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## **REPORT**

on reform of the Council  
(2001/2020(INI))

Committee on Constitutional Affairs

Rapporteur: Jacques F. Poos



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## PROCEDURAL PAGE

At the sitting of 15 March 2001 the President of Parliament announced that the Committee on Constitutional Affairs had been authorised to draw up an own-initiative report, pursuant to Rule 163 of the Rules of Procedure, on the reform of the Council.

The Committee on Constitutional Affairs had appointed Jacques F. Poos rapporteur at its meeting of 24 January 2001.

The committee considered the draft report at its meetings of 25 April, 29 May, 21 June and 12 and 13 September 2001.

At the last meeting it adopted the motion for a resolution by 17 votes to 1, with 7 abstentions.

The following were present for the vote: Giorgio Napolitano, chairman; Ursula Schleicher and Christopher J.P. Beazley, vice-chairmen; Jacques F. Poos, rapporteur; Teresa Almeida Garrett, Georges Berthu, Jens-Peter Bonde, Elmar Brok (for François Bayrou), Carlos Carnero González, Richard Corbett, Andrew Nicholas Duff, Monica Frassoni, José María Gil-Robles Gil-Delgado, The Lord Inglewood (for Giorgos Dimitrakopoulos), Sylvia-Yvonne Kaufmann, Jo Leinen, Hanja Maij-Weggen, Cecilia Malmström, Hans-Peter Martin, Iñigo Méndez de Vigo, Gérard Onesta (for Johannes Voggenhuber), Alonso José Puerta (for Armando Cossutta), Mariotto Segni, The Earl of Stockton and Margrietus J. van den Berg (for Manuel António dos Santos).

The report was tabled on 17 September 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

## MOTION FOR A RESOLUTION

### European Parliament resolution on the reform of the Council (2001/2020(INI))

*The European Parliament,*

- having regard to the report ‘an effective Council for an enlarged Union’ and, in particular, the operational recommendations contained in it, which were approved by the European Council in Helsinki,
  - having regard to its resolution of 11 February 1999 on the decision-making process in the Council in an enlarged Union<sup>1</sup>,
  - having regard to the Treaty on European Union and the EC Treaty, in particular Articles 202-210 thereof,
  - having regard to Rule 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs (A5-0308/2001),
- A. whereas following the signing of the Nice Treaty and in the context of the debate on the future of the Union, it is its duty to continue its considerations about the adaptation of the administrative and political procedures and the practices of the Union institutions with a view to ensuring the democracy, effectiveness and transparency of the whole European institutional system, in particular with a view to enlargement,
- B. whereas the forthcoming constitutional process must include a reform of the Council and its future role in a more democratic Union, but in the meanwhile it is essential and a matter of urgency to improve its functioning without amending the Treaties,
- C. whereas therefore this report must be followed by a chapter on reform of the Council to be inserted in other resolutions with a view to reform of the Treaties,
- D. whereas whatever concept of the development of the institutions in an enlarged Union may be advocated, the reform of the Council is bound to be an issue,
- E. having regard to the spirit and letter of the Treaties, in particular Article 202 of the EC Treaty, which defines the role of the Council in the Union’s institutional system, assigning to it three essential functions: to legislate, to take decisions regarding government and to coordinate the policies of the Member States,
- F. whereas the numerous dysfunctions in the Council undermine the efficient implementation of its powers and thereby jeopardise the Union’s credibility and the functioning of the institutional triangle,
- G. whereas when the Council acts as legislator, it meets behind closed doors and the discussions are not made public,
- H. whereas, as a result of new powers and hence new specialised Councils, the coherence of

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<sup>1</sup> OJ C 150, 28.5.1999, p. 276

Union policy is being increasingly endangered because of the lack of sufficient coordination in the Council,

