Procedure, due account will be taken, in accordance with Annex I, of cases in which, under the Treaties, one or more members of the Council may not participate in the vote.

*Article 17***Publication of acts in the Official Journal**

1. The following shall be published in the Official Journal by the Secretary-General or the Deputy Secretary-General:

- (a) the acts referred to in Article 254(1) and (2) of the EC Treaty;
- (b) the acts referred to in the first paragraph of Article 163 of the Euratom Treaty;
- (c) the common positions adopted by the Council in accordance with the procedures referred to in Articles 251 and 252 of the EC Treaty, and the reasons underlying those common positions;
- (d) the framework decisions and decisions referred to in Article 34(2) of the Treaty on European Union;
- (e) the conventions established by the Council in accordance with Article 34(2) of the Treaty on European Union.

Reference shall be made in the Official Journal to the entry into force of such conventions;

- (f) the conventions signed between Member States on the basis of Article 293 of the EC Treaty.

Reference shall be made in the Official Journal to the entry into force of such conventions;

- (g) international agreements concluded by the Community or in accordance with Article 24 of the Treaty on European Union.

Reference shall be made in the Official Journal to the entry into force of such agreements.

2. Unless the Council or Coreper decides otherwise, the following shall be published in the Official Journal by the Secretary-General or the Deputy Secretary-General:

- (a) initiatives presented to the Council by a Member State pursuant to Article 67(1) of the EC Treaty;
- (b) initiatives presented to the Council by a Member State pursuant to Article 34(2) of the Treaty on European Union;
- (c) the common positions referred to in Article 34(2) of the Treaty on European Union;
- (d) directives other than those referred to in Article 254(1) and (2) of the EC Treaty, decisions other than those referred to in Article 254(1) of the EC Treaty, recommendations and opinions.

(1) See statement (h) set out below:

(h) *Article 16 and Annex I*

"The Council agrees that the provisions of Article 16 and Annex I apply to acts for the adoption of which some members of the Council are, under the Treaties, not entitled to vote. However, application of Article 7 of the Treaty on European Union is not covered by those provisions.

In the first application of Articles 43 and 44 of the Treaty on European Union, the Council will, in the light of experience acquired in other fields, consider any adaptations necessary to Article 16 of and Annex I to these Rules of Procedure."

3. The Council or Coreper shall decide unanimously, on a case-by-case basis, whether there should be publication in the Official Journal by the Secretary-General or the Deputy Secretary-General of the common strategies, the joint actions and the common positions referred to in Article 12 of the Treaty on European Union.

4. The Council or Coreper shall decide, on a case-by-case basis and taking account of possible publication of the basic act, whether the following should be published in the Official Journal by the Secretary-General or the Deputy Secretary-General:

- (a) the measures implementing the joint actions referred to in Article 12 of the Treaty on European Union;
- (b) the joint actions, the common positions or any other decision adopted on the basis of a common strategy, as provided for in the first indent of Article 23(2) of the Treaty on European Union;
- (c) any measures implementing the decisions referred to in Article 34(2) of the Treaty on European Union and any measures implementing conventions drawn up by the Council in accordance with Article 34(2) of the Treaty on European Union.

5. Where an agreement concluded between the Communities and one or more States or international organisations sets up a body vested with powers of decision, the Council shall decide, when such an agreement is concluded, whether decisions to be taken by that body should be published in the Official Journal.

Article 18

Notification of acts

1. Directives other than those referred to in Article 254(1) and (2) of the EC Treaty and decisions other than those referred to in Article 254(1) of the EC Treaty shall be notified to their addressees by the Secretary-General, the Deputy Secretary-General or a director-general acting on their behalf.

2. When they are not published in the Official Journal, the following acts shall be notified to their addressees by the Secretary-General, the Deputy Secretary-General or a director-general acting on their behalf

- (a) recommendations;
- (b) the common strategies, joint actions and common positions referred to in Article 12 of the Treaty on European Union;
- (c) the common positions referred to in Article 34(2) of the Treaty on European Union;
- (d) measures implementing the acts adopted on the basis of Articles 12 and 34 of the Treaty on European Union;

3. The Secretary-General, the Deputy Secretary-General or a director-general acting on their behalf shall send to the Governments of the Member States and to the Commission authentic copies of Council directives other than those referred to in Article 254(1) and (2) of the EC Treaty and Council decisions and recommendations.

Article 19⁽¹⁾

Coreper, committees and working parties

1. Coreper shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council. It shall in any case⁽²⁾ ensure consistency of the Union's policies and actions and see to it that the following principles and rules are observed:

⁽¹⁾ These provisions are without prejudice to the role of the Economic and Financial Committee as laid down in Article 114 of the EC Treaty and to existing Council Decisions thereon (OJ L 358, 31.12.1998, p. 109 and OJ L 5, 1.1.1999, p. 71).

⁽²⁾ See statement (f) set out below:

(i) Article 19(1)

"Coreper will ensure consistency and observance of the principles set out in paragraph 1, in particular for matters where substantive preparation is undertaken in other forums."

- (a) the principles of legality, subsidiarity, proportionality and providing reasons for acts;
- (b) rules establishing the powers of Union institutions and bodies;
- (c) budgetary provisions;
- (d) rules on procedure, transparency and the quality of drafting.

2. All items on the agenda for a Council meeting shall be examined in advance by Coreper unless the Council decides otherwise. Coreper shall endeavour to reach agreement at its level to be submitted to the Council for adoption. It shall ensure adequate presentation of the dossiers to the Council and, where appropriate, shall present guidelines, options or suggested solutions. In the event of an emergency, the Council, acting unanimously, may decide to settle the matter without prior examination.

3. Committees or working parties may be set up by, or with the approval of, Coreper with a view to carrying out certain preparatory work or studies defined in advance.

The General Secretariat shall update and publish the list of preparatory bodies. Only the committees and working parties on this list may meet as Council preparatory bodies.

4. Coreper shall be chaired, depending on the items on the agenda, by the Permanent Representative or the Deputy Permanent Representative of the Member State which holds the Presidency of the Council. Unless the Council decides otherwise, the various committees provided for in the Treaties shall also be chaired by a delegate of that Member State. The same shall apply to the committees and working parties referred to in paragraph 2, unless Coreper decides otherwise. For the preparation of meetings of Council configurations meeting once every six months, where held during the first half of this period, the meetings of committees other than Coreper and those of working parties held during the preceding six months may be chaired by a delegate of the Member State whose turn it is to chair the said Council meetings.

5. Coreper may adopt the following procedural decisions, provided that the items relating thereto have been included on its provisional agenda at least three working days before the meeting. Unanimity on the part of Coreper shall be required for any derogation from that period ⁽¹⁾:

- (a) decision to hold a Council meeting in a place other than Brussels or Luxembourg (Article 1(3));
- (b) authorisation to produce a copy of or an extract from a Council document for use in legal proceedings (Article 6(2));
- (c) decision to hold a public debate in the Council (Article 8(2));
- (d) decision to make the results of votes public in the cases laid down in Article 9(2) and (3);
- (e) decision to use the written procedure (Article 12(1));
- (f) approval or amendment of Council minutes (Article 13(2) and (3));
- (g) decision to publish a text or an act in the Official Journal (Article 17(2), (3) and (4));
- (h) decision to consult an institution or body;
- (i) decision setting or extending a time limit for consultation of an institution or body;
- (j) decision to extend the periods laid down in Article 251(7) of the EC Treaty;
- (k) approval of the wording of a letter to be sent to an institution or body.

⁽¹⁾ See statement (j) set out below:

(j) Article 19(5)

"If a member of the Council considers that a draft procedural decision submitted to Coreper for adoption in accordance with Article 19(5) raises a question of substance, the draft decision will be submitted to the Council."

Article 20

The Presidency and the businesslike conduct of discussions

1. The Presidency shall be responsible for the application of these Rules of Procedure and for ensuring that discussions are conducted in a businesslike manner. It may, unless a decision is taken to the contrary, take any appropriate measure and in particular:
 - (a) restrict the numbers per delegation present in the meeting room for discussion of a particular item, and decide whether to authorise the opening of an overflow room;
 - (b) set the order in which items are to be taken and determine the duration of discussions on them;
 - (c) organise the time allotted for discussion of a particular item.
2. Without prejudice to its powers and its overall political responsibility, the Presidency shall be assisted by the representative of the Member State next holding the Presidency. At the Presidency's request and acting on its instructions, the latter shall replace it as and when required, shall relieve it, where necessary, of certain administrative tasks and shall ensure the continuity of the Council's proceedings.

Article 21 ⁽¹⁾ ⁽²⁾**Reports from committees and working parties**

Notwithstanding the other provisions of these Rules of Procedure, the Presidency shall organise the meetings of the various committees and working parties so that their reports are available before the Coreper meetings at which they are to be examined.

Unless considerations of urgency require otherwise, the Presidency shall postpone to a subsequent Coreper meeting any legislative items within the meaning of Article 7 on which the committee or working party has not completed its discussions at least five working days prior to Coreper's meeting.

Article 22

Quality of drafting ⁽¹⁾

1. In order to assist the Council in its task of ensuring the drafting quality of the legislative acts which it adopts, the Legal Service shall be responsible for checking the drafting quality of proposals and draft acts at the appropriate stage, as well as for bringing drafting suggestions to the attention of the Council and its bodies, pursuant to the Interinstitutional Agreement of 22 December 1998.

Throughout the legislative process, those who submit texts in connection with the Council's proceedings shall pay special attention to the quality of the drafting.

⁽¹⁾ These provisions are without prejudice to the role of the Economic and Financial Committee as laid down in Article 114 of the EC Treaty and to existing Council Decisions thereon (OJ L 358, 31.12.1998, p. 109 and OJ L 5, 1.1.1999, p. 71).

⁽²⁾ See statement (k) set out below:

(k) Article 21

"Reports from working parties and any other documents used as a basis for Coreper's discussions should be sent to delegations in time to allow for their examination."

⁽¹⁾ See statement (l) set out below:

(l) Article 22

"The Council Legal Service has also been instructed to provide assistance to a Member State responsible for an initiative within the meaning of Article 67(1) of the EC Treaty or Article 34(2) of the Treaty on European Union for the purpose, *inter alia*, of checking the quality of drafting of such initiatives if that assistance is requested by the Member State concerned."

See statement (m) set out below:

(m) Article 22

"Members of the Council will comment on proposals for official codification of legislative texts within 30 days of the circulation of such proposals by the General Secretariat.

Members of the Council will ensure that those provisions of a proposal for the recasting of legislative texts which have been taken from the preceding act without substantive amendment are examined in accordance with the principles established for examination of codification proposals."

*Article 23***The Secretary-General and the General Secretariat**

1. The Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General, who shall be assisted by a Deputy Secretary-General responsible for the running of the General Secretariat. The Secretary-General and the Deputy Secretary-General shall be appointed by the Council acting unanimously.

2. The Council shall decide on the organisation of the General Secretariat⁽¹⁾.

Under its authority the Secretary-General and the Deputy Secretary-General shall take all the measures necessary to ensure the smooth running of the General Secretariat.

3. The General Secretariat shall be closely and continually involved in organising, coordinating and ensuring the coherence of the Council's work. Under the responsibility and guidance of the Presidency, it shall assist the latter in seeking solutions.

In accordance with the provisions of the Treaty on European Union, the Secretary-General shall assist the Council and the Presidency in matters concerning the common foreign and security policy, including coordination of the work of the Special Representatives.

If appropriate, the Secretary-General may ask the Presidency to convene a committee or working party, in particular in relation to matters concerning the common foreign and security policy, or to place an item on the agenda for a committee or working party.

4. The Secretary-General or the Deputy Secretary-General shall submit to the Council the draft estimate of the expenditure of the Council in sufficient time to ensure that the time limits laid down by the financial provisions are met.

5. The Secretary-General, assisted by the Deputy Secretary-General, shall have full responsibility for administering the appropriations entered in Section II — Council of the budget and shall take all measures necessary to ensure that they are properly managed. He shall implement the appropriations in question in accordance with the provisions of the Financial Regulation applicable to the general budget of the European Communities.

*Article 24***Security**

The rules on security shall be adopted by the Council.

*Article 25***Duties as depositary of agreements and conventions**

In the event of the Secretary-General of the Council being designated as depositary of an agreement concluded in accordance with Article 24 of the Treaty on European Union or concluded by the Community and one or more States or international organisations, of a convention concluded between Member States or of a convention established pursuant to Article 34 of the Treaty on European Union, the acts of ratification, acceptance or approval of those agreements or conventions shall be deposited at the address of the Council.

In such instances the Secretary-General shall perform the duties of a depositary and shall also ensure that the dates of entry into force of such agreements or conventions are published in the Official Journal.

*Article 26***Representation before the European Parliament**

Subject to special procedures, the Council may be represented by the Presidency or by any other of its members before the European Parliament or its committees. The Council may also be represented before those committees by its Secretary-General, its Deputy Secretary-General or senior officials of the General Secretariat, acting on instructions from the Presidency.

The Council may also present its views to the European Parliament by means of a written statement.

⁽¹⁾ Paragraphs 1 and 2 reproduce Article 207(2) of the EC Treaty.

*Article 27***Provisions concerning the form of acts**

The provisions concerning the form of acts are set out in Annex II.

*Article 28***Correspondence addressed to the Council**

Correspondence to the Council shall be sent to the President at the following address of the Council:

Council of the European Union
Rue de la Loi/Wetstraat 175
B-1048 Brussels

ANNEX I

1. In application of the following provisions of these Rules of Procedure and for decisions in respect of which, under the Treaties, members of the Council or of Coreper may not participate in the vote, account is not to be taken of votes by such members:
 - (a) Article 1(3), second subparagraph (holding of a meeting in a place other than Brussels or Luxembourg);
 - (b) Article 3(6) (inclusion on the agenda of an item other than those appearing on the provisional agenda);
 - (c) Article 3(8) (maintaining as a "B" item on the agenda an "A" item which would otherwise have had to be withdrawn from the agenda);
 - (d) Article 5(2), as regards the presence of the European Central Bank only (deliberation without the presence of the European Central Bank);
 - (e) Article 9(2) and (3), first subparagraph, points (b) and (c), second and third subparagraphs (making public the statements in the Council minutes and items in those minutes relating to the adoption of conventions established on the basis of Title VI of the Treaty on European Union; making public the results of votes, explanations of votes, statements in the Council minutes and items in those minutes relating to the adoption of a common position under Title VI of the Treaty on European Union; making public the results of votes, explanations of votes, statements in the Council minutes and items in those minutes relating to cases other than those referred to in paragraph 3);
 - (f) Article 11(1), second subparagraph (opening of a voting procedure);
 - (g) Article 12(1) (use of the written procedure);
 - (h) Article 14(1) (decision to deliberate and take decisions exceptionally on the basis of documents and drafts not drawn up in all the languages) ⁽¹⁾;
 - (i) Article 17(2)(a) and (b) (non-publication in the Official Journal of an initiative presented by a Member State pursuant to Article 67(1) of the EC Treaty or Article 34(2) of the Treaty on European Union);
 - (j) Article 17(2)(c) and (d) (non-publication in the Official Journal of a common position adopted on the basis of Article 34 of the Treaty on European Union or certain directives, decisions, recommendations and opinions);
 - (k) Article 17(4)(c) (publication in the Official Journal of any measures implementing decisions or conventions referred to in Article 34(2) of the Treaty on European Union);
 - (l) Article 17(5) (whether to publish in the Official Journal decisions taken by a body set up under an international agreement).
2. A member of the Council or of Coreper may not make use of the following provisions of these Rules of Procedure in connection with decisions on which, under the Treaties, that member may not participate in the vote:
 - (a) Article 3(8) (possibility of a member of the Council requesting withdrawal of an "A" item from the agenda);
 - (b) Article 11(1), second subparagraph (possibility of a member of the Council requesting the opening of a voting procedure);
 - (c) Article 11(3) (possibility of a member of the Council acting on behalf of another in a vote);
 - (d) Article 14(2) (possibility for any member of the Council to oppose discussion if the texts of any proposed amendments are not drawn up in the language he or she has specified).

⁽¹⁾ See statement (n) set out below:

(n) Article 14 in Annex I

"The Council confirms that present practice whereby the texts serving as a basis for its deliberations are drawn up in all the languages will continue to apply."

ANNEX II

PROVISIONS CONCERNING THE FORM OF ACTS

A. Form of regulations

1. Regulations adopted jointly by the European Parliament and the Council, and Council regulations shall include:
 - (a) in their title the word "Regulation", followed by a serial number, the date of their adoption and an indication of their subject matter;
 - (b) the words "The European Parliament and the Council of the European Union" or "The Council of the European Union", as appropriate;
 - (c) a reference to the provisions under which the regulation is adopted, preceded by the words "Having regard to";
 - (d) a citation containing a reference to proposals submitted and to opinions obtained and consultations held;
 - (e) a statement of the reasons on which the regulation is based, preceded by the word "Whereas:", the recitals being numbered;
 - (f) the words "have adopted this Regulation" or "has adopted this Regulation", as appropriate, followed by the enacting terms of the regulation.
2. Regulations shall be divided into Articles, if appropriate, grouped into chapters and sections.
3. The final article of a regulation shall fix the date of entry into force, where that date is before or after the 20th day following publication.
4. The final article of a regulation shall be followed by:
 - (a) (i) the words "This Regulation shall be binding in its entirety and directly applicable in all Member States." or
 - (ii) the words "This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community", in any cases in which an act is not applicable to, and in, all Member States⁽¹⁾,
 - (b) the words "Done at," followed by the date on which the regulation was adopted, and
 - (c) in the case of
 - (i) a regulation adopted jointly by the European Parliament and the Council, the formula:

"For the European Parliament
The President

For the Council
The President"

followed by the name of the President of the European Parliament and of the President-in-Office of the Council at the time when the Regulation is adopted;

- (ii) a Council regulation, the formula:

"For the Council
The President"

followed by the name of the President-in-Office of the Council at the time when the regulation is adopted.

