

Draft Code of Conduct of the Antici Group, Working methods for an enlarged Council (4 March 2003)

Caption: On 4 March 2003, with a view to the enlargement of the European Union to include ten new Member States, the Antici Group submits to Coreper a draft Code of Conduct aimed at improving the efficiency of the preparations for and conduct of meetings of the Council and its preparatory bodies.

Source: Report from Antici Group to Coreper/Council. Subject: Working methods for an enlarged Council - Code of conduct, 7002/03, POLGEN 10. Brussels: Council of the European Union, 04.03.2003. 7 p.
<http://register.consilium.europa.eu/pdf/en/03/st07/st07002en03.pdf>.

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http://www.cvce.eu/obj/draft_code_of_conduct_of_the_antici_group_working_methods_for_an_enlarged_council_4_march_2003-en-c301e3be-a7ef-4c96-8388-c9ee32a7c1cc.html

Last updated: 20/08/2015

Report from the Antici Group to the Coreper/Council (4 March 2003) Working methods for an enlarged Council – Code of Conduct

1. The Antici Group reached broad agreement, at its level, on a draft Code of Conduct aimed at improving the efficiency of the preparation and conduct of meetings of the Council and its preparatory bodies, in the light of the forthcoming enlargement.
2. The Permanent Representatives Committee is asked to suggest that the Council:
 - (a) endorse the attached Code of Conduct with a view to its immediate implementation,
 - (b) decide that as from 17 April 2003, and without prejudice to the order of rotation of Presidencies which will apply until the end of 2006, representatives from acceding States will sit in Council meetings and in all preparatory bodies in alphabetical order interspersed alternately among the representatives of the current Member States, starting after the next Presidency but one,and
 - (c) take note of the letter from the Deputy Secretary-General on seating availability for delegations in meeting rooms after 17 April 2003.

Working methods for an enlarged Council Code of Conduct

On the eve of a quasi-doubling in size the number of its members, it is important for the Council to follow rules on the organisation of its work which will allow it to better use the necessarily limited time available.

This Code of Conduct aims to improve the efficiency of the preparation and conduct of meetings of the Council and its preparatory bodies, in accordance with the Council's rules of procedure.

I. Preparation of meetings

The context is one where increased demand for speaking time from delegations collides with a more or less static "supply" of meeting time resulting from factors which can only be expanded slightly if at all (number of meeting rooms, availability of interpreters, etc.).

Referral of reports

The traditional practice of referring reports upwards and downwards between the Council's preparatory bodies – often several times – is caused to some extent by a faulty division of labour between COREPER and working parties. Thus, working parties refer files to COREPER¹ on which preparatory work has not been completed. COREPER for its part is sometimes over-hasty in referring an entire file back to the working party, on occasion without a sufficiently clear remit.

(1) The Presidency will ensure that a file is only submitted by a working party to COREPER when there is reasonable prospect of progress or clarification of positions being achieved at that level. Conversely, files may only be referred downwards again when necessary, and in any event only with the remit to tackle precise, well-defined problems.

Better documents

Time would be gained in meetings by the use of more efficient documents. This concept is developed more fully in the Guide for producing documents for the Council and its preparatory bodies issued by the Council Secretariat.

Their timely availability is essential for a better preparation of meetings and all efforts should accordingly be undertaken in this sense.

Using time between meetings

It is necessary to use the time *between* meetings more constructively. The Presidency already makes use of contacts with delegations as a way of advancing work. This could be further developed through "targeted tasking". Thus, once work on a file has reached the point where it is possible to identify stumbling blocks on which there is a clear line-up of delegations, the Presidency could explore possible solutions with whatever assistance it considers necessary from within the working party/committee, including that provided by the General Secretariat and the Commission. Decision-making would naturally remain entirely the prerogative of the plenary meeting.

(2) The Presidency shall take necessary steps to advance work between meetings. It can, for example, with the agreement of the working party or committee, undertake in the most efficient way necessary consultations on specific problems with a view to reporting back to the working party or committee concerned on possible solutions. It can also conduct written consultations by requesting delegations to react in written form to a proposal before the next meeting of the working party or committee.