- I. whereas the specialised, often very powerful, formations of the Council, based on the pillar-structure resulting from the Treaties and the variable geometries (EMU – Schengen), have undermined the coordinating role of the General Affairs Council and the Commission's role of legislative initiative and, finally, have reinforced the intergovernmental method to the detriment of the Community method in the Council,
- J. whereas the need to arbitrate between these specialised formations of the Council and to take political decisions at the highest level has strengthened the role of the European Council, which has given rise to a parallel channel for preparing decisions, which is essentially of a diplomatic, opaque and intergovernmental nature,
- K. whereas it is unlikely that this trend will be reversed, and even less so in an enlarged Union,
- L. whereas decision-making in the Council, as a result of the new rules laid down in the Nice Treaty, has become even more complicated and incomprehensible,
- M. having regard to the increasing number of committees responsible for monitoring the executive functions delegated to the Commission,
  - 1. Considers that in the light of the functions assigned to it by the Treaty, the smooth operation of the Council is essential to guarantee democratic, effective and coherent decision-making and to ensure good governance in the Union, especially in an enlarged Europe;
  - 2. Points out the dual nature of the Union as a union of peoples and a union of States and reaffirms that the development of the institutional framework must match this dual nature, in that the European Parliament represents the peoples, the Council represents the States in the exercise of legislative power, while the Commission is the executive body of the EU;
  - 3. Considers that the main aim of the reform of the Council must be to adapt the Council's practical structure and procedures to the increasing number of its members and the requirements of coherence and transparency which the legislative function entails in a constitutional Community;
  - 4. Notes that in the Council, in addition to the complicated decision-making, in each of the three pillars a number of different policy instruments have been created, i.e. 18 in the first pillar, five in the second pillar and four in the third pillar, which not only raises questions regarding the legal value of the policy instruments, but makes the decision-making procedure even more complicated;
  - 5. Considers that, in the context of the constitutional process and particularly with a view to the reforms scheduled for 2004, the role of the Council must be redefined so as to democratise the Union;

### **The European Council**

- 6. Considers the role of political guidance assigned to the European Council by the Treaties to be essential to the progress of the Union; nevertheless considers that this role is called into question by the excessive expansion of its agenda, which often requires Heads of State and

Government to intervene on questions of detail because the Council of Ministers is not able to decide; this proves the increasing difficulty in the functioning of the Council of Ministers and creates anomalies in the normal conduct of the decision-making procedures in the Union, to the detriment of the Community method;

### **Enhancing the role of the General Affairs Council**

7. Considers it essential to reassess the role of the General Affairs Council in order to ensure the coherence of decisions and the horizontal coordination of policies; in this context considers that the general across-the-board competence of the General Affairs Council must be clearly defined and that Coreper must regain its role as the sole channel for preparatory work; considers that in order to carry out this task successfully and to be able to coordinate and give political guidance to Coreper the General Affairs Council must meet more regularly, preferably every week, and consist of ministers delegated by the national governments exercising a coordinating role within the governments and wielding the necessary political authority;
8. Considers it essential to reassess the role of the Economic and Social Council in order to let it function as a counterbalance for the Economic and Financial Affairs Council and thereby ensure the pursuit of policy areas with a social character by the competent ministers;
9. Takes the view that there must be a separate Council for foreign policy and that there must be a distinction between the legislative Council, which meets publicly, and the executive Council;
10. Considers the number of sectoral formations of the Council to be excessive and that their competences should be redistributed in a restricted number of specialised Councils responsible for preparing formal decision-making and not for taking legislative decisions themselves, with the General Affairs Council deciding in the event of conflict between the specialised Councils;

### **Coordination of policies and coherence of decisions**

11. Is aware that conflicts and contradictions between the sectoral formations of the Council often originate in the national governments themselves; therefore calls on the governments of the Member States to endeavour to adapt their working methods to the needs of their European work, in order to ensure coordination and coherence from the stage when decisions are being prepared;
12. Suggests that the cabinets of the Member States should regularly include on the agenda a permanent item 'European affairs' to enable the member of the government sitting on the General Affairs Council to absorb the government's position on the items on the agenda for the subsequent General Affairs Council;
13. Considers that efficient coordination upstream of Community decisions within each Member State must include mechanisms, in accordance with their respective constitutional rules, to involve the national parliaments and, in federal or highly regionalised States, the regional authorities, in preparations for the European legislative process, including, where appropriate, participation in the Council itself according to Article 203 of the EC Treaty;