⁽¹⁾ See statement (o) set out below:

(o) *Annex II A*

"The Council would point out that, in the cases provided for in the Treaties where an act is not applicable to or in all Member States, it is necessary to make clear its territorial application in the reasons given for and content of the act concerned."

B. Form of directives, decisions, recommendations and opinions (EC Treaty)

1. Directives and decisions adopted jointly by the European Parliament and the Council, and directives and decisions of the Council, shall include in their titles the word "Directive" or "Decision".
2. Recommendations and opinions issued by the Council shall include in their titles the word "Recommendation" or "Opinion".
3. The provisions relating to regulations set out in A above shall apply mutatis mutandis, subject to the relevant provisions of the EC Treaty, to directives and decisions.

C. Form of common strategies of the European Council, joint actions and common positions referred to in Article 12 of the Treaty on European Union

Common strategies, joint actions and common positions within the meaning of Article 12 of the Treaty on European Union shall bear one of the following headings, as appropriate:

- (a) "European Council Common Strategy", a serial number (year/number/CFSP), the date of adoption and the subject matter;
- (b) "Council Joint Action", a serial number (year/number/CFSP), the date of adoption and the subject matter;
- (c) "Council Common Position", a serial number (year/number/CFSP), the date of adoption and the subject matter.

D. Form of common positions, framework decisions, decisions and conventions referred to in Article 34(2) of the Treaty on European Union

Common positions, framework decisions, decisions and conventions within the meaning of Article 34(2) of the Treaty on European Union shall bear one of the following headings, as appropriate

- (a) "Council Common Position", a serial number (year/number/JHA), the date of adoption and the subject matter;
- (b) "Council framework Decision", a serial number (year/number/JHA), the date of adoption and the subject matter;
- (c) "Council Decision", a serial number (year/number/JHA), the date of adoption and the subject matter;
- (d) "Convention established by the Council in accordance with Article 34 of the Treaty on European Union" and the subject matter.

Done at Luxembourg, 5 June 2000.

For the Council

The President

J. PINA MOURA

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION
of 14 August 2000**amending Decision 93/731/EC on public access to Council documents and Council Decision 2000/23/EC on the improvement of information on the Council's legislative activities and the public register of Council documents**

(2000/527/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Union, and in particular Article 207 thereof,

Having regard to its Rules of Procedure, and in particular Article 10 thereof,

Whereas:

- (1) The European Council, meeting in Helsinki in December 1999, provided political impetus for the development of the European Union's means for military and non-military crisis management within the framework of a strengthened European security and defence policy.
- (2) In this context, the Council must introduce rules guaranteeing effective protection of documents concerning these matters disclosure of which could harm the essential interests of the Union or of one or more of its Member States. For this reason, under the Decision of the Secretary-General of the Council/High Representative for Common Foreign and Security Policy of 27 July 2000 on measures for the protection of classified information applicable to the General Secretariat of the Council ⁽¹⁾, such documents must be classified as TRÈS SECRET/TOP SECRET or SECRET or CONFIDENTIEL.
- (3) The seriousness of the consequences of disclosure of such documents, in particular with regard to the prospective development of the new strengthened European security and defence policy, and the necessary confidence which those involved must be able to have at a crucial moment in the development of this policy, justify the exclusion of such documents from the scope

of the rules on public access to Council documents until such time as they are declassified, or declassified in accordance with the rules referred to in recital 2 concerning classification of documents.

- (4) The exchange of information in the particularly sensitive areas referred to in recital 1, which is one of the features of the development of this new policy, will work only if the originator of such information can be confident that no information put out by him will be disclosed against his will. It is therefore necessary to provide that a Council document from which conclusions may be drawn regarding the content of classified information put out by a natural or legal person, a Member State, another Community institution or body or any other national or international body may be made available to the public only with the prior written consent of the author of the information in question.
- (5) With the same objective of reinforcing protection of the confidentiality of information when scrutinising documents to which access has been requested, it should be provided that measures are taken to ensure compliance with the principle that access to classified documents must be reserved for those persons who are authorised to take cognisance thereof.
- (6) Since the security and defence of the Union or of one or more of its Member States or military and non-military crisis management represent public interests which Decision 93/731/EC ⁽²⁾ is intended to protect, this should be specifically mentioned among the reasons justifying refusal of access to a document,

⁽¹⁾ OJ C 239, 23.8.2000, p. 1.⁽²⁾ OJ L 340, 31.12.1993, p. 43. Decision amended by Decision 96/705/Euratom, ECSC, EC (OJ L 325, 14.12.1996, p. 19).

HAS DECIDED AS FOLLOWS:

Article 1

The provisions of Decision 93/731/EC is hereby amended as follows:

1. Article 1(1) shall be replaced by the following:

'1. The public shall have access to Council documents, except for documents classified as TRÈS SECRET/TOP SECRET, SECRET or CONFIDENTIEL within the meaning of the Decision of the Secretary-General of the Council/High Representative for Common Foreign and Security Policy of 27 July 2000 on measures for the protection of classified information applicable to the General Secretariat of the Council, on matters concerning the security and defence of the Union or of one or more of its Member States or on military or non-military crisis management, under the conditions laid down in this Decision.

Where a request for access refers to a classified document within the meaning of the first subparagraph, the applicant shall be informed that the document does not fall within the scope of this Decision.'

2. The following paragraph shall be added to Article 2:

'3. Without prejudice to Article 1(1), no Council document on matters concerning the security and defence of the Union or of one or more of its Member States or on military or non-military crisis management which enables conclusions to be drawn regarding the content of classified information from one of the sources referred to in paragraph 2 may be made available to the public except with the prior written consent of the author of the information in question.

Where access to a document is refused pursuant to this paragraph, the applicant shall be informed thereof.'

3. Article 3(1) shall be replaced by the following:

'1. The applicant shall have access to a Council document either by consulting it on the spot or by having a copy sent at his own expense. The fee shall be set by the Secretary-General/High Representative for Common Foreign and Security Policy (hereinafter referred to as the "Secretary-General").'

4. The first indent of Article 4(1) shall be replaced by the following:

'— the protection of the public interest (public security, the security and defence of the Union or of one or more of its Member States, military or non-military crisis management, international relations, monetary stability, court proceedings, inspections and investigations).'

5. The following sentence shall be added at the end of Article 5:

'The Permanent Representatives Committee shall see to it that the necessary measures are taken to ensure that the preparation of such decisions is entrusted to persons authorised to take cognisance of the documents concerned.'

6. In Article 7(3), the references to Articles 138e and 173 of the Treaty establishing the European Community shall be replaced by references to Articles 195 and 230 of the Treaty establishing the European Community.

7. The following sentence shall be added at the end of Article 7(5):

'The extension may be for two months where it is necessary to consult a source other than the Council, as provided in Article 2(3).'

Article 2

Decision 2000/23/EC ⁽¹⁾ is hereby amended as follows:

1. The following shall be added as the second subparagraph of Article 2:

'The public register of Council documents contains no reference to documents classified TRÈS SECRET/TOP SECRET or SECRET or CONFIDENTIEL within the meaning of the Decision of the Secretary-General of the Council/High Representative for Common Foreign and Security Policy of 27 July 2000 on measures for the protection of classified information applicable to the General Secretariat of the Council, on matters concerning the security and defence of the Union or of one or more of its Member States or on military or non-military crisis management.'

2. The first indent of Article 2 shall be replaced by the following:

'— the protection of the public interest (public security, the security and defence of the Union or one of its Member States, military or non-military crisis management, international relations, monetary stability, court proceedings, inspections and investigations).'

Article 3

The Secretary-General of the Council shall take necessary measures to ensure the implementation of this Decision.

Article 4

This Decision shall take effect as from the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 14 August 2000.

For the Council
The President
H. VÉDRINE

(1) OJ L 9, 13.1.2000, p. 22.

II

(Acts whose publication is not obligatory)

COUNCIL

**COUNCIL DECISION
of 19 March 2001
amending the Council Rules of Procedure**

(2001/216/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 207(3) thereof,
Whereas it is appropriate to amend Article 24 of the Council Rules of Procedure⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Sole Article

As from 13 March 2001, Article 24 of the Council Rules of Procedure shall be replaced by the following:

'Article 24

Security

The rules on security shall be adopted by the Council acting by a qualified majority.'

Done at Brussels, 19 March 2001.

For the Council
The President
A. LINDH

⁽¹⁾ OJ L 149, 23.6.2000, p. 21.

European Union – Council

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**COUNCIL OF
THE EUROPEAN UNION**

GENERAL SECRETARIAT

Council Guide

I – The Presidency Handbook

*II – Comments on
the Council's Rules
of Procedure*

III – Delegates' Handbook

IV – Co-decision Guide



COUNCIL GUIDE

Internal document

III. Delegates' Handbook

— September 2000 —

General Secretariat

DG F — Information policy — Transparency — Public relations

Notice

This booklet, which has been prepared by the General Secretariat of the Council, does not commit either the Community institutions or the governments of the Member States.

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FOREWORD

The complexity of the tasks facing the Council means that Council working methods need to be redefined regularly. In order to facilitate the work of the Presidency and of the delegations, the Council introduced systematic planning of meetings from the end of 1988 and initiated publication by the General Secretariat of a *Presidency Vade-mecum*. The entry into force of the Treaty on European Union made the organisation of proceedings even more complex: consequently, the Council instructed the Secretary-General to draw up a genuine handbook covering all Council activities, the *Council Guide*.



This second edition of the new *Council Guide* presented by the General Secretariat was compiled under its sole responsibility; it has no legal force and is an internal document intended solely as an aid for the Presidency and Member State delegations.

The Guide covers the whole range of Council activities. It consists of four sections, each published separately. The first section — **the Presidency Handbook** — continues the operation begun with *the Presidency Vade-mecum* and sets out in a practical context the arrangements concerning the preparation and running of a Presidency. The second section consists of **Comments on the Council's Rules of Procedure**, reflecting the current interpretation of that text in practice. The third section — **the Delegates' Handbook** — contains practical information on the planning and running of meetings, the internal organisation of the General Secretariat and the services provided for delegates. The fourth section — the **Co-decision Guide** — explains the new co-decision procedure resulting from the changes brought about by the Treaty of Amsterdam.

My wish, in making this version of the *Council Guide* available to those involved in the work of our institution, has been to satisfy the request voiced by the Council and to contribute towards efforts to ensure information and transparency. Any suggestions concerning the content of this Guide will be welcome.

The Deputy Secretary-General

A handwritten signature in black ink, appearing to read 'P. de Boissieu'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Pierre de BOISSIEU

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Part II. Comments on the Council's Rules of Procedure

Part III. Delegates' Handbook

Part IV. Co-decision Guide

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Part III

Delegates' Handbook

Chapter I — How meetings are organised

1. Timetable ⁽¹⁾

The dates of Council meetings determine the timetable of proceedings preceding and preparing them. The Presidency, in close consultation with the Council General Secretariat, decides on the full schedule of meetings. The Chairman of each Working Party, in conjunction with the contact official in the General Secretariat, works out the timetable for the Working Party's meetings in the light of the deadlines to be met, i.e. the likely dates on which the items dealt with in the Working Party will move on to the next stages in Coreper and then in the Council. On the basis of each Working Party's wishes, a general schedule is established and adjusted week by week as and when meetings are decided on and confirmed, taking into account the number of teams of interpreters and meeting rooms available. A table for the coming week is circulated every Friday to the Permanent Representations and the Commission ⁽²⁾.

2. Times of meetings

Working Party meetings normally begin at 9.30. They should break for an hour and a half for lunch and resume until approximately 17.00 and should not, unless an exception is made, go on beyond 18.00/18.30 ⁽³⁾. Current arrangements in the Joint Interpreting and Conference Service (JICS) are such that exceptional working hours (additional 3½ hours per half day) are compensated for by leave, which results in a shortage of interpreters. This being the case, it is essential that Working Party Chairmen comply with the meeting times stated. The main points of the protocol on interpreters' working conditions appear in **Annex II**.

Where meetings go on longer than planned (whether in the Council, Coreper or a Working Party), it can happen that one or more teams of interpreters will not be available the following day. In such cases it is a matter for the Presidency to decide which Working Parties have priority and which Working Party or Working Parties could meet without interpreting or should be cancelled; in extreme cases, the Working Parties concerned may not be informed until the actual day of the meeting.

⁽¹⁾ See also Part I, Chapter II.

⁽²⁾ See example in **Annex I**.

⁽³⁾ If the Programming Department is not informed in advance that a meeting will continue into the evening, it cannot guarantee that interpreters will be available after 18.30/19.00.

3. Interpreting teams and language coverage

In 1981 the Council and the Commission set up a Joint Service which, although coming administratively under the Commission, deploys interpreters for both the Commission and the Council and for the Economic and Social Committee, the Committee of the Regions and the European Investment Bank in Brussels.

The Joint Interpreting and Conference Service (JICS) deploys almost 1 000 interpreters a day, 350 of whom are Commission officials.

(a) Team composition

The JICS makes a maximum of 13 teams of interpreters available to the Council each day and two thirds of those teams can provide interpreting into more than six languages. Despite the efforts being made to recruit extra staff, there will continue to be a shortage in those languages for which professional interpreters are still relatively rare. The Permanent Representations of the countries concerned are responsible for letting the JICS know which meetings should have priority for interpreting into their languages.

(b) Number of teams

Of the 13 teams assigned to the Council not all are always available, either because they are on mission or have time off to recover from a late meeting the previous day. A night meeting of the Council or a Working Party, for instance, will mean that one team of interpreters has the day off to rest before the night session and the following day off to recover from it.

The 13 teams cover all Council activities, including meetings held outside Brussels or Luxembourg. They are also used for informal meetings organised by the country holding the Presidency.

There are also two teams permanently available *in Geneva* (coordination meetings between Member States).

4. Production of texts

Each Council meeting is the culmination of a series of earlier meetings in Working Parties and in Coreper. Each meeting is based on **documents** and produces further documents of its own ⁽¹⁾. As a general rule, all these documents need to be drafted and then translated into 11 languages, typed, reproduced and circulated ⁽²⁾. A minimum of two weeks is required to make a document of about 10 pages available to delegations in Coreper. That amount of time may not reflect the urgency of the matter and can, if necessary, be shortened provided that the time allowed remains compatible with proper preparation of the dossiers and with the General Secretariat's logistical capacity, given the constantly rising number of documents for translation. It is customary to send out notice of meetings and documents simultaneously (eight days in advance) ⁽³⁾.

To allow all the parties concerned to fulfil their role at the appropriate time, meetings of bodies dealing with the same subject need to be scheduled at suitable intervals.

In view of the time required for translation, **the interval between two meetings on the same subject should be around three weeks**. The interval may be reduced if the document is shorter or if a Council decision is so urgent that the document absolutely must be produced. The General Secretariat has to work simultaneously on preparing for several Councils from week to week and constantly has to handle a flow of documents whose priorities increase as the deadlines approach. If the normal time is not allowed it may prove impossible to meet all requests.

⁽¹⁾ See measures to protect classified information in **Annex III**.

⁽²⁾ For the time required to circulate documents in the decision-making process, see Part I, Chapters III and V. In addition to the documents it drafts itself, the General Secretariat also circulates documents from the Commission, particularly the formal proposals. However, it is for the Commission — not the General Secretariat — to supply those documents in all the languages.

⁽³⁾ The Presidency may, if necessary, convene a Working Party within a shorter period, mainly to pass on practical information regarding further proceedings.

5. Relations with the press

International press and broadcasting correspondents cover Council meetings regularly. Premises are at their disposal on the ground floor of the Justus Lipsius building, which also has a press conference room.

Each Member State has a briefing room to allow the head of delegation and the spokesman to meet the country's journalists.

Press photographers and cameramen can film dignitaries as they arrive and are also allowed a few minutes in the Council chamber at the very beginning of the Council meeting.

The President of the Council, accompanied by the Commissioner concerned, holds a press conference at the end of each Council meeting.

Chapter II — The General Secretariat of the Council ⁽¹⁾

1. Officials

As of 16 May 2000, the General Secretariat had 2 465 officials from the 15 Member States; the breakdown is as follows:

- A: 316
- LA: 560
- B: 199
- C: 1 258
- D: 132

and is the result of the General Secretariat's specific role. A relatively small number of A officials — the people who attend and follow meetings — are responsible for preparing reports discussed at meetings, summary notes and summary records. They prepare the agendas together with the Presidency and are at the disposal of both the Presidency and the Member States' delegations throughout the procedure, from the initial discussion in a Working Party to the adoption of a decision by the Council.

Each Presidency has its own approach to dealing with the dossiers under consideration but nevertheless operates with clear continuity as it takes over from the preceding Presidency and hands on to the next one. In addition, all delegations have to cope with unforeseen events.