Change of medium

Time could be gained in meetings if delegations were to take the floor against the background of documentation they had made available in advance, via the Council Secretariat. Such documentation could, for example, include general introductory statements of position on a new proposal, motivations of position on specific points and proposals for amendments (the latter to be accompanied by precise language.) Wherever possible, groups of like-minded delegations should aim at making available written input reflecting joint positions.

(3) Delegations should, whenever appropriate, set out the positions they are likely to take in a forthcoming meeting in written form before that meeting; when such information contains proposals for amending text, such proposals should take the form of precise language. Wherever possible, written input should be submitted jointly by delegations maintaining the same position.

Role of the Antici/Mertens Groups

With a view to lightening the load on COREPER:

(4) COREPER should avoid going over ground already covered in the Antici and Mertens groups; this applies in particular to the "I" items, information on the organisation and order of its business and information on the agenda and organisation of forthcoming Council meetings. Wherever possible, delegations shall raise Any Other Business items in the Antici/Mertens groups rather than at COREPER.

(5) *The Presidency will convey to the Antici and Mertens groups as soon as possible before COREPER all necessary information in order to allow a thorough preparation of COREPER, including information on what the Presidency expects to achieve from the discussion on each agenda item. Conversely, the Presidency may, as appropriate, encourage delegations to communicate to the Antici/Mertens group information on the positions they will be taking at COREPER. In this context the Presidency shall finalise the agenda of COREPER. The Presidency will consider convening the Antici and Mertens groups more frequently, when required by circumstances.*

II. Conduct of meetings

With the forthcoming enlargement a new threshold will have been crossed, with the sheer number of participants in a meeting requiring a greater discipline than hitherto if results are to be achieved within a reasonable length of time.

Agenda management

Certain meeting practices must be abandoned.

(6) *No items will be placed on the Council agenda simply for presentation by the Commission or Council members, except where a debate is foreseen on new major initiatives.*

(7) *The Presidency shall refrain from placing on COREPER's agenda items for information only. The information in question (e.g. on the outcome of meetings in another forum or with a third State or another institution, procedural or organisational questions, etc.) should instead be transmitted to delegations via their Antici or Mertens, whenever possible in written form, and should not be repeated in COREPER.*

Role of the Presidency

The Presidency shall organise meetings in a manner that will ensure the most efficient use of time. Efficient documents will play an important role in supporting some of the recommendations set out below for achieving this objective.

(8) *At the start of a meeting, the Presidency shall give any necessary further information regarding the handling of the meeting and in particular indicate the length of time it expects to be devoted to each item. It shall refrain from making lengthy introductions and avoid repeating information which is already known to delegations.*

(9) *At the start of a discussion on a substantive point, the Presidency shall, depending on the type of discussion which is needed, indicate to delegations the maximum length of their interventions on that point. In most cases interventions should not exceed two minutes.*

(10) *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.*

(11) *The Presidency shall give as much focus as possible to discussions, in particular by requesting delegations to react to compromise texts or specific proposals.*

(12) *During and at the end of meetings the Presidency shall refrain from making lengthy summaries of the discussions and shall confine itself to concluding briefly on the results (substance and/or procedure) achieved.*

Behaviour of delegations

Delegations should equally contribute to the efficient conduct of a meeting.

(13) *Delegations shall avoid repeating points made by previous speakers. Their interventions shall be brief, substantive and to the point.*

(14) *Like-minded delegations are encouraged to hold consultations with a view to the presentation by a single spokesperson of a common position on a specific point.*

(15) *When discussing texts, delegations shall propose concrete drafting proposals, submitted in writing, rather than limit themselves to expressing their disagreement with a particular proposal.*

(16) *Unless indicated otherwise by the Presidency, delegations shall refrain from taking the floor when in agreement with a particular proposal; in this case silence will be taken as agreement.*

Harnessing technology

The use of a number of technical devices could reinforce the effect of a number of the recommendations set out above; these could include the Presidency setting off a blinking light when the speaker's time limit has expired; the electronic registration of requests for the floor; the automatic calculation and electronic display of the result of a vote (whether indicative or formal). Consequently, the Council Secretariat will reflect on ways of enhancing the efficiency of the conduct of meetings by the use of technical devices, including on possible means to speed up the production of textual amendments for consideration in the meeting.

¹ References to COREPER should be understood as applying also to other preparatory bodies above working party level.