14. Considers it necessary to substantially reduce the number of Council committees which are an additional cause of bureaucratic delay and over which the members of the Council risk losing control; requests that the possibility of delegating to the Commission should be exploited more often;
15. Considers it essential that, in the context of the legislative procedure, the Council should be represented in the Conciliation Committee by representatives with a political mandate, who can take decisions of their own in the negotiations, in order to ensure efficient negotiation; these would be the relevant ministers and the President-in-Office of the Council, who in any event must be present throughout the conciliation procedure;
16. Considers that the role of High Representative for the CFSP and that of the Commissioner responsible for external relations should be merged and assigned to a Commission Vice-President;

### **Collaboration with the European Parliament**

17. Takes the view that the Council must be present at plenary sittings of the European Parliament during an additional half-day, in order to be present, in particular, during debates and critical votes on legislation, legislative initiatives by the Member States and the Commission's annual legislative programme;
18. Considers it essential that the High Representative for the CFSP should at any time report to Parliament's plenary or the committee responsible, at the EP's request, if necessary together with the Commissioner for External Relations;
19. Considers it essential that the President-in-Office of the Council should, as happened under the Swedish presidency, report to Parliament three times during the Council presidency: at the beginning of the presidency, to present his programme, once during the presidency to report on progress achieved, and at the end of the presidency to give a concluding assessment;
20. Calls on the Council to speed up the legislative procedure and to seek compromises with Parliament from its first-reading stage; suggests that rules designed to speed up the first reading of a legislative procedure should be worked out together with the Council;
21. Considers it essential, in the context of the legislative procedure, on the one hand that the Council be present when legislative texts are adopted in Parliament and, on the other, that Parliament also be present when the Council takes final legislative decisions; in the case of decisions taken in accordance with the codecision procedure the representatives of Parliament should be entitled to speak at the Council meeting; as equal legislative authorities Parliament and the Council together should publicly announce the final outcome of a legislative procedure;
22. Advocates on-going dialogue between the Council and the political groups in the European Parliament by means of regular meetings of the Ministers for Foreign and/or European Affairs of the country holding the presidency with the political groups and/or their chairmen;
23. Considers that at the beginning of each presidency the Council, together with the European Parliament and the Commission, should agree upon a policy framework in which the



objectives of the year to come are set out (taking into account the multiannual working programme of the Commission);

### **The modus operandi of the Council**

24. Considers that the Council has been unable to adapt its practices and internal procedures to the number of Union members or the requirements of its legislative function in the context of its additional competences, which have transformed the very nature of the Union; considers that there is an urgent need, especially in view of enlargement, to take steps to adapt it and suggests the following:
- (a) in the Council's Rules of Procedure (Rule 11(4)) the quorum laid down for presence must be complied with, and for votes held in the context of legislative procedures in particular it must be ensured that the majority of ministers are present,
  - (b) only members of the Council, i.e. 'a representative of each Member State at ministerial level' must have the right to vote, and access to the meeting room should be restricted,
  - (c) the agenda for the General Affairs Council, which must be made public, should be split into two distinct parts: external relations and horizontal issues (coordination),
  - (d) when the Council is required to decide by a qualified majority, the presidency must hold the vote as soon as an adequate majority is reached, except when it is likely that consensus may be achieved by holding one more meeting,
  - (e) at the suggestion of the presidency speaking-time for certain issues may be limited, without debate and by a simple majority, for certain debates at each institutional level (e.g. working groups, Coreper, Council);
25. Suggests that the 'European education' of national officials should be encouraged by promoting periods of professional experience for them in the General Secretariat of the Council;