Because of its permanent nature and its familiarity with all the matters in hand, the General Secretariat is a full-time assistant for all the delegations and particularly the Presidency, acting as its memory, so to speak. As 'drafters' or 'meeting secretaries', A officials are able to help find solutions and prepare compromises, which are the Council's stock in trade.

⁽¹⁾ The General Secretariat's role in the decision-making process is described in Part I, Chapter I.

The A officials — who represent about 13 % of all staff — are backed up by the secretariats of the Directorates-General (\pm 250 staff) and by the translation services, the typing pool, the printing and circulation departments, the technicians and floor messengers, the administrative services and the new technology departments which, between them, account for approximately 1 800 staff.

2. Structure

The first table below shows how areas of responsibility are divided between the Private Offices of the Secretary-General and the Deputy Secretary-General, the Legal Service and the nine Directorates-General, and the second table lists the Directors-General and Directors. For a more detailed description see the Interinstitutional Directory, which is issued by the Publications Office and circulated to each Permanent Representation.

Secretary-General/High Representative
Deputy Secretary-General

PRIVATE OFFICE

PPEWU — Policy planning and early warning unit
Coordination unit for special representatives
General political questions
European Council
Press office
Security — Financial control — Data protection

LEGAL SERVICE

DIRECTORATE-GENERAL A

Personnel and administration
Protocol, organisation, infrastructures, information technology
Translation and document production
Finances of the Secretariat

DIRECTORATE-GENERAL B

Agriculture — Fisheries

DIRECTORATE-GENERAL C

Internal market — Customs Union — Industrial policy
Telecommunications
Information society
Research — Energy — Transport

DIRECTORATE-GENERAL E

External relations

DIRECTORATE-GENERAL F

Relations with the European Parliament — Interinstitutional affairs
Budget and Staff Regulations
Co-decision legislative procedures — Information policy — Transparency — Public relations

DIRECTORATE-GENERAL G

Economic and financial affairs
Economic and monetary union

DIRECTORATE-GENERAL H

Justice and home affairs (JHA)

DIRECTORATE-GENERAL I

Protection of the environment — Consumer protection
Civil protection — Health — Food legislation

DIRECTORATE-GENERAL J

Employment and social policy
Regional policy and economic and social cohesion
Education and youth — Culture — Audiovisual matters

**List of Directors-General and Directors for each DG/Service,
with office addresses and telephone numbers**

| NAME | FUNCTION | ADDRESS | TEL. |
|--|---|-------------|------|
| PRIVATE OFFICE | | | |
| PPEWU — Policy planning and early warning unit Coordination unit for special representatives General political questions European Council Press office Security — Financial control — Data protection | | | |
| Mr NAVARRO GONZÁLEZ | Director — Head of the Secretary-General/High Representative's Private Office | 50.50 DH 25 | 5572 |
| Ms Elda STIFANI | Director — Head of the Deputy Secretary-General's Private Office | 50.50 DH 10 | 6451 |
| Mr Christoph HEUSGEN | Director | 30.40 CG 24 | 5430 |
| Mr Leonidas EVANGELIDIS | Director-General | 30.50 GH 40 | 8030 |
| Mr Max J. KELLER-NOELLET | Director | 50.50 GH 30 | 7417 |
| LEGAL SERVICE | | | |
| Mr Jean-Claude PIRIS | Director-General | 20.40 FG 52 | 6227 |
| Mr Jean-Paul JACQUÉ | Director | 20.40 CG 33 | 6226 |
| Mr Ricardo GOSALBO BONO | Director | 20.40 CG 30 | 6259 |
| Mr Giorgio MAGANZA | Director | 20.40 GM 27 | 7950 |
| Mr Rüdiger BANDILLA | Director | 20.40 GM 14 | 6745 |
| Ms Jill AUSSANT | Director | 20.40 CG 16 | 7919 |
| Mr Julian SCHUTTE | Director | 20.40 GM 45 | 6229 |
| DIRECTORATE-GENERAL A | | | |
| Personnel and administration Protocol, organisation, infrastructures, information technology Translation and document production Finances of the Secretariat | | | |
| Mr Vittorio GRIFFO | Director-General | 50.40 GH 43 | 6540 |
| Mr Anastassios VIKAS | Deputy Director-General | 50.40 AC 74 | 6285 |
| Mr Percival E. TARLING | Director | 50.40 GH 21 | 7575 |
| Mr Kaj FISCHER HOLM | Director | 10.50 DH 08 | 6729 |
| Mr Merrick BRYAN-KINNS | Director | 04.70 FK 33 | 6583 |
| DIRECTORATE-GENERAL B | | | |
| Agriculture — Fisheries | | | |
| Mr Niels Henrik SLIBEN | Director-General | 40.50 HN 13 | 6246 |
| Mr Luigi MAZZASCHI | Director | 40.50 DH 24 | 7571 |

| | | | |
|--|-------------------------|-------------|------|
| Mr Francisco Javier MATUT ARCHANCO | Director | 40.40 GM 33 | 6626 |
| Mr Trevor HEATON | Director | 40.40 GH 33 | 6486 |
| DIRECTORATE-GENERAL C Internal market — Customs Union — Industrial policy Telecommunications Information society Research — Energy — Transport | | | |
| ... | Director-General | ... | ... |
| Mr Rudolf OLDEMAN | Director | 40.50 HN 31 | 7119 |
| Mr Anders OLANDER | Director | 40.50 HN 73 | 6392 |
| Ms Barbara HUMPHREYS ZWART | Director | 00.40 FG 61 | 7215 |
| Mr Gaetano TESTA | Director | 00.40 FG 25 | 6533 |
| DIRECTORATE-GENERAL E External relations | | | |
| Mr Brian L. CROWE | Director-General | 30.50 HN 21 | 8552 |
| Mr Cornelis STEKELenburg | Director-General | 30.50 HN 63 | 6272 |
| Mr Leonidas EVANGELIDIS | Director-General | 30.50 GH 40 | 8030 |
| Mr Antti KUOSMANEN | Director | 30.50 HN 77 | 6947 |
| Mr Jacques BEL | Director | 30.40 MN 21 | 6661 |
| Ms Sabine EHMKE GENDRON | Director | 30.40 GM 31 | 8569 |
| Mr Franz EICHINGER | Director | 30.40 MN 08 | 5522 |
| Mr Pedro Nuno BARTOLO | Director | 30.50 HN 39 | 8556 |
| Mr Leopold RADAUER | Director | 30.50 HN 47 | 8915 |
| Ms Annalisa GIANNELLA | Director | 30.50 GH 30 | 8044 |
| Mr Emilio GONZALEZ SANCHEZ | Director | 30.50 DH 09 | 6546 |
| Mr Jacques BRODIN | Director | Geneva | |
| Mr Frederick MOYS | Director | New York | |
| DIRECTORATE-GENERAL F Relations with the European Parliament — Interinstitutional affairs Budget and Staff Regulations Co-decision legislative procedures — Information policy — Transparency — Public relations | | | |
| Mr Angel BOIXAREU CARRERA | Director-General | 20.50 DH 21 | 6234 |
| Mr Hans BRUNMAYR | Deputy Director-General | 20.50 HN 15 | 9197 |
| Mr Frank WALL | Director | 20.50 GH 34 | 8055 |
| Mr Otto HARNIER | Director | 20.50 DH 37 | 6437 |

| | | | |
|---|-------------------------|-------------|------|
| DIRECTORATE-GENERAL G Economic and financial affairs Economic and monetary union | | | |
| Mr Sixten KORKMAN | Director-General | 40.40 CG 15 | 6213 |
| Mr Amilcar THEIAS | Deputy Director-General | 40.40 CG 35 | 6235 |
| DIRECTORATE-GENERAL H Justice and home affairs (JHA) | | | |
| Mr Charles ELSÉN | Director-General | 20.50 HN 39 | 8505 |
| Mr Gilles de KERCHOVE d'OUSSELGHEM | Director | 20.50 HN 47 | 7933 |
| DIRECTORATE-GENERAL I Protection of the environment — Consumer protection Civil protection — Health — Food legislation | | | |
| Ms Kerstin NIBLAEUS | Director-General | 10.40 CG 33 | 7421 |
| Mr Uwe HESSE | Director | 10.40 CG 14 | 6750 |
| DIRECTORATE-GENERAL J Employment and social policy Regional policy and economic and social cohesion Education and youth — Culture — Audiovisual matters | | | |
| Mr Marc LEPOIVRE | Director-General | 00.50 DH 28 | 8267 |

3. Various services

(a) *Accreditation*

Accreditation takes place in the main entrance lobby on **level 00** — Tel. 7850. The arrangements for access to the building are described in **Annex IV**.

(b) *Reimbursement of delegates' travel expenses*

The office responsible is at **20 AC 08** — Tel. 7430. Officials come round during meetings to distribute and collect the necessary forms.

(c) *Mission travel office*

Office 35 AC 66 — Tel. 6951 / 6971 / 8246

This office provides services both for delegates and for General Secretariat officials. It is not a travel agency. It can book tickets and make hotel reservations for all official travel. It cannot, however, take care of private travel.

(d) *Restaurants*

There are three self-service restaurants, two cafeterias and two bars in the Justus Lipsius building. The restaurants are on the ground floor of the Conference Centre.

Opening hours are as follows: *Restaurants:* 12.15 to 14.15

Cafeterias: 8.30 to 10.30

12.15 to 14.15

15.30 to 16.15

When Council meetings at Justus Lipsius continue beyond 17.00, the catering service will provide a hot meal from 19.00 to 21.00 in the restaurant at CO-OO, while the press bar and delegates' bar remain open in accordance with the schedule of meetings.

When ministerial meetings are in progress, the cafeteria in wing AC is open from 19.00 to 21.00.

The restaurants and cafeterias may be used by officials and other staff, their spouses and children (when accompanied by their parents) and, subject to occasional restrictions, by staff of the national permanent representations and other European institutions.

Until 13.30 the restaurants are open only to General Secretariat staff and delegations.

People who do not have a service card from a European institution or a permanent representation or do not have the proper authorisation pay a visitor's supplement; this does not apply to members of officials' families, who pay the normal rate.

The bar located at CO 50, known as the delegates' bar, is primarily for the use of members of delegations and officials attending meetings (Council, SCA, Coreper, etc.). It remains open throughout Council meetings, which sometimes continue until late into the night, and closes half an hour after the end of the meeting. Likewise, on Council days the press bar at CO 00 opens half an hour before the start of Council meetings and closes half an hour after the end of the press conference.

(e) *Libraries*

The Council has a central library, open by appointment to outside visitors. It is situated on the second floor of the Frère Orban building (10, square Frère Orban — Tel. (32-2) 285 65 75, (32-2) 285 65 41).

Opening hours are from 9.00 to 17.00, Monday to Friday.

The library contains monographs, reference books, official journals of each Member State of the European Union, the *Official Journal of the European Communities* (on paper, microfiche, CR-ROM and online) and Community publications.

While it has a stock similar to that of the other libraries in the European institutions, the Council library has its own characteristics, as it includes everything relating to the Council and its activities (publications, press releases, works, articles from periodicals and the daily press).

The library also contains the following publications.

- The *Bibliography on the Council*, which is updated annually (available on request);
- Daily press review. Some 50 daily newspapers published in the Member States are examined, chiefly on the basis of Community policies. The articles selected are archived.
- Periodicals. The library subscribes to some 600 general or specialist periodicals which can be consulted *in situ*. The articles selected are catalogued then preserved (on paper, microfiche and CD-ROM), thus forming a database which currently contains 17 000 titles.

In the reading room computers are available to the public to access the library catalogue (Minidoc), the Community databases (CELEX, ECLAS, SCAD, RAPID, etc.) and also the Internet.

The Council Legal Service also has a special law library, situated in the Justus Lipsius building (office 20.40 FG 41 — Tel. (32-2) 285 74 54). Opening hours: 9.00 to 13.00 and 14.00 to 17.30.

(f) Medical Service

Office 00 GM 04 — Tel. 6900

The Medical Service is open continuously from 9.00 to 17.00. During Council meetings there is a standby service until half an hour after the end of the meeting.

Chapter III — The headquarters of the Council of the European Union: Justus Lipsius building

1. Justus Lipsius

The complex occupied by the Council and the General Secretariat is built on the site formerly crossed by rue Juste Lipse, named after a Brabant humanist who in his time was as famous as Erasmus. Like his counterparts with their encyclopaedic knowledge and lively minds, he had contacts with every cultural nucleus in Europe and he travelled all over the continent. He was particularly well known for his writings on tolerance.

The building's foundation stone was laid by the Spanish Minister for Foreign Affairs, Francisco Fernandez Ordoñez, on 12 June 1989. The opening ceremony on 29 May 1995 was presided over by the French Minister for Foreign Affairs, Hervé de Charette.

The building is in two separate but inter-related sections:

- the **Conference Centre**, in which the Council, the Permanent Representatives Committee and all the other committees and working parties hold their meetings, and
- **the General Secretariat of the Council**, which occupies a large administrative building. For the first time the Council now has its own building designed for its specific activities. It previously occupied standard administrative buildings and had to accommodate itself to their existing layout.

2. Conference Centre

Meeting rooms are situated on a given 'level' rather than a floor (see **Annex V**).

Example: You are on your way to a meeting of the Working Party on Commodities. Once you have come through the revolving door which separates the public area from the inside of the building, you look up at a large illuminated panel showing the number of the room you are to meet in: room 35.3. You then take the lift in wing D and get out at level 35. As you leave the lift, you will see the title of your meeting on a second illuminated panel which also indicates the direction you should take. If you are still not quite sure, a receptionist will be at hand to advise you.

The Conference Centre comprises **16 meeting rooms** on levels 20, 35 and 50. Twelve of them have a capacity of 100 and are equipped for interpreting into 10 or 11 languages. The three chambers on level 50 can seat 150 to 200 people (70 at the central table) and are equipped for interpreting into 11 languages. Two of those chambers can be combined to seat up to 350 in all, with 100 at the central table. The dimensions were calculated to accommodate ACP–EC Council meetings, which are currently attended by 90 delegations.

Level 70 is occupied entirely by the **offices of the Member States and the Commission** (see **Annex VI**) and a few offices for delegations from third countries invited to meetings.

The Conference Centre also includes the **lounges on level 80** which can accommodate 400 people and the two dining rooms for Ministers' working lunches or dinners. Each dining room can seat 30 people and one has six and the other four interpreters' booths. Lunch very often provides an opportunity to tackle delicate issues in a more restricted group than in the meeting rooms.

The Press Centre occupies one wing at levels **00, 01, 02 and 10**. In addition to work space, a telecommunications centre and a bar for journalists, it includes a press conference room seating 350 and provides one briefing room for each Member State.

One wing at level 00 is occupied by **the restaurants**, which at the moment serve 1 200 meals a day.

The complex also has large **car parks** in the basement.

It is estimated that between 1 200 and 2 500 people use the Centre each day.

