

Progress report on measures taken to improve the Council working methods (8 December 1998)

Caption: On 8 December 1998, in response to the request of the Cardiff European Council of 15 and 16 June 1998, the General Affairs Council submits a progress report on the measures taken to improve the Council working methods.

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Progress Reports from the General Affairs Council to the European Council on the improvements in the Council functioning and working methods (Brussels, 8 December 1998)

1. The Cardiff European Council of 15 and 16 June 1998 noted that the Council is considering the scope of improvements in its own functioning and invited it to report on progress on this issue in the next Presidency.

Following the General Affairs Council of 30 March 1998 and the Ministers of Foreign Affairs lunch discussion of 2 May 1998, Coreper had taken stock in July 1998 of the follow-up given to Council conclusions and guidelines on Council working methods, with a view to improving the efficiency of the Council⁽¹⁾. It had found that several of those conclusions had not been followed.

Following the Salzburg informal meeting on 5 and 6 September 1998 of Foreign Ministers, it was taken note of the Coreper proceedings referred to above and agreed that, in the light of experience during the current Presidency and in line with the Cardiff conclusions, a progress report should be submitted to the European Council in Vienna.

2. In submitting the present progress report on measures taken to improve the Council working methods, the General Affairs Council stresses the importance that further work be done on the basis of the conclusions, recommendations and guidelines adopted by the Council in 1988, 1992 and 1995, referred to above. It considers that many of them are worth implementing, not only for the General Affairs Council, but also for the other compositions of the Council.

The General Affairs Council is determined to play fully its key function in the external relations as well as in horizontal and institutional matters - in order to ensure the consistency of the Union's action - and in the preparation of the European Council.

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3. At their informal meeting in Salzburg on 5 and 6 September 1998, Foreign Ministers held a far-ranging and in-depth discussion on the functioning of the Council. On the basis of that discussion, the General Affairs Council decided that it will concentrate its proceedings on decision-taking and that the following measures shall apply as from its meeting of 5 and 6 October 1998:

- "horizontal" issues - such as Agenda 2000, Enlargement, Preparation of the implementation of the Amsterdam Treaty - are placed on a separate part and at the top of the agenda;

- discussion at lunch is confined to particularly sensitive issues; other confidential matters are discussed in the Council chamber in very restricted session;

- all meetings with third countries take place on the second day.

4. At the same Council meeting of 5 and 6 October 1998, the Presidency suggested that the following Council conclusions, among those examined by Coreper in July 1998, be implemented forthwith:

Organisation of the Council's proceedings

- Delegations calling for the inclusion of "other business" items should first circulate a written exposition so that the oral presentation of such items to the Council can be kept short.

- The presentation to the Council by the Commission of its proposals on the latter's own initiative or at the request of a delegation is to be confined to the salient political points, with the technical aspects being

covered in a written communication.

- Recourse to "policy debates" should be limited: they should only take place when they are well prepared and not systematically in the form of round-table discussions.
- Any decision or operational conclusion adopted in a meeting of Ministers alongside a Council meeting (e.g. over lunch) must be confirmed in the Council meeting.

Attendance at Council meetings

- Delegations in the meeting-room comprise a maximum of six people. An overflow room is always made available. The application of this measure should be strictly controlled.

Regarding CFSP, it should be noted that :

- In spite of the Council conclusions of 1992 that the working groups dealing with external relations be merged with their counterparts currently dealing with CFSP, this measure has not been implemented. The Council reaffirms the desirability of merging these groups, which implies a single Presidency, in order to ensure the consistency of the action of the Union. COREPER and the Political Committee should make use of the merged working parties for the exercise of their respective responsibilities.
- The use of the COREL! network should be compatible with the procedures for preparing for the Council's deliberations : in particular, all draft normative acts to be adopted by the Council should be examined in working party meetings.

5. The General Affairs Council meeting on 5 and 6 October 1998 also recognized the need for a more effective management of the various commitments, in particular meetings at ministerial level, with third States; and it requested the Secretary-General of the Council to make concrete proposals to that effect. The Secretary-General report appears in doc. 13283/98 RELEX 39 CAB 1 5 and is going to be examined by the Council.

6. The possibilities to make greater use of advances in communication technology (in particular audio- and video conferencing) is under examination at expert level. A draft report on video conferencing (doc. 12928/98 AG 14) reflects the current state of discussions.

7. The Council adopted a certain number of amendments to its Rules of procedure, in particular to take account of the forthcoming third stage of the Economic and Monetary Union. Other amendments are under consideration.

8. The question of the merging of Council compositions is dealt with in the Annex to this report.

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9. Earlier in 1998, the Secretary-General of the Council had taken the initiative to mandate an internal working group to examine the functioning of the Council and to report on possible options for improving the effectiveness and consistency of its action, namely with the prospect of an enlarged European Union. This report will be available at the beginning of next year.

Annex – Merging of Council Compositions

The existence of several Council compositions - at present there are around twenty - is due to the progressive diversification of the European Community activities.

Regular meetings of the different Council compositions allow close contacts to be established between

national Ministers responsible for matters of Community competencies. They also help national administrations to think and to act in a "European" way.

However, the existence of specialised Council compositions leads to a fragmentation of the European Union action and involves the risk of inconsistency between the various aspects of such action. It also gives rise to expectations for concrete results and to an increasing tendency to adopt texts - such as resolutions and conclusions - which are not legal acts under the Treaty but which may sometimes be presented as containing normative or quasi-normative provisions.

The Council has tried to limit the number of its compositions, so far unsuccessfully.

New proposals have been recently put forward in this regard, among which the grouping of the present compositions in a small number of main "cluster" compositions, such as "General Affairs-Development", "Ecofin-Budget", "Education-Research-Culture-Youth Affairs" or "Agriculture-Fisheries".

The Presidency is of the opinion that the number of Council compositions should be reduced. The Presidency suggests that the European Council endorses this approach. A first step could consist in merging the Council compositions Internal Market, Industry and Tourism, although this view is not shared by all delegations.

It should be underlined that the merger of Council compositions would not change the existing practice that the Member States may be represented by different ministers for different agenda items.

⁽¹⁾ The Coreper proceedings, which were based on an introductory note from the Council Secretariat (10297/98 and COR 1), took account of the following texts:

- conclusions adopted by the Council on 19 December 1988 (10446/88 Annex);
- conclusions adopted by the Council on 11 May 1992 in the framework of the follow-up to Maastricht (6252/92);
- guidelines adopted by the Council on 29 May 1995 (7495/95);
- recommendations adopted by the Council on 12 June 1995 (as regards external relations) (7896/95).

Since 1995, new contributions have been put forward on possible ways to improve the Council working methods, such as:

- President of the Council Jacques Poos during the open debate on the Luxembourg Presidency programme, in July 1997;
- Minister Lamberto Dini working document on the functioning of the General Affairs Council, in September 1997;
- Minister Hubert Vedrine, letter to Minister Cook before the Gymnich meeting, in March 1998;
- Minister Robin Cook letter to the General Affairs Council of 21 July 1998.

More recently, on 9 November 1998, Italy has submitted new proposals with the aim of improving the functioning of the General Affairs Council and strengthening the consistency of Community policies and the coordination between the action of the different Council compositions.