### **Transparency**

26. Requests that when the Council acts as legislator both the deliberations and the votes should be in the public domain, and requests in particular that at the beginning and end of all legislative procedures public debates be held in accordance with Rule 8 of the Council's Rules of Procedure and that Rule 9(1) of the Council's Rules of Procedure, according to which the results of the vote and explanations of vote by Council members, as well as items in the minutes referring to the adoption of legislative texts, are published, must be fully implemented; important debates of political orientation and the discussion on the annual report of the Commission and on all the other periodic reports of the executive body or other bodies of the Union should also be held in public;
27. Considers it desirable that the candidate countries should be consulted about the future structure and functioning of the Council;
28. Instructs its President to forward this resolution to the Council and Commission.

## EXPLANATORY STATEMENT

### Introduction

Whatever the outcome of the 'post-Nice' debate and the Intergovernmental Conference in 2004, one of the major problems of a greatly enlarged Union will be how to maintain its decision-making capacity, its governability and the consistency of its policies. The EP takes the view that in the Union's future institutional structure the Council must preserve, in addition to its co-legislating power, the following key functions, which are essential and cannot be ignored:

- guaranteeing the governability of the Union as a whole,
- implementing the coherence of the Union's policies at every stage.

In the current Community of 15, the Council has already lost much of its effectiveness. It meets in far too many formations. The General Affairs Council no longer has an overview and its ability to coordinate has been undermined by both the specialised Councils (for example Ecofin) and by the European Council.

It is very much in the interests of the European Parliament to see an effective Council, which is transparent and exercises all the powers conferred upon it by the Treaty. There should be a single channel for preparing decisions and the chain of command must not be broken or deviated from. The reformed Council must fully exercise its right to take part in drawing up 'joint strategies' on which the European Council will decide (Article 3(3) of the EU Treaty): 'The Council shall recommend common strategies to the European Council'.

Enlargement of the European Union to 27 States will exacerbate the inconsistencies and dysfunctions that are already apparent.

A reform of the Council is therefore needed urgently in the obvious interests of the smooth functioning of the Union. It is in the interests of the population and all the other institutions. A reform of this kind could be carried out in the immediate future and to a large extent without amending the Treaty, and even without any changes to the Council's internal rules of procedure.

On the basis of the preparatory work already carried out on the subject, the report analyses below the main dysfunctions in the Council, highlights the risks they pose to Community procedures and suggests a number of ways of remedying the most significant shortcomings.

### I. The main dysfunctions in the Council

1. Each revision of the Treaty has given the European Union new powers. This has led to a proliferation of bodies within the Council - which currently sits in about 20 different groupings. This veritable profusion of Councils has been accompanied by the transfer of significant powers between its various formations. There is no doubt that the creation of EMU (by the Treaty of Maastricht in 1992) strengthened the powers of the Ecofin Council and its sub-group the Eurogroup (euro-12), at the expense of all the other groupings of the Council.

2. The pillar structure (introduced by the Single Act (1986) and sanctioned by the Treaty of Maastricht (1992)) has led to a lack of coherence in the Council as an institution and a further decline in the coordinating role of the General Affairs Council. For example, matters relating to

the JHA Council (justice and home affairs) lie completely outside the remit of the General Affairs Council.

3. In general, the splitting up of the Council into a number of specialised (often rival) groups or, in other words, its 'variable geometry' does not increase the efficiency of either the Commission or the Council. Despite the major breakthroughs achieved through the Schengen area and by EMU, the various forms of variable geometry have strengthened the intergovernmental approach at the expense of Community procedures. The traditional procedure for preparing decisions is thus often short-circuited. Ecofin and the Eurogroup have equipped themselves with an autonomous preparation procedure which is essentially inter-governmental. This aspect will have to be kept under review when 'enhanced cooperation' is implemented.

The new powers, the pillar structure and variable geometry have undermined the role of the General Affairs Council and of the mechanism for preparing decisions upstream, that is Coreper. The General Affairs Council has lost its overview and, on top of this, control over draft decisions has reverted to the European Council.