Example of a weekly table of meetings

Imprimé le: 08 Octobre 1999 10:49

| | Lundi 11 octobre 1999 | Mardi 12 octobre 1999 | Mercredi 13 octobre 1999 | Jeudi 14 octobre 1999 | Vendredi 15 octobre 1999 |
|------|--|--|---|--|--|
| 50.1 | | | Coopération judiciaire en matière pénale: 10 heures | Comité mixte Norvège/Islande Coopération judiciaire en matière pénale: 9 h 30 | «Asile» (Eurodac): 10 heures |
| 50.2 | | | OSCE: 10 heures OSCE: charte sécurité européenne: 15 heures | Réservée chefs administratifs (triple enregistrement): 9 heures | |
| 50.4 | | Réservée: 9 heures Conseillers PESC: 10 heures | Réservée signature Pakistan | Réservée Euromed | Conseillers PESC: 10 heures |
| 50.6 | | | 1848° Coreper II: 10 heures | Blanchiment de capitaux: 10 heures | 133 suppléants |
| 50.7 | | | 1848° Coreper I: 10 h 15 | Groupe «Statut»: 10 heures | 1848° Coreper I: 10 h 15 |
| 35.1 | | Conseillers financiers: 9 h 30 Mashrak/Maghreb: 15 heures | Post Lomé: 10 heures ACP: 15 heures | Produits de base: 9 h 30 | Élargissement |
| 35.2 | Questions économiques concurrence/ construction navale: 11 heures Coopération au développement: 14 h 30 | Groupe «Énergie»: 10 heures | Agrovétérinaires: 10 heures | Véhicules à moteur: 10 heures | Véhicules à moteur (suite) |
| 35.3 | | Agrosemences: 10 heures | Agrosemences (suite) | Questions économiques — Service société de l'information | Questions économiques — Service société de l'information (suite) |
| 35.6 | | 133 reconnaissance mutuelle: 10 heures | 133 services: 11 heures | Groupe «Industrie»: 10 heures | Groupe «Immeuble» |
| 35.7 | Questions sociales : 10 heures | RELEX: 10 heures Élargissement 15 heures | Coopération policière: 10 heures | Coopération policière (suite) | |
| 35.8 | Groupe «Audiovisuel»: 10 heures | Groupe «Transports terrestres»: 10 heures | Transports maritimes: 10 heures Groupe «Transports»: 14 h 30 | Groupe «Aviation»: 10 heures | Mashrak/Maghreb: 10 heures Construction navale: 14 h 30 |
| 20.1 | Denrées alimentaires: 10 heures | Comité droit civil (Rome II): 10 heures | Comité droit civil (suite) | Terrorisme: 10 heures conj. terrorisme/COTER: 15 heures | Coopération douanière: 10 heures |

| | | | | | |
|-------------|---|--|---|--|--|
| 20.2 | Ressources propres : 10 heures | Consommateurs: 10 heures | Consommateurs (suite):9 h 30 | PESC — terrorisme (COTER): 15 heures | PESC — troïka terrorisme + Russie: 10 heures PESC — troïka terrorisme + pays associés : 15 heures |
| 20.3 | | Comité budgétaire: 10 heures | Coordination FAO: 10 heures | Relations transatlan- tiques: 10 heures Comité budgétaire: 15 heures | Questions écono- miques «Assurances»: 10 heures |
| 20.6 | Questions écono- miques — Essais cli- niques: 10 heures | Exposé d'informa- tion: 9 h 30 Exposé d'informa- tion: 14 h 30 | Europe sud-est (COSEE): 10 h 30 | Exposé d'informa- tion: 10 heures Exposé d'informa- tion: 14 h 30 | PESC – drogues (CODRO) + Russie: 10 heures |
| 20.7 | Propriété intellectuelle dessins et modèles: 10 heures | Propriété intellectuelle dessins (suite) | Haut niveau environnement/ développement: 10 heures | Europe centrale: 10 heures Europe orientale et Asie centrale: 15 heures | Environnement: 10 heures |
| 20.8 | Exposé d'information: 9 h 30 | Région des Balkans occidentaux (COWEB) | Exposé d'informa- tion: 9 h 30 Exposé d'informa- tion: 14 h 30 | Questions écono- miques TDC | Exposé d'informa- tion: 10 h 15 Exposé d'informa- tion: 14 h 45 |
| BXL | | Exposé d'information: 15 heures | | Salle de la présidence haut niveau environnement/ développement: 10 heures Salle de la présidence AFPE: 14 h 30 | |
| BXL | Salle 20 MN 47 juristes/linguistes: 10 heures | | | Exposé d'information: 10 h 30 | |
| hors BXL | Luxembourg: 2206° Conseil «Affaires générales» + min commerce: 9 h 30 | Conseil coopération UE-Arménie: 9 h 30 Luxembourg: 2206° Conseil «Affaires générales» | Paris, OCDE: coordi- nation agriculture/ environnement; 8 h 30 | Départ mission Tampere: 15 heures Départ Tampere Conférence de presse: 15 heures | Tampere: Conseil européen, Session spéciale Tampere: conférence de presse |
| hors BXL | Conseil «Affaires générales» déjeuner des ministres des affaires générales | Conseil coopération UE-Azerbaïdjan: 10 h 30 Conseil coopération UE-Géorgie: 12 heures | | | |
| hors BXL | Luxembourg : 404° comité politique: 9 heures | Luxembourg: 2207° Conseil envi- ronnement: 10 heures | | | |
| hors BXL | | Paris: coordination AEN: 9 h 15 | | | |

Main points of the protocol on interpreters' working conditions

1. The morning interpretation period may not exceed four hours.
2. This period must be followed by a lunch break of at least an hour and a half.
3. The maximum working day is 10 hours.
4. If meetings continue after 21.00, a new team must be provided (to take over at 19.00).
5. Interpreters may not be required to work in the evening (after 18.30) more than once a week.
6. Interpreters who work during the night have the following day off to recuperate.
7. When a night session is planned in advance, the interpretation team has the previous day and the following day off to rest.

| | |
|--|---|
| <p>SECRETARÍA GENERAL DEL CONSEJO GENERALSEKRETARIATET FOR RÅDET GENERALSEKRETARIAT DES RATES ΤΕΝΙΚΗ ΓΡΑΜΜΑΤΕΙΑ ΤΟΥ ΣΥΜΒΟΥΛΙΟΥ GENERAL SECRETARIAT OF THE COUNCIL SECRETARIAT GENERAL DU CONSEIL SEGRETARIATO GENERALE DEL CONSIGLIO SECRETARIAAT-GENERAAL VAN DE RAAD SECRETARIADO-GERAL DO CONSELHO NEUVOSTON PÄÄSIHTEERISTÖ RÅDETS GENERALSEKRETARIAT</p> | <p>COMUNICACIÓN AL PERSONAL MEDDELELSE TIL PERSONALET MITTEILUNG FÜR DAS PERSONAL ΑΝΑΚΟΙΝΩΣΗ ΠΡΟΣ ΤΟ ΠΡΟΣΩΠΙΚΟ STAFF NOTE COMMUNICATION AU PERSONNEL COMUNICAZIONE AL PERSONALE MEDEDELING VOOR HET PERSONEEL COMUNICAÇÃO AO PESSOAL HENKILÖSTÖTIEDOTE MEDDELANDE TILL PERSONALEN</p> |
| 25/08/2000 | No 107/00 |

Subject: Decision on measures for the protection of classified information

Officials and employees of the General Secretariat will find annexed the decision, which I took on 27 July 2000, on measures for the protection of classified information applicable to the General Secretariat of the Council. Since reference is made to it in Decision 93/731/EC on public access to Council documents and Decision 2000/23/EC on the improvement of information on the Council's legislative activities and the public register of Council documents, both amended by Council Decision 2000/527/EC of 14 August 2000 ⁽¹⁾, it has been published in Official Journal C 239, 23.8.2000, p. 1.

This Decision forms part of the measures required following the European Council, meeting in Helsinki in December 1999, which provided political impetus to developing the European Union's means for military and non-military crisis management in the framework of a European security and defence policy. In this context, pending the adoption of more comprehensive measures in the near future, it is necessary to amend the rules governing measures for the protection of classified information applicable to the General Secretariat of the Council, as set out in Decision No 24/95 of the Secretary-General of 30 January 1995 (Staff Note No 6/95).

In substance, the amendments to these rules are limited to the addition of the classification category TRES SECRET/TOP SECRET (see Article 2(2)(a) of the Decision), which will be reserved for information the unauthorised disclosure of which could cause extremely serious prejudice to the essential interests of the European

⁽¹⁾ OJ L 212, 23.8.2000, p. 9.

Union, and to the insertion of new rules for the declassification and downgrading of documents (new Article 4). In Articles 6, 7, 9, 10, 11, 12, 13, 14 and 15 of the Decision, which are identical in substance to the corresponding Articles of Decision No 24/95, account is taken of this new category of document.

In order to make the text more legible, these amendments have been incorporated into the annexed consolidated version which replaces, with effect from the date of its publication in the Official Journal, Decision No 24/95.

Javier SOLANA
Secretary-General

**Decision of the Secretary-General of the Council/
High Representative for Common Foreign and Security Policy of 27 July 2000
on measures for the protection of classified information
applicable to the General Secretariat of the Council**

**THE SECRETARY-GENERAL OF THE COUNCIL/HIGH REPRESENTATIVE
FOR COMMON FOREIGN AND SECURITY POLICY,**

Having regard to the second subparagraph of Article 23(2) of the Council's Rules of Procedure of 5 June 2000, whereby the Secretary-General shall take all the measures necessary to ensure the smooth running of the General Secretariat,

Whereas:

- (1) The European Council, meeting in Helsinki in December 1999, provided political impetus to developing the European Union's means for military and non-military crisis management in the framework of reinforced European security and defence policy.
- (2) It is therefore necessary to amend Decision No 24/95 of the Secretary-General on measures for the protection of classified information applicable to the General Secretariat of the Council with regard to the grades of classification by adding the grade 'TRES SECRET/TOP SECRET' and by reinforcing internal arrangements, it being understood that this amendment is provisional pending the adoption of more complete measures in the near future.
- (3) With a view to publication in the Official Journal, it is necessary to incorporate those amendments into a consolidated version replacing the aforementioned Decision No 24/95,

HAS ADOPTED THIS DECISION:

Article 1

This Decision lays down rules governing the arrangements for classifying information processed or prepared at the General Secretariat of the Council, enabling information so classified to be protected, whatever its origin, medium or stage of completion.

Article 2

1. Only the following information shall be graded as classified, in one of the following categories:
 - (a) TRES SECRET/TOP SECRET: information the unauthorised disclosure of which could cause extremely serious prejudice to the essential interests of the Union or to one or more of its Member States;
 - (b) SECRET: information the unauthorised disclosure of which could seriously harm the essential interests of the Union or of one or more of its Member States;
 - (c) CONFIDENTIEL: information the unauthorised disclosure of which could harm the essential interests of the European Union or of one or more of its Member States;
 - (d) RESTREINT: information the unauthorised disclosure of which would be inappropriate or premature.
2. LIMITE and SN documents shall not be classified information within the meaning of this Decision. The references LIMITE and SN shall apply to documents internal to the institution which are not intended for disclosure to the public.

The same shall apply to other information, for example General Secretariat in-house notes, documents or correspondence, subject, where appropriate, to special treatment where protection is warranted, in particular pursuant to Article 3(3).

Disclosure of such documents and information shall require the authorisation of the Director-General responsible.

3. Information shall be classified only insofar and for as long as necessary. Where the period of classification of information has not been laid down, a decision on its maintenance or declassification shall be taken after no more than five years.

4. Officials or other servants of the General Secretariat of the Council shall classify information on instruction from, or with the agreement of, their Directors-General.

Article 3

1. Where a number of items of information constitute a whole, that whole shall be classified at least as highly as its most highly classified constituent item.
2. The category in which information is classified when transmitted to the General Secretariat by a national or international authority or body may not be altered except by that authority or body. Where such information is particularly sensitive, it shall be given special treatment by decision of the Secretary-General.
3. Information containing classified information shall be classified in the same category.

Article 4

1. A classified document may have its classification downgraded or be declassified ⁽¹⁾ only with the written authorisation of the authority from which the document originated and, if necessary, after consultation with the other interested parties. In urgent cases, authorisation may be given orally. It shall then be confirmed immediately in writing. It shall be for the authority from which the document originated to inform the addressees of the change in classification and they shall in turn be responsible for passing on this information to any further addressees to whom they have forwarded the original or a copy of the document.
2. Where possible, the authority from which the document originated shall indicate on the classified document the date or lapse of time after which the information contained therein may have its classification downgraded or be declassified. Otherwise, the authority shall ensure that the situation is monitored permanently to check that the original classification is still applicable.

Article 5

1. Directors-General shall take all appropriate steps to protect classified information, ensuring that it circulates and is distributed only as far as is strictly necessary for the requirements of the service.

⁽¹⁾ The term 'downgraded' refers to a reduction in the category in which information is classified. The term 'declassified' refers to the removal of any classification.

Article 6

1. The category in which information has been classified shall be indicated by marking with a conspicuous stamp: for documents, at the top and bottom of each page; for other media, by means of a corresponding reference.

Information classified as TRES SECRET/TOP SECRET or SECRET shall, in addition and using the same method, bear a serial number so that its recipient may be identified.

2. In the event of temporary classification, information shall also bear an indication of the date beyond which it may be regarded as declassified.
3. Where the classification of information is changed, it shall be stamped with its new category.

Article 7

1. The number of copies of an item of classified information shall be limited to that strictly necessary for the requirements of the service.
2. The reproduction of all or part of an item of information classified as TRES SECRET/TOP SECRET, SECRET or CONFIDENTIEL shall not be permitted except with the agreement of the Director-General responsible.

If classified information is reproduced, it shall be reproduced under conditions which ensure its protection.

3. Recipients of classified information shall receive no more than one copy each.
4. Without prejudice to Article 14(1) of the Council's Rules of Procedure, documents classified as TRES SECRET/TOP SECRET or SECRET shall not be translated unless the Secretary-General or the Director-General responsible, acting on the Secretary-General's authority, decides otherwise.
5. Translations of classified information shall be protected under the same conditions as originals.

Article 8

Under the authority of the Director-General for Personnel and Administration, the Security Department shall be responsible for:

- instructing staff on their duties with regard to the protection of classified information;
- applying physical protection measures;
- ensuring compliance with this Decision;
- reporting to the Secretary-General any problem or difficulty encountered in applying this Decision.

Article 9

1. The Classified Information Office shall monitor information classified as TRES SECRET/TOP SECRET, SECRET or CONFIDENTIEL contained in Council documents.

Under the authority of the Director-General for Personnel and Administration it shall:

- manage operations relating to the registration, reproduction, translation, transmission, dispatch and destruction of such information;
 - update the list of particulars on classified information;
 - periodically question issuers on the need to maintain the classification of such information;
 - lay down, in collaboration with the Security Department, the practical arrangements for classifying and declassifying information.
2. The Classified Information Office shall keep a register of the following particulars:
 - the date of preparation of the classified information;
 - the category of classification;
 - the expiry date of the classification;
 - the name and department of the issuer;
 - the recipient or recipients, with serial number;

- the subject;
- the number;
- the number of copies circulated.

Article 10

1. In each department the Director-General shall appoint a correspondent responsible for security (hereinafter referred to as the 'security correspondent'), who shall take the measures required for the protection of information classified as TRES SECRET/TOP SECRET, SECRET and CONFIDENTIEL.
2. Each security correspondent shall, in agreement with the Security Department and the Classified Information Office, lay down measures for the protection of Council documents to be applied in his department. To that end, the security correspondent shall:
 - communicate to the Classified Information Office the particulars listed in Article 9(2);
 - advise the Security Department of the holding of meetings at which such information is to be discussed;
 - examine whether it is necessary to maintain classification once a period of five years has passed since the information was prepared;
 - ensure that classified information is stored and forward it to central archives once it has been declassified.

Article 11

1. Any item of information which is to be classified as TRES SECRET/TOP SECRET or SECRET shall be prepared in a room providing adequate protection.
2. Information classified as TRES SECRET/TOP SECRET, SECRET or CONFIDENTIEL prepared by word processor shall be prepared on individual machines not connected to the normal computer network. Such information may in no case be stored in the memory of the machine.
3. Diskettes containing classified information shall be protected under the same conditions as documents having the same classification category.

Article 12

1. When classified information is to circulate within a building or between buildings, precautions shall be taken for its protection.
2. When information classified as TRES SECRET/TOP SECRET or SECRET is dispatched, the following procedures shall apply:
 - by authorised messenger with acknowledgement of receipt; the information shall be enclosed in a double envelope, the outer envelope without any distinctive sign, the inner envelope sealed and marked TRES SECRET/TOP SECRET or SECRET;
 - in encrypted form, according to a system approved by the Security Department and, if necessary, after verification by telephone;
 - in each of the above cases the recipient shall be indicated by name.
3. When information classified as CONFIDENTIEL is dispatched, the following procedures shall apply:
 - by internal mail enclosed in a double envelope, the outer envelope without any external distinctive sign, the inner envelope marked CONFIDENTIEL;
 - by registered post with acknowledgement of receipt or by private courier service; in this case, the information shall be enclosed in a double envelope and CONFIDENTIEL marked on the inner envelope only;
 - in encrypted form;
 - in each of the above cases the recipient shall be indicated by name.
4. When information classified as RESTREINT is dispatched, the following procedures shall apply:
 - by internal mail: in a plain envelope without any external distinctive sign;
 - by post: in an envelope without any external distinctive sign;
 - by electronic means, provided that the addressee receives the information personally;
 - in each of the above cases the recipient shall be indicated by name.

5. The transmission of information classified as CONFIDENTIEL and RESTREINT to interpreters shall be the responsibility of the Conference Service, subject to the following conditions:
 - each booth shall receive one copy of each document;
 - documents shall be distributed just before the subject in question is discussed in the meeting room;
 - all documents shall be recovered at the end of the meeting.
6. Information classified as TRES SECRET/TOP SECRET or SECRET shall be communicated to interpreters and recovered from them by the security correspondent.

Article 13

1. The transportation of classified information on missions or for meetings taking place outside the buildings in which the information is held shall be limited to what is strictly necessary for the requirements of the service.
2. No information classified as TRES SECRET/TOP SECRET or SECRET may be circulated outside the territories of the Member States except by diplomatic bag. Such information may exceptionally be transported by an official or other servant of the General Secretariat on instruction from, or with the agreement of, his Director-General.
3. Classified information transported outside Council buildings shall be permanently kept in conditions affording every guarantee of security.

Article 14

1. No classified information shall be left uncovered at any place of work. At no time shall such information be left unsupervised, even for a short time.
2. Information classified as TRES SECRET/TOP SECRET, SECRET or CONFIDENTIEL shall be stored in furniture the strength and locks of which have been recognised as reliable by the Security Department.

Information classified as RESTREINT shall be kept in furniture that may be locked.

Article 15

1. Time-expired or surplus copies of classified information shall be destroyed.
2. The destruction of classified information shall be carried out by means of shredding machines or any other process approved by the Security Department.

Classified information may be passed to the Security Department for destruction.

3. For information classified as TRES SECRET/TOP SECRET or SECRET, a document shall be drawn up jointly by the Security Department and the security correspondent, confirming that it has been destroyed; the security correspondent shall send the document to the Classified Information Office.

Article 16

Any suspected, reported or established infringement of this Decision shall be investigated by the Security Department at the request of the Director-General concerned or of the Director-General for Personnel and Administration. The Secretary-General shall be informed of the outcome of such investigation.

Article 17

This Decision shall be published in the *Official Journal of the European Communities*. It shall enter into force on the day of its publication. It shall apply only to information and documents processed and prepared at the General Secretariat from that date.

Article 18

Decision No 24/95 of the Secretary-General of the Council of 30 January 1995 on measures for the protection of classified information applicable to the General Secretariat of the Council is hereby repealed.

