

# Origin and development of Coreper

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The 1951 Treaty establishing the European Coal and Steel Community (ECSC) includes no provision governing the organisation of the Special Council of Ministers, but the complexity of the decision-making process led the Council, on 7 February 1953, to set up a 'Coordination Committee' (Cocor) to prepare for Council meetings. Cocor, which was composed of senior officials with an overall view of policy questions, set up subcommittees consisting of officials qualified to carry out detailed studies of technical questions. Cocor was not a standing body. Its members came from their respective capitals and met in Luxembourg at regular intervals.

The experiment was so successful that provision was made in the 1957 Treaties establishing the European Economic Community (EEC) and the European Atomic Energy Community (EAEC or Euratom) for the possibility of constituting a committee of Member States' representatives whose tasks and powers were to be determined by the Council (Article 151 of the ECSC Treaty and Article 121 of the EAEC Treaty).

Following the signing of the Treaties of Rome, and before their entry into force, i.e. between April and December 1957, an Interim Committee for the Common Market and Euratom, consisting of the same Heads of Delegation as the Intergovernmental Committee for the Common Market and Euratom, apart from its Chairman Paul-Henri Spaak, met 14 times to prepare for the entry into force of the two Treaties. In January 1958, the Interim Committee was replaced by a Committee of Permanent Representatives to the Communities, who were granted ambassadorial rank and privileges. Unlike the members of Cocor, who came specially to Luxembourg for meetings, the Permanent Representatives established themselves in Brussels on a permanent basis with a team of advisers seconded from national ministries.

The Council decision of 25 January 1958 to set up a **Committee of Permanent Representatives of the Member States** (Coreper) was confirmed by the EEC Council's provisional Rules of Procedure of 18 March 1958. This laid down that Coreper was responsible for preparing the work of the EEC and EAEC Councils and for carrying out the tasks assigned to it by the Council.

Following the entry into force of the Merger Treaty of 8 April 1965 establishing a single Council, Coreper became common to all three Communities. Coreper's organisational arrangements, as laid down in the Council's Rules of Procedure, were incorporated into Article 4 of the Merger Treaty, which lays down 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.' The permanent character of the function of Representative and his or her twofold position as the representative of a Member State and a member of Coreper are thereby enshrined in primary legislation.

The Treaty establishing the European Union, which entered into force on 1 November 1993, incorporated the substance of Article 4 of the Merger Treaty into the three founding Treaties (Article 151 of the EC Treaty, Article 121 of the EAEC Treaty and Article 30 of the ECSC Treaty). The composition and tasks of Coreper were set out in former Article 151 of the Treaty establishing the European Community (EC), which became Article 207 of the EC Treaty, following the Amsterdam reform.

Finally, following the entry into force of the 1997 Treaty of Amsterdam, the Committee may take procedural decisions in cases provided for in the Council's Rules of Procedure (Article 207 of the EC Treaty, Article 121 of the EAEC Treaty and Article 30 of the ECSC Treaty). Article 19 of the Rules of Procedure sets out a list of the procedural decisions which may be taken by Coreper. In all cases, decisions on matters of substance remain a matter for the Council.

### Composition of Coreper

The **Committee of Permanent Representatives** (Coreper) ensures the permanent presence of the Member States at the European Union's headquarters. The Permanent Representatives, who hold the rank of ambassador extraordinary and plenipotentiary, are replaced when absent by the Deputy Permanent Representatives. The latter originally held the rank of adviser and are nowadays generally styled ministers

plenipotentiary. As the heads of their national delegations, the Permanent Representatives deal from the outset with the more horizontal and political questions, while the Deputy Permanent Representatives focus on technical questions. This division of labour has been formalised since 1962, when the Committee was split into Coreper I (Part 1), dealing with technical questions under the responsibility of the Deputy Permanent Representatives, and Coreper II (Part 2), dealing with political questions under the responsibility of the Permanent Representatives.

The Permanent Representatives and Deputy Permanent Representatives act within Coreper on instructions from the national authorities.

### **The role and tasks of Coreper**

The main function assigned to Coreper by the Treaty is horizontal in character: it prepares the Council's work. For this purpose, since the adoption of the EEC Council's provisional Rules of Procedure in 1958, it has been able to set up working parties and entrust them with carrying out certain preparatory tasks or research. Coreper ensures coordination between the work of the various working parties and committees set up by itself or by the Council, with its approval.

In practice, once a proposal for a decision from the Commission has been put before the Council, work on preparing the decision begins in the numerous specialist working parties and committees. The results of the work done by these preparatory bodies are, in principle, submitted to Coreper, which, unless it decides otherwise, reviews in advance every item on the agenda for a Council meeting. Coreper I prepares the decisions of the Council meeting in its more technical configurations (Employment, Competitiveness, Transport, Agriculture, Environment, Education), while Coreper II prepares the decisions of the Councils on General Affairs and External Relations, Economic and Financial Affairs and Justice and Home Affairs.

Coreper tries to secure an agreement at its own level before submitting it for adoption by the Council. When Coreper reaches such an agreement, the Council generally adopts it as an A item (approval without debate). When submitting issues for decision to the Council, Coreper puts before it, as appropriate, guidelines, options or proposals for solutions.

Since it was established, Coreper has, therefore, played a key part in the organisation and workings of the Council, as the coordinator of the results achieved by all the working parties and committees, as a clearing house for political and technical questions and as an intermediary between the national and EU bodies.

In 1974, the communiqué issued by the Paris Summit set out to strengthen the role of the Permanent Representatives and called on the Member States to involve them more closely in the drafting of national positions on EU matters. The object is to make the Council more effective by ensuring that it has to deal only with major political issues.

Nevertheless, the rising number and increasing diversity of the areas of competence of the Communities and the Union have led, over the years, to a proliferation of the 'high-level' specialist working parties and committees (established by the Treaties or by Council decision), thereby considerably weakening Coreper's coordinating role.

To remedy this situation, the Helsinki European Council held in December 1999 stated that Coreper is responsible for assembling all preparatory work undertaken by different vertical bodies for both multidisciplinary and interpillar issues. Furthermore, for any issues where substantive preparation is undertaken in other forums, Coreper must, in any event, be in a position to verify that certain principles and rules are respected, including the principles of subsidiarity, proportionality and justification for acts, the rules establishing the powers of the European Union's institutions and bodies, budgetary provisions and rules on procedure, transparency and the quality of drafting. This provision, whose purpose is to uphold Coreper's role as the body with the final say before issues are submitted to the Council, was incorporated into the Council's Rules of Procedure in 2000. The Rules, in fact, expressly state that it is Coreper's function to check, in any event, for consistency with the Union's policies and measures.

Alongside its main task, the preparing of Council decisions, Coreper is also allocated a second function by the Treaty, that of carrying out the tasks assigned to it by the Council. In practice, when the Council has debated a question, it may instruct Coreper to carry out further study of an issue or ask it to report to it on a particular point.