4. The rise in power of the European Council within the institutional framework of the Union is not unrelated to the dysfunctions in the Council. The Heads of State and Prime Ministers have created parallel channels for preparations and command, which are lacking in transparency and essentially intergovernmental in nature. Once again, the Commission has found itself excluded from these procedures and has lost vast areas of its power to make proposals. During his tour of the capitals ahead of summits, the President of the European Council is not accompanied by the President of the Commission. The fact that the Commission President was excluded from the 'confessional' at the Nice European Council was nothing new. Eviction of the Commission is part of the system. As every important question is referred to the summits, it is only the Presidency of the Council which retains an overall view. As the European Council has gained in strength and increased its authority, it has also changed the character of procedures and the institutional balance of power: intergovernmental procedures and secret diplomacy have come back in through the front door.

5. The erosion of the position of the General Affairs Council is the corollary of this. At the same time as the specialised Councils have been chipping away at its powers, the General Affairs Council has also lost some of its powers to a lower level (Coreper) and others to a higher level (European Council). The Foreign Ministers or European Affairs Ministers meeting within the General Affairs Council bear some responsibility for what has happened. The Ministers failed to reform their institution whilst there was still time. They omitted to bring it up to the standard required by its new responsibilities. Whilst the Heads of Government were forging ahead and asserting the authority of the European Council over the European institutions, the Foreign Ministers and European Affairs Ministers did nothing to defend the position of the General Affairs Council within the Union's institutional framework.

Over the years, the General Affairs Council has fallen victim to the explosion of its agenda, the apathy of its main players, the number of participants, and its method of deliberation... A determined effort to improve is now needed on the part of the ministers taking part in it.

It is unacceptable that European affairs should be dealt with by a Council which meets once a month, in which some Ministers responsible turn up for just a few hours, convene press conferences (when their colleagues are still deliberating) and go back to their capitals, delegating

their authority to their permanent representatives. The General Affairs Council is then transformed into Coreper.

All too often the most delicate and topical CFSP issues are only dealt with at lunchtime. Lunch tends to become the most important item, not because of the menu, but because the Ministers are alone and remain so until coffee is served.

It is incomprehensible that the institution supposed to be at the centre of power in the Community should continue to deliberate in a room in which 85 people (in a Community of 15 members) are sitting round a table, and behind each delegation, including the Presidency and Commission, there are half a dozen seats and a constant to-ing and fro-ing of national and Community staff.

It is only at informal meetings (once every six months) or at highly-restricted meetings (very rare) that the configuration and the number of people in the room allows a real exchange of views. However, meetings of this kind are not supposed to take decisions. Conducting meetings by interminably seeking of the views of all those sitting at the table, not allocating speaking time and not scheduling any timing for the items on the agenda only adds to the disorganised and unprofessional way in which the Council operates.

It is only very recently that agendas have been divided up into 'horizontal issues' and 'external relations'. However, in Parliament's view, this subdivision, which is often disregarded depending on which ministers are present, is inadequate.

Parliament, with a view to subsequent reforms, would like to see a clear distinction on the agenda between general items and legislative items. The General Affairs Council should adopt special procedures for its deliberations when it is meeting in its capacity as co-legislator.

A number of proposals are made below.

## **II. Why reform the Council?**

The considerations set out above show that recent developments in the role of the Council have primarily been at the expense of Community procedures. Along with the 'Community method', both the Commission and European Parliament have found themselves divested of some of the powers conferred on them by the Treaty.

1. The main aim of reform of the Council should therefore be to restore the decision-making arrangements intended by the authors of the Treaty.
2. The subsidiary aim should be to adjust decision-making procedures in the light of (a) the problem of numbers (with a view to an enlarged European Union) and (b) the need for consistency and transparency.

### **III. Suggestions for reform**

#### **1. Compliance with the Treaty**

The European Council is neither a supreme decision-making body, nor an institution with universal jurisdiction, nor an 'arbiter'.

Because it 'draws in' all the important decisions, the European Council often helps to bring the decision-making process to a standstill: nothing moves until a problem to be settled reaches the European Council.