Done at Brussels, 27 July 2000

For Javier SOLANA
Secretary-General/High Representative

Pierre de BOISSIEU

Access to the Justus Lipsius building

1. General points

The Justus Lipsius building consists of three separate areas:

- the semi-public areas: the entrance hall, the restaurants, the Press Centre, the documentation and information areas;
- the private areas: the Conference Centre and the General Secretariat;
- the car parks (general car park, VIP car park, visitors' car park).

Access to the building is subject to showing an access card which must be worn visibly throughout the time the delegate is on Council premises.

2. Access cards

(a) Delegates

Delegates from the Member States and the Commission who frequently attend meetings in the Council receive a badge with a photograph which allows them access to the private area. This applies particularly to members of the Permanent Representations. The badge is valid for two years.

Delegates who attend meetings occasionally receive a temporary badge on presentation of the notice of the meeting and an identity document.

(b) Members of the press

Members of the press have access to the 'semi-public' areas on presentation of the accreditation card common to the European institutions; failing this, they may obtain a temporary badge, on presentation of their national press card. Journalists do not have access to the private area ⁽¹⁾.

⁽¹⁾ Except for the traditional 'tour de table' of TV crews and photographers a few minutes before the beginning of Council meetings. They may also go to the offices of a delegation, but only if they are properly invited and accompanied.

This means that contacts between the press and Ministers, representatives of delegations and the General Secretariat must take place in the Press Centre; for press conferences, briefings and interviews, Ministers and spokesmen come to the Press Centre rather than journalists going to meet them.

(c) Visitors

A member of a Permanent Representation may receive visitors in the Council building. For visitors to have access to the private area, the person who invites them is required to notify the accreditation service, which will issue the appropriate badges. He or she must also meet them when they arrive and accompany them when they leave.

3. Procedure

Certain entrances to the building, which have an electronic control system, are accessible only with a badge with a photograph.

This also applies to the garage entrances with electronic badge readers.

The various entrances and exits are open, generally, from 7.30 to 19.00 on working days. Outside working hours, pedestrians have access only via the rue Froissart 108 entrance; cars can enter a garage only via the chaussée d'Etterbeek 80 entrance.

Structure and description of the Justus Lipsius building

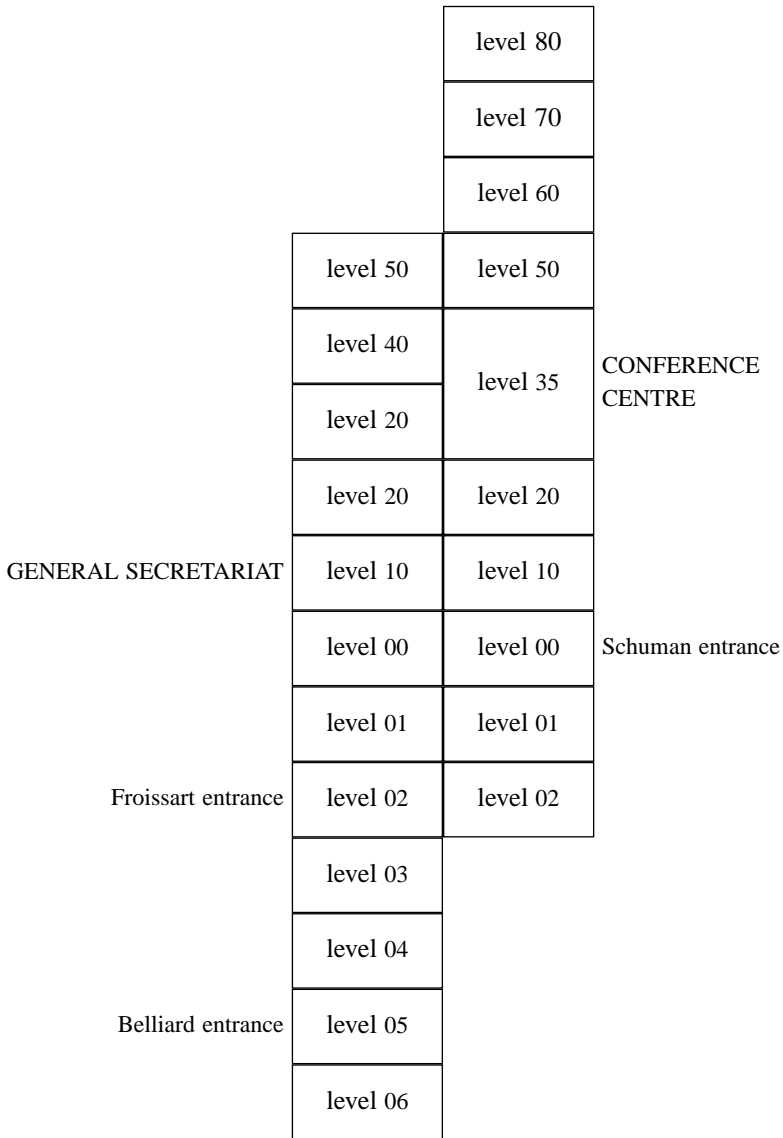
The complex is built on a sloping site and the entrances around the buildings are therefore at different levels. Thus, the ground floor of the Belliard entrance is five levels below the Schuman entrance on rue de la Loi.

To avoid confusion, the concept of floors has been replaced by levels. The levels only have a distant relationship with real heights; they represent purely arithmetical divisions based on the main entrance — 175 rue de la Loi — taken as level 00.

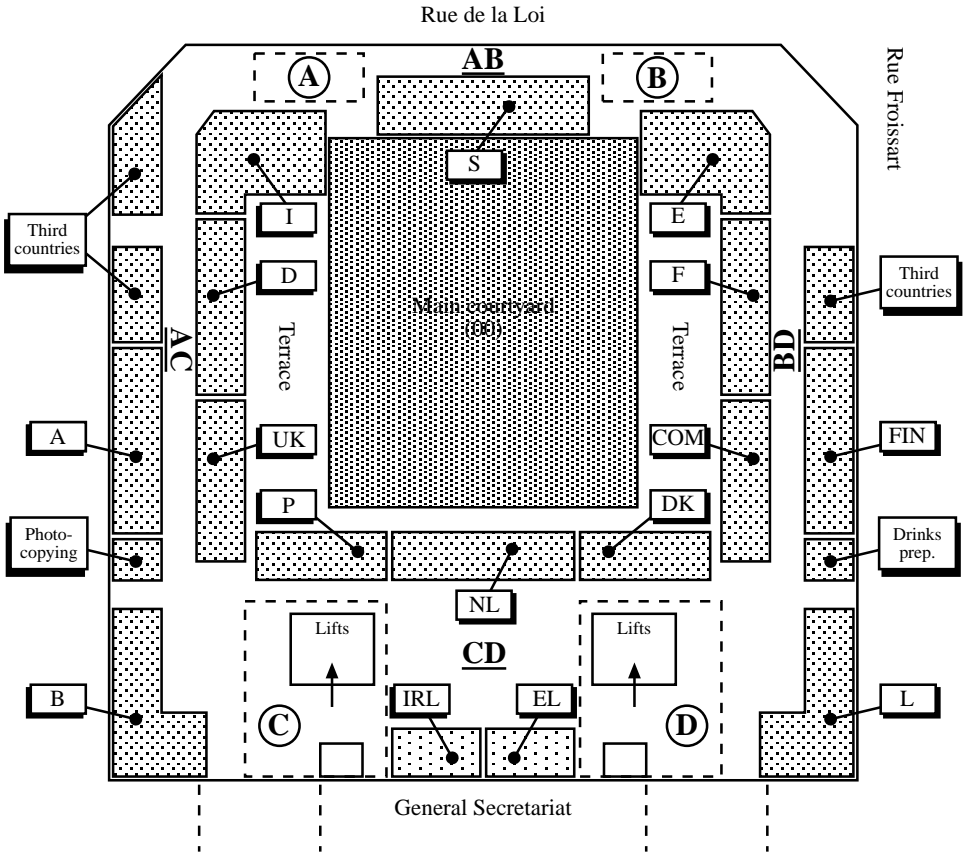
These divisions go from 06 to 80.

Levels 00, 10, 20 and 50 of the Conference Centre and the Secretariat building correspond exactly. Level 35 of the Conference Centre breaks the series, because it is between levels 30 and 40 of the Secretariat part.

The diagram below illustrates the layout:



Plan of level 70



Health and safety

The Council buildings are equipped with a range of alarm systems and firefighting equipment so that prompt action can be taken and the building quickly evacuated.

There is one emergency number, 2000, for use throughout the Council premises.

This number is manned by a member of the Security Service **24 hours a day**, including Sundays and public holidays.

1. Emergencies

If you become aware of an emergency or witness an incident (e.g. a dangerous situation, a break-in, somebody suddenly taken ill, an accident or the outbreak of fire) or any other threat to life or property, alert the Security Service immediately:

- either by dialling 2000 from any phone;
- or by breaking the glass panel of an alarm box (the alarm boxes are situated beside the doors to the stairs at the end of the corridors).

The extension calling is automatically identified when the number 2000 is dialled. In lifts, the Security Department can be alerted directly via the intercom system.

When using the number 2000, be brief and clear and state:

- your name,
- the reason for the call and the exact location and nature of the emergency.

The member of the Security Service who answers the call will do all that is necessary to ensure that appropriate action is taken promptly and effectively.

If there is a fire, a start should as far as possible be made on fighting it using the equipment available (fire extinguishers) or an attempt should be made to prevent it from spreading.

2. Evacuation

If necessary, the order to evacuate is given by loudspeaker or by sirens and, possibly, by floor messengers and security staff. The order may concern a specific level or section, or the entire building.

What to do in the event of evacuation:

- close office windows and doors behind you;
- remain calm and do not run;
- go to the emergency exits and staircases (look for the phosphorescent green signs and green doors);
- do not go to the basement levels.

It is strictly forbidden to take any lift or hoist.

Fire drills are organised from time to time to test staff reactions, the alert and alarm systems and the functioning of the fire exits.

3. Smoking

In the interests of everyone's health, smoking is in principle banned throughout the building. This applies particularly in offices occupied by several people, unless they are all smokers, meeting rooms and the press conference room, the kitchens, restaurants, cafeterias and the press and delegates' bars, training and information areas, the medical service, the libraries, archives, workshops, storage and technical areas, toilets, car parks, lifts and corridors.

However, smoking is allowed in:

- individual offices, providing doors are closed,
- the seated areas at the junctions between corridors (or 'nodes') in the Justus Lipsius building.

4. Facilities for the disabled

When the building was designed, provision was made for access and use by the disabled.

The Schuman and Belliard entrances are specifically designed for wheelchair access.

There are toilets for the disabled on each floor in the C and L nodes of the General Secretariat building and the Conference Centre.

If you wish to acquire a parking space reserved for disabled drivers, contact the Security Service with a certificate from the Medical Service stating that the applicant is considered disabled.

Public transport

As the table shows, pedestrian entrances are within easy reach of public transport:

| Form of transport | Line | Stop/station | Nearest entrance |
|-----------------------------|--------------------|--------------|--------------------|
| Belgian rail | 26 | Schuman | Schuman, Belliard |
| | 160/161 | Schuman | Schuman, Belliard |
| | 160/161 | Léopold | Belliard |
| Underground (‘Métro’) | 1A — 1B | Schuman | Schuman, Froissart |
| | 1A — 1B | Maelbeek | Belliard |
| City bus (STIB) | 20, 21, 22, 28, 36 | Schuman | Schuman, Froissart |
| | 20, 21, 59 | Parc Léopold | Belliard |
| | 54 | Maelbeek | Belliard |
| Provincial bus (TEC) | E | Schuman | Schuman, Froissart |
| | | Parc Léopold | Belliard |
| | | Maelbeek | Belliard |
| Provincial bus (De Lijn) | EO, HM, WA | Schuman | Schuman, Froissart |
| | | Parc Léopold | Belliard |
| | | Maelbeek | Belliard |

Useful addresses

Council of the European Union

Rue de la Loi/Wetstraat 175
B-1048 Brussels

Telephone: (32-2) 285 61 11
Telex: 21711 — CONSIL B
Telegrams: CONSILIUM BRUXELLES
Fax: (32-2) 285 73 97/285 73 81
E-mail: public.info@consilium.eu.int
Internet: <http://ue.eu.int>

Other buildings

Brussels

Square Frère Orban 10
B-1040 Brussels
Avenue de Kortenberg 150
B-1040 Brussels

Geneva

Chemin Louis Dunant 2 (PB 29 — CICG) — CH-1211 Geneva 20
Tel. (41-22) 919 74 00 or 33280 (abbreviated number)
Fax (41-22) 919 74 99 or 33700 (abbreviated number)
Telex 412135

New York

345 East 46th Street, 6th Floor
New York, NY 10017
USA
Tel. (1-212) 292 86 00 or 33719 (abbreviated number)
Fax (1-212) 681 6266/6267 or 33671 (abbreviated number)

AUXILIO!

HJÆLP!

HILFE!

BOHÈEIA!

HJÄLP!

SECOURS!

SOCCORSO!

HULP!

SOCORRO!

HÄTÄNUMERO!

H E L P

**PREMIER SOINS
FIRST AID**

6900 — 00 40 GM 06

SÉCURITÉ

Permanence 8909/7851 10 25 CD 15

BRUSSELS

Permanent representations of Member States

| | Seats in Brussels | | | Justus Lipsius building | |
|----------------------------|-------------------|-----------------------|------------------|-------------------------|-------------|
| | Direct line | Abbreviated number | External line | Internal line | Office |
| BELGIUM | | | | | |
| Rond-Point Schuman 6 | | 33000 | 02 233 21 11 | 6260 | 70 10 AC 90 |
| B-1040 Brussels | Fax | 33571 | | 6360 | 70 10 AC 68 |
| DENMARK | | | | | |
| Rue d'Arlon 73 | | 33001 | 02 233 08 11 | 6268 | 70 10 CD 65 |
| B-1040 Brussels | Fax | 33228 | | 6368 | 70 10 CD 67 |
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GENERAL SECRETARIAT

Council Guide

I. Presidency Handbook

*II. Comments on
the Council's Rules
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III. Delegates' Handbook

IV. Co-decision Guide



COUNCIL GUIDE

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IV. Co-decision Guide

– September 2000 –

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FOREWORD

The complexity of the tasks facing the Council means that Council working methods need to be redefined regularly. In order to facilitate the work of the Presidency and of the delegations, the Council introduced systematic planning of meetings from the end of 1988 and initiated publication by the General Secretariat of a *Presidency Vade-mecum*. The entry into force of the Treaty on European Union made the organisation of proceedings even more complex: consequently, the Council instructed the Secretary-General to draw up a genuine handbook covering all Council activities, the *Council guide*.



This second edition of the *Council guide* presented by the General Secretariat was compiled under its sole responsibility; it has no legal force and is an internal document intended solely as an aid for the Presidency and Member State delegations.

The guide covers the whole range of Council activities. It consists of four sections, each published separately. The first section — **‘The Presidency handbook’** — continues the operation begun with *the Presidency Vade-mecum* and sets out in a practical context the arrangements concerning the preparation and running of a Presidency. The second section consists of **‘Comments on the Council’s Rules of Procedure’**, reflecting the current interpretation of that text in practice. The third section — **‘The delegates’ handbook’** — contains practical information on the planning and running of meetings, the internal organisation of the General Secretariat and the services provided for delegates. The fourth section — **‘The co-decision guide’** — explains the new co-decision procedure resulting from the changes brought about by the Treaty of Amsterdam.

My wish, in making this version of the *Council guide* available to those involved in the work of our institution, has been to satisfy the request voiced by the Council and to contribute towards efforts to ensure information and transparency. Any suggestions concerning the content of this guide will be welcome.

Deputy Secretary-General

A handwritten signature in black ink, consisting of a stylized 'P' followed by a long horizontal stroke.

Pierre de BOISSIEU

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Section IV

Co-decision Guide

Chapter I. Conduct of the procedure

1. First reading (no time limit)

The Commission, using its right of initiative, submits its legislative proposal simultaneously to the Council and to the European Parliament.

The Treaty of Amsterdam introduced the possibility of bringing co-decision dossiers to a conclusion at the end of the first reading. The application of this new provision requires work to be conducted in both institutions in parallel, an intensive exchange of information, and considerable availability of the Council Presidency for exploratory contacts and negotiations with the European Parliament.

After the European Parliament has voted on its opinion in plenary session, the Council:

(a) Accepts the outcome of the European Parliament's first reading

In this case, where it has been possible to reach agreement during the parallel exercise at first reading, the **Council adopts the legislative act**.

The legislative act — the text of the Commission proposal if the European Parliament has not introduced any amendments, or the text of the amended Commission proposal — after legal/linguistic revision — is adopted by the Council (PE-CONS document), and then submitted for the signature of the Presidents and Secretaries-General of the European Parliament and the Council (LEX PE-CONS document) and published in the Official Journal.

(b) Does not accept the outcome of the European Parliament's first reading

In this case, where no agreement could be reached, the **Council adopts its common position**.

The text of the common position, after legal/linguistic revision, is sent to the European Parliament, together with the statement of reasons and any statements by the Council and/or the Commission made for the Council's minutes. The Commission then informs the European Parliament fully of its position.

