

'Reform of the Council: Setting a good example' from EUmagazin (2002)

Caption: Article on the changes to the organisation and operation of the Council agreed at the Seville European Council in June 2002 and incorporated into the new Rules of Procedure of the Council in July 2002.

Source: EUmagazin. Unabhängige Zeitschrift für Wirtschaft, Recht und Politik in der Europäischen Union. Hrsg. Schwarz, Volker; König, Heinz ; RHerausgeber Zeller, Horst; Grittmann, Gunter. 2002, 34. Jahrgang, Nr. 9. Baden-Baden: Nomos Verlagsgesellschaft. ISSN 0946-4689. "Ratsreform: Mit gutem Beispiel voran", auteur:Fischer, Klemens , p. 24-25.

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Reform of the Council

Setting a good example

It passed almost unnoticed by the public when, at their summit conference in Seville in late June, the Heads of State or Government of the EU Member States decided to make radical changes to the organisation and the working methods of the Council, in view of the enlargement of the European Union. These decisions have already been reflected in the new Rules of Procedure of the Council that have been in force since the end of July.

The outcome of the European Council of Seville deserved more attention from the public than was actually devoted to it. The Heads of State or Government not only set out their position on the accession negotiations with the applicant countries, on asylum and immigration, on the World Summit for Sustainable Development in Johannesburg and on the economic outlook, they also took decisions on specific measures to reform the Council and the European Council which brought immediate consequences. The cornerstones of these reforms are as follows:

reshaping the environment for meetings of the European Council;

reduction in number of Council configurations;

division of the previously integrated General Affairs Council into a General Affairs and Foreign Relations Council;

introduction of a strategic multiannual programme for the work carried out by the Council;

introduction of an annual programme by each of the successive presidencies;

introduction of the possibility that the incoming presidency of the Council may already assume the chairmanship in Council working parties before taking office.

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Innovations for the Council

The changes that apply to the Council and that have been in force since 31 July 2002 are even more far-reaching. Accordingly, the work of the Council under the current Danish Presidency is already being carried out in accordance with the new Rules of Procedure.

The number of Council configurations has recently been reduced, and there are now nine configurations (see Table).

Council configurations

The new General Affairs and Foreign Relations Council configuration will carry out preparatory and follow-up work with regard to meetings of the European Council in its General Affairs configuration. In order to ensure that the work of the Council may be organised with more predictability and that a rolling agenda, as it were, may be established for its work as a whole, from December 2003 the European Council will, on the recommendation of the General Affairs Council, determine a strategic multiannual programme that will cover a three-year period. On the basis of that strategic programme, the General Affairs Council will adopt an operational annual programme for the activities of the Council in the December of each year. In order to ensure that this innovation is incorporated immediately into the work of the Council, the first operational annual programme will be established as early as December 2002.

With regard to the chairmanships of the Council working parties, it is now possible for the chair to be taken

by the succeeding presidency six months before it takes office, in instances when fundamental decisions are to be taken during the following Presidency.

New role for the Foreign Ministers?

The EU Foreign Ministers almost expired as a result of the Seville conclusions. The General Affairs and Foreign Relations Council configuration covers everything that had previously been handled by the Foreign Ministers, but the aim in some Member States is to be represented in the General Affairs Council by their own Minister for European Affairs or by a Junior Minister. It is true that this had already been possible before the reform, because there was no explicit prescription for any Council configuration as to which ministerial representative had to take part, but the Foreign Ministers are still worried about retaining their supposed prerogatives. This fear is actually groundless, because, pursuant to paragraph 3 of the Declaration of the Heads of State or Government made at the Paris Summit in 1974, the General Affairs Council is responsible for coordination and for setting things in motion, while the Foreign Ministers are responsible for guaranteeing the coordination of the activities of the Community and the continuity of its work. In addition to this, there is also what is known as the La-Maria procedure that was adopted in October 1975. The procedure provides that, in fulfilling the role envisaged for them by the Heads of State or Government in Paris, the Foreign Ministers may review and discuss the progress of the work of the other Council configurations. As part of its coordinating function, the General Affairs Council and, under the Paris Final Declaration, therefore, the EU Foreign Ministers will also act as a mediation and arbitration authority when decisions taken by other Council configurations diverge.

For the Foreign Ministers, therefore, the decision taken at Seville has a twofold meaning. On the one hand, it means that, from now on, they will continue to meet in a Council configuration, albeit for differing activities: sometimes exclusively as a preparatory body for the European Council, sometimes as a conventional Council of Foreign Ministers. On the other hand, simply referring decisions to other Council configurations and adopting varying degrees of soft resolutions about crisis zones around the world will now no longer be sufficient for it to maintain its role as the *primus inter pares* of the Council configurations.

Is even more reform needed?

In view of these radical changes, we might ask whether there is a need for even further reform for the Council. The answer to this question is probably only maybe. On the one hand, the Council should be given the opportunity to implement the reforms in its day-to-day work so that further adjustments may be made on the basis of the experience acquired.

On the other hand, the role of the Committee of Permanent Representatives must be rapidly reviewed. If this effective body is retained, and there should be absolutely no doubt at all that it should be, the meetings of the Ambassadors must again be given more decision-making powers. The phenomenon of the re-nationalisation of important preliminary decisions observed during the last few months also led to a shift of the decision-making process from Brussels to the Member States. Surely not a particularly good sign for a strong and integrationist Europe!

However, criticism of the Seville European Council could be voiced with regard to its enthusiasm for taking decisions regarding reform of the Council. The draft had contained what was still a small but cost-saving section: in future, informal Council meetings were to be permitted only for those Councils not included in the list of the Council configurations. This section, which would have made a considerable contribution towards reducing the number of different venues for meetings at European level, was deleted. However, once ideas of this kind have been put down on paper, they continue to reappear repeatedly until they have actually been put into effect. Apart from this omission: the Seville European Council has done a very good job on the reform of the Council and of the European Council.

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