Apart from the specific functions assigned to it by the Treaty, for example in the spheres of EMU and CFSP, the European Council is basically a steering group.

Under the terms of the Treaty, it 'shall provide the Union with the necessary impetus for its development and shall define the general political guidelines thereof'.

Reform must therefore start at the top.

When it defines the guidelines for European policy for growth and employment, adopts the Financial Perspective or launches initiatives for the revision of the Treaties, for example, the European Council is acting absolutely within its powers. This is less true when it carries out a coordinating role or takes detailed decisions which should be dealt with at the level of the General Affairs Council. The latter needs to be given the resources to enable it to accomplish its tasks as a matter of urgency.

#### **2. Coordination at national government level**

The inevitable disputes as to competence or conflicts of interest between the various formations of the Council should be dealt with upstream, i.e. at the level of national government.

It is suggested that the cabinets in the Member States - which should preferably meet on Fridays - should systematically include on their agendas a 'European Affairs' item. This would allow the Foreign Ministers or European Affairs Ministers (i.e. the member of the government sitting on the General Affairs Council) to present the items on the agenda for the Council meeting the following Monday and allow a Cabinet decision to be taken on the national stance to be adopted.

This procedure would not undermine the powers of the Prime Minister or the authority of the ministers sitting in other formations of the Council. However, it would make a significant contribution to enhancing the role of the General Affairs Council.

It would be up to each government to agree on procedures for involving their national parliament in the preparation of European decisions.

A special procedure could also be introduced for involving the regions in countries with a federal constitution or a high degree of regionalisation.

### **3. Enhanced role for the General Affairs Council**

The increase in the Community's powers, the need for the Council to react rapidly to international events and the complexity and variety of decisions mean that the General Affairs Council is required to be available on a virtually permanent basis.

Rather than recommending the permanent presence in Brussels of the Ministers responsible for European Affairs, your rapporteur considers it preferable to schedule a weekly meeting of the members of the Council. This would avoid creating a bureaucratic elite in Brussels, which is out of touch with the situation in the Member States and hence the outside their control.

The General Affairs Council must remain a political body and not become a 'super-Coreper'.

Irrespective of any informal meetings, the General Affairs Council would meet, in principle, each Monday and Tuesday morning to get through its agenda. Governments could choose to be represented in the Council by their Deputy Prime Minister, their Foreign Minister or their Minister for European Affairs. In view of the differing government structures in the Member States (one-party governments or coalitions)<sup>1</sup>, this decision should obviously be taken at national level. In any event it is essential that the member of the government sent to the General Affairs Council should have all the powers required for the task.

### **4. A single channel for preparations**

It would be up to the Committee of Permanent Representatives (Coreper) to prepare for the meetings of the General Affairs Council, in collaboration with the General Secretariat. Coreper would meet every Tuesday afternoon and on Wednesdays.

Any horizontal issue (of concern to two or more Councils) would first have to be considered in Coreper and subsequently be forwarded to the General Affairs Council for a decision (A item or B item).

It should be clearly stipulated that the General Affairs Council and Coreper have a general and across-the-board competence. This implies, *inter alia*, that the Monetary Committee and Political Committee, for example, should always communicate with the General Affairs Council via Coreper, in the same way as the Coordinating Committee set up by virtue of Article K8. This would restore internal and cross-pillar consistency to EU decisions.

### **5. Transparency**

A suitable procedure (press conference or press release) should be found to allow the Presidency of the Council to comment on the items on the agenda of the General Affairs Council, when appropriate.

The agenda itself should make a clear distinction between horizontal issues, foreign policy matters, and matters on which the Council is acting as co-legislator.

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<sup>1</sup> In a country run by a one-party government, this system should cause no problems. In a country run by a coalition the allocation of this important post should be decided within the coalition pact.

For matters coming within the last category, where votes are already made public, steps will have to be taken to ensure that deliberations and decision-making are also made public.