The first Council reading will therefore result in either acceptance of the outcome of the first European Parliament reading and adoption of the act, or the non-acceptance of that outcome and adoption of the Council's common position (the subject of the second European Parliament reading).

For the record: Arrangements for the first European Parliament reading (*)

After receiving the Commission's proposal, the President of the European Parliament refers it to the relevant parliamentary committee for examination of its substance, and if appropriate, to other committees which may issue an opinion on the matter (Rule 54 of the Rules of Procedure of the European Parliament).

After deciding on the procedure to be followed for the examination of the proposal, the committee appoints a rapporteur on the Commission proposal from among its members or permanent substitutes, unless it has already done so, on the basis of the Commission's annual legislative programme (Rule 144 of the Rules of Procedure of the European Parliament).

The rapporteur is responsible for presenting a draft report to the parliamentary committee. In this draft, the rapporteur summarises the Commission's proposal and the views of the different parties involved. During the debate within the parliamentary committee, the Commission may defend its proposal and answer questions from members of the committee. The parliamentary committee first examines the legal basis (Rule 53). During the examination of a proposal, the relevant parliamentary committee requests the Commission and the Council to keep it informed about the progress of this proposal in the Council and its working parties (Rule 55).

The plenary session discusses the legislative proposal on the basis of the report drawn up by the relevant committee ⁽¹⁾, which will include any proposed amendments to the proposal, a draft legislative resolution, and if appropriate, an explanatory statement.

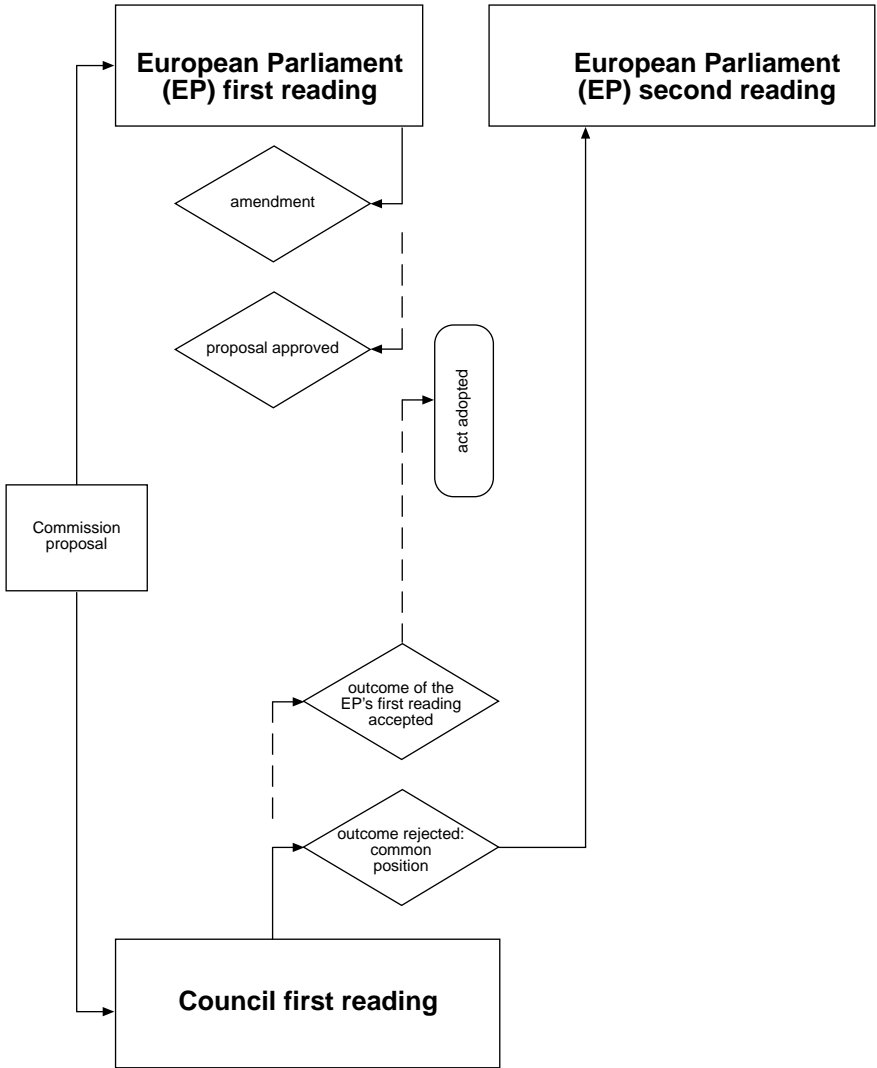
In the draft resolution, the committee proposes to the plenary either the approval or the rejection of the Commission proposal, or the tabling of amendments (Rules 58, 59 and 60 of the Rules of Procedure of the European Parliament). After the report has been adopted by the committee, it is still possible for an MEP or a group of MEPs, or for the rapporteur, often acting on behalf of a political group, to table amendments during the plenary debates. In principle, political groups coordinate their respective positions during the debates and during the voting in committee and in plenary sessions.

(*) The numbers refer to the rules laid down in the 13th edition of the Rules of Procedure of the European Parliament (February 1998).

(¹) Except in the case of a procedure without report or a simplified procedure (see Rule 143 of the Rules of Procedure of the European Parliament).

**Co-decision procedure —
first phase**

| | |
|--------------------|----------------|
| Without time limit | 3 (+ 1) months |
|--------------------|----------------|



2. Second European Parliament reading (time limit: 3 (+ 1) months)

The date of receipt of the Council's common position (in principle, on the Monday of the week of the European Parliament plenary) marks the beginning of the three-month time limit for the second European Parliament reading ⁽¹⁾.

This time limit may be extended by a further month. The vote in plenary session must take place within this time limit and no later than the end of the fourth month. Compliance with that time limit concerns the vote in plenary and not the forwarding of the outcome of that vote to the Council.

The parliamentary committee examines the Council's common position and makes its recommendation. The plenary considers the matter on the basis of that recommendation and proceeds with a vote. The outcome of the vote may lead to three different situations:

(a) Approval of the common position

In this case, **the act is deemed to have been adopted** in accordance with the common position. Contrary to the procedure followed before the entry into force of the Treaty of Amsterdam, the Council no longer needs to adopt the act. Consequently, the legislative act (= common position, given in the form of a LEX PE-CONS document) is submitted directly for the signature of the Presidents and Secretaries-General of the European Parliament and of the Council and published in the Official Journal.

If the European Parliament does not vote on the common position within the time limit of 3+1 months, the same procedure applies.

(b) Rejection of the common position

Rejection of the common position, on the basis of an absolute majority of MEPs (minimum of 314 votes), terminates the procedure, and the proposed **act is then deemed not to have been adopted**. Examination of the dossier may be resumed only on the basis of a new proposal from the Commission.

(Consequently, the Treaty of Amsterdam eliminates the phase of intended rejection of the common position, followed by the 'small conciliation'. This possibility, envisaged by the Maastricht Treaty, has only been applied twice in the past).

⁽¹⁾ The European Parliament has a dispute with the Council, believing that this time limit only starts to run when the President announces in plenary the forwarding of the common position (Rule 64 of the Rules of Procedure of the European Parliament).

(c) Proposal of amendments to the common position

Amendments to the common position are voted on the basis of an absolute majority of MEPs. The outcome of the vote is notified to the Council and the Commission, and the latter must issue an opinion on the amendments.

3. Second Council reading (time limit: 3 (+ 1) months)

The time limit for the second Council reading starts to run from the official receipt of the amendments resulting from the second European Parliament reading.

The Council may accept or reject these amendments ⁽¹⁾:

- (a) **Amendments accepted** (the Council acts by qualified majority or unanimously, depending on the subject matter, and always unanimously if the amendments were the subject of a negative opinion from the Commission) — **act deemed to have been adopted**.

If the Council agrees to accept all the amendments, the act is deemed to have been adopted in the form of the common position thus amended. The legislative text (LEX PE-CONS document) is then submitted directly for the signature of the Presidents and Secretaries-General of the European Parliament and of the Council and published in the Official Journal.

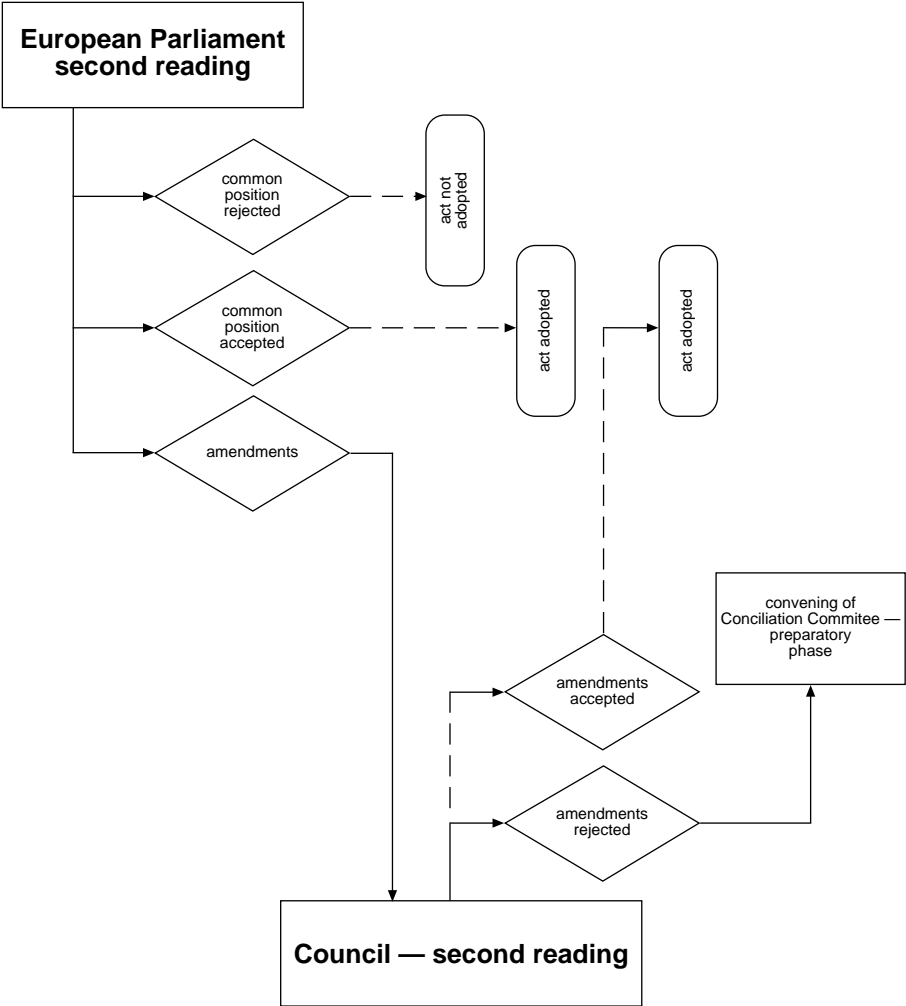
- (b) **Not all amendments are accepted** — convening of the Conciliation Committee.

Within a time limit of 6 (+ 2) weeks after the Council notes the impossibility of accepting all the amendments, its President, in agreement with the President of the European Parliament, convenes the **Conciliation Committee**. This binding time limit is one of the major changes introduced by the Treaty of Amsterdam. In the past, the expression ‘without delay’ in the Maastricht Treaty had often been applied in a somewhat lax manner (more than one year for some matters).

⁽¹⁾ Before deciding whether or not to accept the European Parliament amendments, the Commission’s opinion on them must have been referred to the Council. The Commission encloses a modified proposal with its opinion; the Council disputes this practice.

**Co-decision procedure —
second phase**

| | | |
|---------------|---------------|--------------|
| 3 (+1) months | 3 (+1) months | 6 (+2) weeks |
|---------------|---------------|--------------|



4. Conciliation (6 (+ 2) weeks)

— *Preparatory work*

The time limit for the work of the Conciliation Committee starts to run from its first meeting. Before that date, it is essential to carry out preparatory work. The whole period of 6 (+ 2) weeks laid down as the time limit for convening the Conciliation Committee, as well as that between establishing politically that it is impossible to accept the amendments in the second European Parliament reading and the adoption of the decision by the Council, may be used for technical and negotiation contacts aimed at bringing the positions closer before the first meeting of the Conciliation Committee.

The preliminary negotiation meetings of the Conciliation Committee ⁽¹⁾ are conducted, on the part of the Council, by the Chairman of Coreper, on the basis of a mandate from Coreper and/or in the framework of his or her personal initiative and responsibility. The results of these trialogues are then submitted to Coreper for examination. For certain matters, the trialogues may be preceded or followed by technical meetings between the secretariats of the three institutions, and the Chairman of the working party may also sometimes take part.

The trialogues and technical meetings prior to the first meeting of the Conciliation Committee will often make it possible to bring the conciliation to a conclusion during this first meeting, sometimes even in the form of a simple declaration of the pre-arranged agreement (a kind of ‘A’ item, to use the terminology of Council meetings). In other cases, several meetings of the Conciliation Committee will be necessary before an agreement on a joint text can be reached. Each of these meetings may themselves be preceded by informal trialogues and technical meetings.

— *Proceedings of the Conciliation Committee*

The **Conciliation Committee** brings together delegations from Parliament and from the Council, each consisting of 15 members. The Committee is chaired jointly by a Vice-President of the European Parliament and by a minister of the Member State holding the Presidency.

The **Council delegation** consists of the members of the Council or their representatives. As a general rule, it is made up of the representatives of the Member States within Coreper.

⁽¹⁾ Informal trialogues with the participation of delegations from Parliament and Council as well as the Commission, which takes the necessary initiatives with a view to reconciling the positions of the two delegations.

The **European Parliament delegation** consists of 15 members and 15 substitutes (the latter without a right to vote except in the absence of a member of their political group). Three Vice-Presidents of the European Parliament are permanent members of the Conciliation Committee and take turns to co-chair it. The other 12 MEPs in the delegation are appointed by political groups. The great majority belong to the parliamentary committee responsible for the matter. In most cases, the European Parliament delegation tries to reach a consensus in its discussions. In the case of a vote, which may take place at any stage of the conciliation, including for questions of procedure, decisions are taken by a minimum of eight votes in favour.

The **Commission**, represented in principle by the Commissioner responsible for the matter, takes part in the Conciliation Committee's proceedings and takes all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council. Such initiatives may include, *inter alia*, draft compromise texts reflecting the positions of the Council and the European Parliament, with due regard to the role conferred upon the Commission by the Treaty. The Commission's position has no influence, however, on the majority rules for the adoption of the joint text by the Conciliation Committee: qualified majority within the Council delegation (unanimity where the Treaty specifies an exception to the qualified majority rule) and simple majority within the European Parliament delegation. The Commission's right of initiative therefore plays no role in the conciliation phase (see Article 250 of the Treaty).

Immediately before the meeting of the Conciliation Committee, the two co-Chairmen and the Commissioner meet in a **formal triologue** for a general overview of the major issues involved in conciliation and the best way to broach them during the meeting. This triologue is preceded, as a general rule, by a **preparatory meeting** of each delegation.

The Committee has available to it the Commission proposal, the Council's common position, the amendments proposed by the European Parliament, the Commission's opinion thereon (meeting file) and a **joint working document** of the European Parliament and Council delegations. This working document normally consists of two parts: part A contains the elements of the compromise already agreed during the preparatory work and part B, the unresolved points with the respective negotiating positions (synoptic table in four columns).

The Conciliation Committee meets alternately at the premises of the Council and those of the European Parliament. This alternation rule applies both from one dossier to the next and within each one, and there are many exceptions to this rule for logistic reasons (availability of meeting rooms and/or teams of interpreters). The rules

governing the languages of these meetings are the same as for Council meetings (11 languages). The institution hosting the first meeting of the Conciliation Committee is responsible for editing the joint text and the forwarding letter, and, after definitive adoption of the legislative act in question by the European Parliament and the Council, for the signing of the act by the Presidents of the European Parliament and of the Council and for its publication in the Official Journal.

If the Committee fails to approve the joint text within the time limit set by the Treaty, the proposed act is deemed not to have been adopted.

5. Third European Parliament and Council reading (time limit: 6 (+ 2) weeks)

If the Conciliation Committee approves a joint text, the European Parliament, acting by an absolute majority of the votes cast, and the Council, acting by a qualified majority (unanimity where the Treaty stipulates an exception to the qualified majority rule), each have a period of 6 (+ 2) weeks in which to adopt the **act in question in accordance with the joint text**. If either of the two institutions fails to approve the proposed act within that period, it is deemed not to have been adopted. The period of six weeks, which may be extended by two weeks, runs from the date of approval of the joint text, which does not necessarily correspond to the date of the last meeting of the Conciliation Committee, but to the date of the signature by the two co-Chairmen of the Conciliation Committee, of the letter forwarding the joint text, addressed to the Presidents of the European Parliament and of the Council.

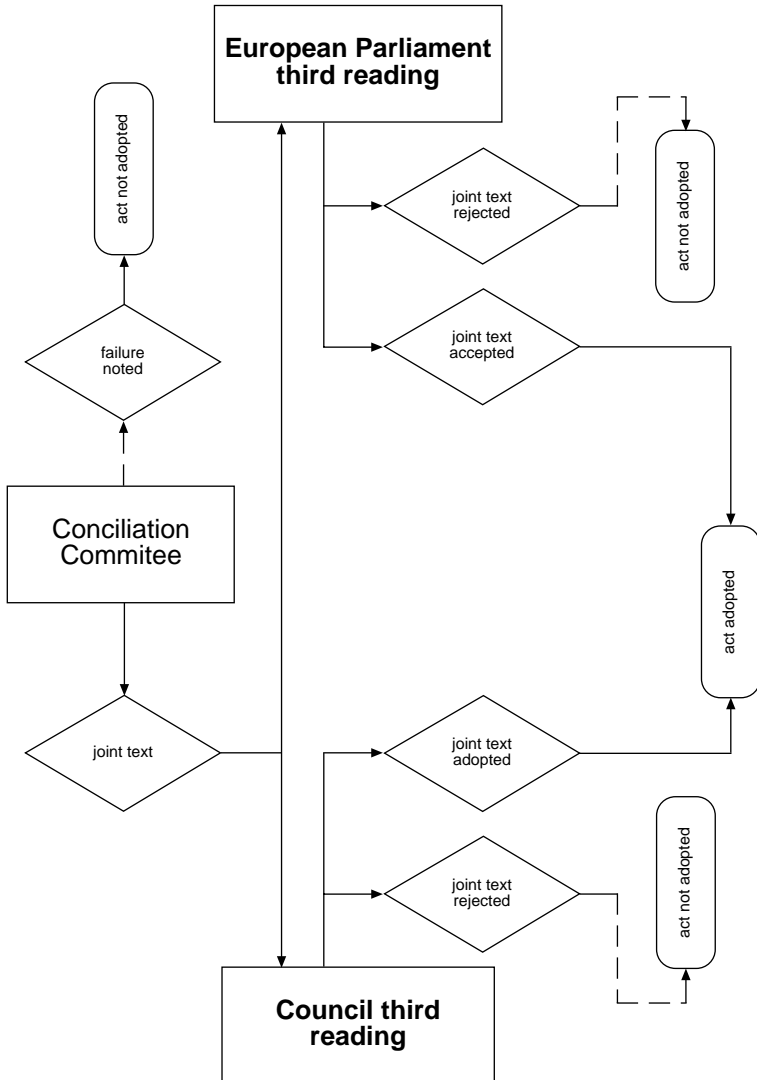
6. Extension of time limits

The Maastricht Treaty provided for the possibility of extending the time limits of three months and six weeks by a maximum of one month and two weeks respectively, by common agreement between the European Parliament and the Council. The Treaty of Amsterdam simplifies the procedure for these extensions, by stipulating that the time limits may be extended at the initiative of the European Parliament or of the Council.

**Co-decision procedure —
third phase**

6 (+2) weeks

6 (+2) weeks



Chapter II. The Presidency

1. Planning of proceedings

When establishing its work schedule, each Presidency reserves a certain number of dates for Conciliation Committee meetings ⁽¹⁾. This exercise is carried out, in principle a year in advance, between the European Parliament and Council Secretariats, in agreement with the respective authorities. The fixing of these dates presupposes the availability of the members of the Parliament and Council delegations, and, in particular, of the member of the government holding the Presidency who will co-chair the Conciliation Committee.

On the other hand, it would be useful in principle at the beginning of each six-month period, or even slightly earlier, for the Chairman of Coreper to have a preliminary contact with the three Vice-Presidents responsible for conciliation as well as the various Chairmen of the parliamentary committees and rapporteurs involved in the co-decision matters in order to discuss their situation and establish jointly a timetable and methodology for priority work which will be carried out during the six-month presidency.

This discussion would cover:

- (a) matters for which conciliation proves necessary after the second European Parliament reading, or probable depending on the likely outcome of a forthcoming second European Parliament reading;
- (b) matters undergoing a second European Parliament reading for which exchanges of information and informal negotiations between the European Parliament and Council could turn out to be useful in order to avoid conciliation;
- (c) matters undergoing a first reading which may well be concluded at first reading.

This first contact at the level of the Chairman of Coreper may be followed by contacts between the Chairmen of Council working parties and the rapporteurs for a more detailed examination of the work schedule, in particular as regards dossiers undergoing first or second European Parliament reading.

⁽¹⁾ In practice, many of these dates are regularly used for informal trialogues. Other dates for Conciliation Committee meetings may be set aside, as required, through the six-month period.

The Council and European Parliament Secretariats organise these meetings and draw up, on the instructions of their respective authorities, the preparatory documents (listing of priority dossiers, provisional timetable of work, proposed working methods).

As regards work for first readings, the planning of proceedings for examining dossiers within the working parties and Coreper at the Council and within the parliamentary committees at the European Parliament must be carried out in such a way as to allow a certain degree of parallelism in their conduct.

2. Role of the Presidency during the different phases of the co-decision procedure

First reading

(a) Parallel examination — role of the Commission departments

Initially, and for each dossier, the Presidency must examine the Commission's proposal at working party level, referring to Coreper as necessary. A parallel examination must be carried out within the relevant parliamentary committee.

The Council working party examines the Commission proposal while following the progress of work within the relevant parliamentary committee. The Commission departments, which attend the European Parliament and Council meetings, may play an important role as information carriers, while respecting the working rules of each institution.

(b) Tripartite meetings

From the moment the examination of the dossier reaches a certain degree of maturity — making it possible to know the positions of the delegations on the main questions it raises — the Presidency may start contacts with the representatives of the European Parliament at parliamentary committee level (rapporteur/Chairman of the parliamentary committee). Commission officials also attend these meetings, where the Presidency (Chairman of the working party/Chairman of Coreper) is assisted by the DG in charge of the dossier and by the Co-decision Backbone.

After these initial contacts, which make it possible to clarify the respective points of view, identify the essential points on which views differ and thus establish an initial evaluation of the possibilities of concluding the dossier at first reading, the Presidency notifies Coreper of the results (on Parliament's side, the same exercise takes

place with examination in parliamentary committee). Coreper, if necessary after examining the matter within the working party, will evaluate the possibilities of an agreement at first reading and will draw up, if appropriate, any proposals for a compromise.

(c) Informal negotiation meetings

Thus, for certain dossiers, these initial contacts may continue by way of informal negotiation meetings, for which the Presidency will, in principle, have a mandate from Coreper. During these informal negotiation meetings, the Chairman of Coreper and the European Parliament representative(s) will seek to bring the positions of the two institutions closer together, with the aim of achieving a result from the first European Parliament reading (amendments to the Commission proposal or no amendments) which is acceptable to the Council. Even in a situation where it is clear that agreement will not be reached at first reading, continued contacts with Parliament may be justified in order to define more clearly the points of disagreement and to reduce the number of possible European Parliament amendments at second reading.

The first reading will thus be characterised by this continuous movement of contacts/negotiations with Parliament, followed by an examination by both Parliament and Council of the outcome of these contacts and setting out the respective negotiating positions. This movement is also characteristic of the preparatory phase for conciliation.

Second European Parliament reading

During this phase of the procedure, the Council must closely follow the work of Parliament. For certain dossiers, the Presidency may be required to establish contacts with European Parliament representatives, in order to facilitate the acceptance of the Council common position, to avoid its rejection or to persuade the European Parliament to limit the introduction of amendments to the common position to those acceptable to the Council. In this case, tripartite meetings and informal negotiation meetings would be organised along the lines of those during the first reading.

Even before the entry into force of the Treaty of Amsterdam, several Presidencies pursued, in a number of cases, a similar negotiation exercise aimed at having the European Parliament approve amendments which would be acceptable to the Council, thus avoiding the need for conciliation.

Second Council reading ⁽¹⁾

Examination of the amendments within the working party

Once the information note from the General Secretariat about the results of the second European Parliament reading, including as an annex the European Parliament resolution and the proposed amendments, is available, the Presidency ensures that the working party examines the European Parliament amendments as soon as possible.

This examination must be carried out in depth and not be confined to merely identifying the amendments rejected and those that may be accepted by the Council (or, to simplify, the rejection of all the amendments collectively). If all the amendments are not accepted, the working party must start examining possible compromise texts and propose them to Coreper as from its first report.

(a) Adoption of the act

If the outcome of the working party's proceedings, as confirmed by Coreper, leads to **acceptance of all** the European Parliament **amendments**, the Secretariat draws up a 'I/A' item note with a view to adoption of the act by the Council (common position modified by the amendments) and subsequently ensures its publication in the Official Journal after signature by the Presidents and Secretaries-General of the European Parliament and the Council.

(b) Convening of the Conciliation Committee

If not all the amendments are accepted, the Council informs the European Parliament and the President of the Council convenes the **Conciliation Committee**, the date when the Council established that it was impossible to accept the amendments constituting the start of the 6 (+ 2) week time limit for convening the Conciliation Committee.

The Presidency may, in the case of certain complex dossiers, choose not to have the Council establish that it is impossible to accept the amendments immediately after examining them within the Working Party/Coreper, and to use part of the time for the Council's second reading (3+(1) months) for informal contacts with the European Parliament in order to **prepare for conciliation**.

In an initial phase, **technical meetings** may take place between the Chairman of the Working Party, assisted by the Council Secretariat (DG + Backbone), and the rap-

(1) If the European Parliament accepts, at second reading, the Council's common position, the act is deemed to have been adopted and there is no need for the Council to carry out a second reading.

porteur in the presence of Commission officials. As soon as the initial negotiating positions of both institutions are well established ⁽¹⁾, it is possible to move on to the negotiating phase in the form of an **‘informal triologue’**. This meeting is attended, on the Council side, by the Chairman of Coreper (with the incoming Chairman attending as an observer), and on the Parliament side, by the rapporteur, and sometimes the Chairman of the relevant parliamentary committee, with the Commission in principle being represented by the relevant Director-General.

Conciliation

Preparatory phase

In the period preceding the first meeting of the Conciliation Committee, the Presidency must be available for technical meetings (in principle, participation of the Chairman of the working party) and for informal dialogues (with the participation of the Chairman of Coreper). The Council’s negotiating positions — which constitute the Presidency’s mandate — are in principle drawn up in advance by Coreper, which is kept informed by its Chairman of the outcome of negotiations with the European Parliament.

In certain cases, the Chairman of Coreper takes negotiating initiatives under his own personal responsibility, which are binding only on the Presidency. This negotiating technique has increasingly been used. The first Council negotiation offer is often made in the form of a Presidency compromise. The European Parliament often also replies with the rapporteur’s position. The two offers ‘ad referendum’ are subsequently submitted for approval by the Council (Coreper) and European Parliament delegations.

Meeting of the Conciliation Committee

For meetings of the Conciliation Committee, the Presidency must ensure the participation of a member of the government (in principle, the minister responsible for the dossier) in order to co-chair the Conciliation Committee. As a general rule, and following the example of ministerial meetings, the Presidency organises a briefing with the General Secretariat of the Council before conciliation meetings.

Certain dossiers require several meetings of the Conciliation Committee. It often happens that between these meetings a political commitment from the minister co-

⁽¹⁾ In the form of synoptic tables in four columns — common position, European Parliament amendments, position of the European Parliament (or of the rapporteur), position of the Council (or suggestions from the Presidency) — which, ever since the negotiation of the ‘health’ dossiers in December 1995, constitute the usual instrument for negotiation throughout conciliation.

chairing the Conciliation Committee is necessary in order to find compromise formulas within the Council and to negotiate them with his counterpart in Parliament.

Agreement on a joint text

As soon as agreement has been reached within the Conciliation Committee (sometimes in the form of an exchange of letters between the co-Chairmen), the Council Secretariat, or the European Parliament Secretariat if the first meeting of the Conciliation Committee was held in the latter's premises, prepares, in principle in the language used during the negotiations, the draft legislative text. This document subsequently becomes available, after legal/linguistic revision, in the 11 official languages of the Community. This joint text is forwarded to the Presidents of the European Parliament and of the Council by means of a letter signed by both co-Chairmen of the Conciliation Committee (as a general rule, the Chairman of Coreper signs on behalf of the Council co-Chairman). This **forwarding letter for the joint text**, which serves as minutes of the Conciliation Committee and mentions any statements that may have been made, is also addressed, for information, to the member of the Commission who took part in the proceedings of the Conciliation Committee.

Chapter III. General Secretariat of the Council

In the domain of legislative activity through co-decision, successive Presidencies can count, for each dossier, on the support of the Directorate-General responsible for it, and also of the Co-decision Backbone.

The table in Annex VI shows, for the entire length of the procedure, the allocation of tasks within the General Secretariat of the Council, between the various Directorates-General (departments responsible) and the Backbone.

Article 251 of the EC Treaty

1. Where reference is made in this Treaty to this Article for the adoption of an act, the following procedure shall apply.
2. The Commission shall submit a proposal to the European Parliament and the Council.

The Council, acting by a qualified majority after obtaining the opinion of the European Parliament,

- if it approves all the amendments contained in the European Parliament's opinion, may adopt the proposed act thus amended;
- if the European Parliament does not propose any amendments, may adopt the proposed act;
- shall otherwise adopt a common position and communicate it to the European Parliament. The Council shall inform the European Parliament fully of the reasons which led it to adopt its common position. The Commission shall inform the European Parliament fully of its position.

If, within three months of such communication, the European Parliament:

- (a) approves the common position or has not taken a decision, the act in question shall be deemed to have been adopted in accordance with that common position;
 - (b) rejects, by an absolute majority of its component members, the common position, the proposed act shall be deemed not to have been adopted;
 - (c) proposes amendments to the common position by an absolute majority of its component members, the amended text shall be forwarded to the Council and to the Commission, which shall deliver an opinion on those amendments.
3. If, within three months of the matter being referred to it, the Council, acting by a qualified majority, approves all the amendments of the European Parliament, the act in question shall be deemed to have been adopted in the form of the common position thus amended; however, the Council shall act unanimously on the amendments on which the Commission has delivered a negative opinion. If the Council does not approve all the amendments, the President of the Council, in agreement with the President of the European Parliament, shall within six weeks convene a meeting of the Conciliation Committee.

4. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of representatives of the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the representatives of the European Parliament. The Commission shall take part in the Conciliation Committee's proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council. In fulfilling this task, the Conciliation Committee shall address the common position on the basis of the amendments proposed by the European Parliament.
5. If, within six weeks of its being convened, the Conciliation Committee approves a joint text, the European Parliament, acting by an absolute majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of six weeks from that approval in which to adopt the act in question in accordance with the joint text. If either of the two institutions fails to approve the proposed act within that period, it shall be deemed not to have been adopted.
6. Where the Conciliation Committee does not approve a joint text, the proposed act shall be deemed not to have been adopted.
7. The periods of three months and six weeks referred to in this Article shall be extended by a maximum of one month and two weeks respectively at the initiative of the European Parliament or the Council.

Declaration on respect for time limits under the co-decision procedure

The Conference calls on the European Parliament, the Council and the Commission to make every effort to ensure that the co-decision procedure operates as expeditiously as possible. It recalls the importance of strict respect for the deadlines set out in Article 189b of the Treaty establishing the European Community and confirms that recourse, provided for in paragraph 7 of that Article, to extension of the periods in question should be considered only when strictly necessary. In no case should the actual period between the second reading by the European Parliament and the outcome of the Conciliation Committee exceed nine months.

I

(Information)

**EUROPEAN PARLIAMENT
COUNCIL
COMMISSION**

**JOINT DECLARATION ON PRACTICAL ARRANGEMENTS FOR THE NEW CO-DECISION
PROCEDURE (ARTICLE 251 OF THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY)**

(1999/C 148/01)

0. PREAMBLE

The European Parliament, the Council and the Commission, hereinafter referred to as the 'institutions', note that the present practice of contacts between the Council Presidency, the Commission and the chairmen of the relevant committees and/or the rapporteurs of Parliament and between the co-chairmen of the Conciliation Committee has proved its worth. The institutions confirm that this practice should be extended to cover all stages of the co-decision procedure. The institutions undertake to examine their working methods with a view to making effective use of all the possibilities afforded by the new co-decision procedure.

The institutions shall do what is necessary, in accordance with their rules of procedure, to promote reciprocal information about co-decision proceedings.

I. FIRST READING

1. The institutions shall cooperate in good faith with a view to reconciling their positions as far as possible so that wherever possible acts can be adopted at first reading.
2. The institutions shall ensure that their respective calendars of work are coordinated as far as possible in order to facilitate the conduct of proceedings at first reading in a coherent and convergent manner in the European Parliament and the Council. They shall establish appropriate contacts to monitor the progress of the work and analyse the degree of convergence.
3. The Commission shall ensure that such contacts are facilitated and shall exercise its right of initiative in a constructive manner with a view to making it easier to reconcile the positions of the European Parliament and the Council with due regard for the balance between the institutions and the role conferred on that institution by the Treaty.

II. SECOND READING

1. In its statements of reasons the Council shall explain as clearly as possible the reasons that have led it to adopt its common position. During its second reading the European Parliament shall take the greatest possible

account of those reasons and of the Commission's opinion.

2. Appropriate contacts may be established with a view to achieving a better understanding of the respective positions and thus to bringing the legislative procedure to a conclusion as quickly as possible.
3. The Commission shall ensure that such contacts are facilitated and shall give its opinion with a view to reconciling the positions of the Council and the European Parliament, with due regard for the balance between the institutions and the role conferred on that institution by the Treaty.

III. CONCILIATION

1. The Conciliation Committee shall be convened by the President of the Council, with the agreement of the President of the European Parliament and with due regard to the provisions of the Treaty.
2. The Commission shall take part in the conciliation proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council. Such initiatives may include, *inter alia*, draft compromise texts reflecting the positions of the Council and the European Parliament, with due regard to the role conferred upon the Commission by the Treaty.
3. The Committee shall be chaired jointly by the President of the European Parliament and the President of the Council.

Committee meetings shall be chaired alternately by each co-chairman.

The dates and the agenda for the Committee's meetings shall be set jointly by the co-chairmen. The Commission shall be consulted on the dates envisaged. The European Parliament and the Council shall set aside, for guidance, appropriate dates for conciliation proceedings and shall notify the Commission thereof.

While respecting the Treaty provisions regarding time limits, the European Parliament and the Council shall, as far as possible, take account of scheduling

requirements, in particular those resulting from breaks in the institutions' activities and from European Parliament elections. In any case, the interruption of activities shall be as short as possible.

The Committee shall meet alternately at the premises of the European Parliament and those of the Council.

4. The Committee shall have available to it the Commission proposal, the Council's common position, the amendments proposed by the European Parliament, the Commission's opinion thereon and a joint working document by the European Parliament and Council delegations. The Commission shall, as a general rule, submit its opinion within two weeks of official receipt of the outcome of Parliament's vote and at the latest by the commencement of conciliation proceedings.
5. The co-chairman may submit texts for the Committee's approval.
6. The detailed outcome of votes and, where appropriate, explanations of vote, taken within each delegation to the Conciliation Committee, shall be forwarded to the Committee.
7. Agreement on a joint text shall be established at a meeting of the Conciliation Committee or, subsequently, by an exchange of letters between the co-chairmen. Copies of such letters shall be forwarded to the Commission.
8. If the Committee reaches agreement on a joint text, it shall, after legal/linguistic finalisation, be submitted to the co-chairmen for approval.
9. The co-chairmen shall forward the approved joint text to the Presidents of the European Parliament and of the Council by means of a jointly signed letter. Where the Conciliation Committee is unable to agree on a joint text, the co-chairmen shall notify the Presidents of the European Parliament and of the Council thereof in a jointly signed letter. Such letters shall serve as minutes.

Copies of such letters shall be forwarded to the Commission for information.

10. The General Secretariats of the Council and of the European Parliament shall act jointly as the Committee's secretariat, in association with the General Secretariat of the Commission.

IV. GENERAL PROVISIONS

1. Should the European Parliament or the Council deem it essential to extend the time limits referred to in Article 251 of the Treaty establishing the European Community, they shall notify the President of the other institution and the Commission thereof.
2. Texts shall be finalised by the legal/linguistic experts of the Parliament and of the Council acting in close cooperation and by mutual agreement.
3. Following the adoption of a legislative act under the co-decision procedure by the European Parliament and the Council, the text shall be submitted, for signature, to the President of the European Parliament and the President of the Council and to the Secretaries-General of the two institutions.

The jointly signed text shall be forwarded to the Official Journal for publication if possible within at most one month, and in any case as soon as possible.

4. If one of the institutions finds a clerical error in a text (or in any of the language versions), it shall immediately notify the other institutions. If the error is found in an act that has not yet been adopted, the legal/linguistic services of the European Parliament and of the Council shall prepare the necessary corrigendum in close cooperation. Where the error is found in an act that has already been adopted or published, the European Parliament and the Council shall adopt, by mutual agreement, a corrigendum drawn up under their respective procedures.

Done at Strasbourg, 4 May 1999.

For the
European Parliament

The President



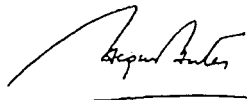
For the Council
of the European Union

The President



For the Commission
of the European Communities

The President



Co-decision — Legal bases

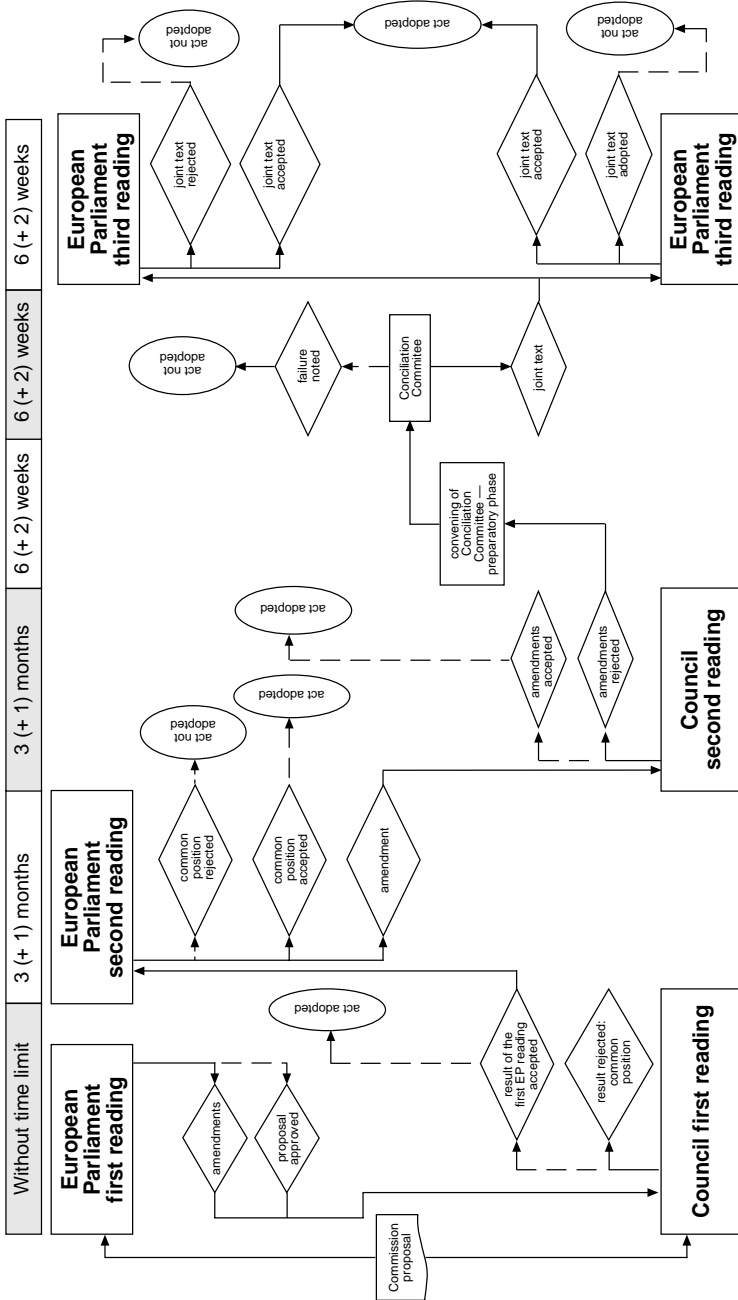
List by article

| Legal basis | Description | Majority within the Council | Consultation of: — Economic and Social Committee (ESC) — Committee of the Regions (COR) — Court of Auditors (CA) |
|--|--|--|---|
| Art. 12 (ex Art. 6) | Prohibition of discrimination on grounds of nationality | Art. 251 | |
| Art. 18 (ex Art. 8a) | Facilitation of freedom of movement and residence of citizens of the Union | the Council acts unanimously | |
| Art. 40 (ex Art. 49) | Freedom of movement for workers | Art. 251 | ESC |
| Art. 42 (ex Art. 51) | Rules on social security for migrant workers | the Council acts unanimously | |
| Art. 44 (ex Art. 54) | Right of establishment | Art. 251 | ESC |
| Art. 46(2) (ex Art. 56) | Coordination of the provisions providing for special treatment for the establishment of foreign nationals | Art. 251 | |
| Art. 47(1) (ex Art. 57) | Mutual recognition of diplomas | Art. 251 | |
| Art. 47(2) (ex Art. 57) | Coordination of the provisions concerning the taking-up and pursuit of activities as self employed persons; conditions for access to the professions | in certain cases laid down in Art. 47(2), the Council acts unanimously | |
| Art. 55 (ex Art. 66) | | Services | see Art. 47 |
| Arts. 71(1) and 80 (ex Arts. 75 and 84) | Common transport policy | Art. 251 | ESC COR |
| Art. 95(1) (ex Art. 100a) | Measures for the harmonisation of the common market | Art. 251 | ESC |

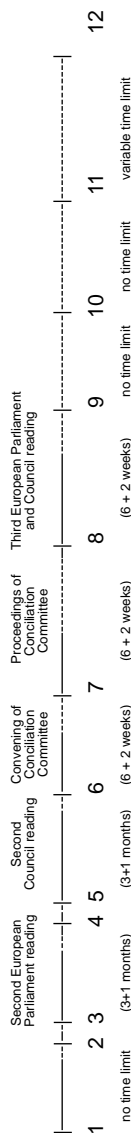
| Legal basis | Description | Majority within the Council | Consultation of: — Economic and Social Committee (ESC) — Committee of the Regions (COR) — Court of Auditors (CA) |
|---|---|------------------------------------|---|
| Art. 129 (ex Art. 109r) | Incentive measures in the field of employment | Art. 251 | ESC COR |
| Art. 135 (ex Art. 116) | Customs cooperation | Art. 251 | |
| Art. 137(2) (ex Art. 118) | Social policy resulting from the transposition into the Treaty of the Agreement on social policy, except for the aspects of this Agreement which require unanimity | Art. 251 | ESC COR |
| Art. 141 (ex Art. 119) | Equal opportunities and equal treatment of men and women in matters of employment and occupation | Art. 251 | ESC |
| Art. 148 (ex Art. 125) | Implementing decisions relating to the European Social Fund | Art. 251 | ESC COR |
| Art. 149(4) (ex Art. 126) | Education: incentive measures (except recommendations) | Art. 251 | ESC COR |
| Art. 150 (ex Art. 127) | Vocational training | Art. 251 | ESC COR |
| Art. 151(5) (ex Art. 128) | Incentive measures for culture (except recommendations) | the Council acts unanimously | COR |
| Art. 152(4) (a) and (b) (ex Art. 129) | Public health: high standards of quality and safety of organs and substances, veterinary and phytosanitary measures which have as their direct objective the protection of public health (except recommendations) | Art. 251 | ESC COR |
| Art. 152(4)(c) (ex Art. 129) | Incentive measures for public health (except recommendations) | Art. 251 | ESC COR |
| Art. 153(4) (ex Art. 129a) | Consumer protection | Art. 251 | ESC |
| Art. 156 (ex Art. 129d) | Other measures regarding trans-European networks | Art. 251 | ESC COR |

| Legal basis | Description | Majority within the Council | Consultation of: — Economic and Social Committee (ESC) — Committee of the Regions (COR) — Court of Auditors (CA) |
|---|---|------------------------------------|---|
| Art. 162 (ex Art. 130e) | ERDF application decisions | Art. 251 | ESC COR |
| Art. 166 (ex Art. 130i) | Framework programme for research and technological development | Art. 251 | ESC |
| Art. 172 second paragraph (ex Art. 130o) | Certain measures regarding research | Art. 251 | ESC |
| Art. 175(1) (ex Art. 130s) | Environment | Art. 251 | ESC COR |
| Art. 179 (ex Art. 130w) | Development cooperation | Art. 251 | |
| Art. 255 (ex Art. 191a) | Access to institutions' documents (legislative) | Art. 251 | |
| Art. 280 (ex Art. 209a) | Prevention and fight against fraud affecting the financial interests of the Community | Art. 251 | CA |
| Art. 285 (ex Art. 213a) | Statistics | Art. 251 | |
| Art. 286 (ex Art. 213b) | Independent supervisory body for the protection of personal data | Art. 251 | |

Co-decision procedure — Schema



Co-decision procedure — Time limits



1. The Commission submits a proposal to the European Parliament and the Council.
2. Council adopts the proposed act (possibly amended by the European Parliament) or adopts a common position.
3. Forwarding of the common position and the statement of reasons to the European Parliament.
4. The European Parliament approves the common position or does not take a decision (the act is deemed to have been adopted = common position), rejects it (the act is deemed not to have been adopted) or proposes amendments to the common position.
5. European Parliament amendments referred to Council.
6. The Council approves the European Parliament amendments (the act is deemed to have been adopted: amended common position) or does not approve all the amendments.
7. First meeting of the Conciliation Committee.
8. The Conciliation Committee approves the joint text and the two co-Chairmen forward it to the Presidents of the European Parliament and of the Council or the Conciliation Committee does not approve the joint text (the proposed act is deemed not to have been adopted) and the two co-Chairmen notify this result to the Presidents of the European Parliament and of the Council.
9. The European Parliament and the Council adopt the act, otherwise the act is deemed not to have been adopted.
10. Signature of the act by the Presidents of the European Parliament and of the Council.
11. Publication in the Official Journal.
12. Entry into force of the act.

Assignment of tasks within the General Secretariat of the Council

| Leading department | Associated department | Information to | |
|--------------------|-------------------------|----------------|--|
| GRD ⁽¹⁾ | Backbone ⁽²⁾ | | Receipt of the Commission proposal (copy of letter) |
| | | | First reading European Parliament/Council |
| GRD | | Backbone | Examination of the proposal within the Council (working party/Coreper: convening, inclusion on agenda, documents) |
| Backbone | GRD | | Further examination in European Parliament committee |
| GRD | | Backbone | Working party (convening, documents) |
| | GRD | Backbone | Coreper (inclusion on agenda, documents) |
| Backbone/ GRD | | | Informal negotiation meetings and contacts between the Council Presidency, Rapporteur/Chairman of European Parliament committee and Commission |
| Backbone | | GRD | Information note on the outcome of the first European Parliament reading, together with the text of the amendments voted |
| GRD | | Backbone | Examination of the outcome of the first reading, possibly of the amended Commission proposal |
| | | | Acceptance by the Council of the outcome of the first European Parliament reading (adoption of the legal act) |
| GRD | LS (J/L) ⁽³⁾ | Backbone | Coreper/Council (inclusion on agenda, I/A item note for adoption of the act, PE-CONS document) |
| | | | Non-acceptance by the Council of the outcome of the first European Parliament reading (adoption of the common position) |
| GRD | | Backbone | Coreper/Council (inclusion on agenda, documents for the political adoption of the common position) |
| GRD | LS(J/L) | | Statement of reasons (simultaneously with the legal/linguistic revision of the text of the common position): drafting/approval by delegations |
| GRD | | Backbone | Coreper/Council (inclusion on agenda, 'I/A' item note for formal adoption, common position, statement of reasons) |

⁽¹⁾ department responsible

⁽²⁾ Backbone — Co-decision backbone

⁽³⁾ Legal Service (Legal/Linguistic experts)

| Leading department | Associated department | Information to | |
|--------------------|-----------------------|----------------|--|
| Backbone | GRD | | Referral to European Parliament (common position and statement of reasons and any statements) |
| | | | Second European Parliament reading |
| Backbone | GRD | | Further examination in European Parliament committee and plenary |
| Backbone/ GRD | | | Informal negotiation meetings and contacts between the Council Presidency, Rapporteur/Chairman of European Parliament committee and Commission |
| Backbone | GRD | | Information note on the outcome of the second European Parliament reading: — Common position rejected — act not adopted — Common position accepted — act adopted — European Parliament amendments to the common position — second Council reading |
| | | | Second Council reading |
| GRD | | Backbone | Working party (convening, documents, Commission opinion) |
| GRD | | Backbone | Coreper (inclusion on agenda, documents) |
| | | | (a) Council accepts all the amendments — act adopted |
| GRD | | Backbone | Coreper/Council (inclusion on agenda, 'I/A' item note with reference to the information note on the second European Parliament reading together with the text of the amendments) |
| | | | (b) Council does not accept all the amendments — conciliation |
| Backbone | | | European Parliament information on non-acceptance of the amendments |
| Backbone | GRD | | Informal technical meetings (Chairman of the working party, European Parliament, Commission) |
| Backbone | GRD, LS | | Informal triologue (Chairman of Coreper, European Parliament, Commission) |
| Backbone | GRD | | Coreper preparatory work (inclusion on agenda, documents) |

| Leading department | Associated department | Information to | |
|--------------------|---|----------------|--|
| Backbone | GRD | | (poss.) Council (inclusion on agenda, documents) |
| | | | Conciliation meeting(s): |
| Backbone | | GRD | — Convening |
| Backbone | GRD, LS | | — Preparatory work of Council delegation |
| Backbone | GRD, LS | | — Meetings of the Conciliation Committee. |
| | | | <i>(i) Agreement during conciliation</i> |
| Backbone | GRD,LS (J/L) | | — Drafting of joint text (PE-CONS) |
| Backbone | | | — Letter forwarding the joint text to Presidents of the European Parliament and of the Council, signed by the two co-Chairmen of the Conciliation Committee |
| Backbone | GRD | | Coreper/Council (inclusion on agenda, 'I/A' item note, PE-CONS document) — adoption of act |
| | | | <i>(ii) Disagreement during conciliation — act not adopted</i> |
| Backbone | | GRD | Information letter to the Presidents of the European Parliament and of the Council, signed by the two co-Chairmen of the Conciliation Committee |
| Backbone | LS(J/L) Central Coord. Private Office (Official Publications Office) | GRD | LEX document — signing of the legislative text by the Presidents and Secretaries-General of the European Parliament and of the Council Publication of the act in the Official Journal |
| Backbone | | GRD | For the record Organisation of informal contacts between the Presidency and European Parliament, information for European Parliament and Commission departments, extension of time limits, information to delegations on the progress of work and time limits for various dossiers (synoptic table) |

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