## **6. Restricting the number of formations of the Council**

At present the Council meets in about twenty different formations and this is already difficult to manage. It will become impossible after enlargement. Consequently, related competences should be grouped together in about ten Councils.

The General Affairs Council could also deal with matters relating to development and external trade. The environment, health and consumer protection could be concentrated in a single Council, as could transport, energy and infrastructure/communications. Ecofin could bring together industrial affairs, the budget, and so on.

It should be noted that coordination and consistency in decisions will always be ensured (at the preparation stage) by Councils of national governments and (at the final decision stage) by the General Affairs Council.

In addition to the limit on the number of Councils, there should also be a substantial reduction in the number of Council committees which are an additional cause of administrative and bureaucratic delays in following up decisions, and sometimes the Ministers themselves lose control. On the other hand, there should be more frequent recourse to the possibility of delegating matters to the Commission or the High Representative for the CFSP.

## **7. Functioning of the Council in practice**

Improving the way which the Council functions requires a series of organisational measures, discipline in the conduct of meetings and purely practical arrangements.

### **- The numbers problem**

The number of members sitting at the table should be reduced to two per delegation (Minister(s) and Permanent Representatives), a very small number of seats in the second row being reserved for staff and experts. Rules governing access to the meeting room should be strictly enforced, as is currently the case for the European Council. Even in this grouping, which is restricted compared to what unfortunately happens at present, this new configuration would still allow about 120 people to be sitting in the meeting room at any one time in a Community of 27 members. The Presidency should therefore frequently convene highly-restricted meetings.

### **- Verification of quorum**

The rules of procedure should provide for a ministerial quorum of two-thirds. Contrary to what happens at present, deliberations should be suspended if the quorum established by the rules of procedure is not attained. Only the 'representative of each Member State at ministerial level' (Article 203 of the EC Treaty) should be able to take part in the vote.

The same result might be achieved if the members of the Council exercised a degree of self-discipline as occurs in the European Council, where it is extremely rare for a participant to leave the meeting before the end of the deliberations.

- Press conferences

The members of the Council should not be allowed to convene press conferences when decisions have not yet been taken and their colleagues are still meeting.

Press conferences by the Presidency should have priority over press conferences called by members of the Council.

- Agendas

The agenda for the General Affairs Council should be clearly subdivided into three sections: 'horizontal issues', 'external relations issues' and 'legislative matters' (codecision). For each item on the agenda, the General Secretariat should produce a brief note summarising the decisions to be taken and, where appropriate, the various options. These notes should be made public.

When the Council is called upon to decide by qualified majority it is not essential to seek a consensus at all costs. The presidency should hold the vote once a sufficient majority is reached, the rights of the minority being safeguarded by the publicity rule. Your rapporteur considers that in any event the increased number of Member States will make it necessary to change the method in this way.

- Speaking time

For each item on the agenda, the Presidency should allocate the same speaking time for each delegation, and for the Commission, as is customary in the European Parliament for the political groups.

#### **IV. Medium-term reforms**

All the reforms outlined in section III could be introduced without any change in the law. In addition to these reforms, which are essential in the short term, the forthcoming debate on the reform of the Treaty cannot afford to exclude a detailed discussion of the role of the Council in an enlarged Europe.

As these proposals must be consistent with those which the European Parliament will make in connection with the Convention with a view to the 2004 IGC, the rapporteur will not formulate them at this stage.

Bearing in mind the debate yet to come, he will confine himself to outlining a few ideas of his own on the main subjects which are bound to be raised:



- Presidency of the Council

The Treaty stipulates that the Member States hold the Presidency of the Council in turn for a period of six months. In a Community of 27, each member country would therefore hold the six-monthly Presidency every 13 and a half years.

The equality of Member States does not allow this principle to be called into question. However, it could be offset by allowing the country next in line for the Presidency to assist the Presidency-in-Office, although the latter would retain its full authority and political responsibility.

The possibility of a Member State voluntarily giving up its turn to hold the Presidency has been used in the past. It might be a useful option for new member countries due to hold the Presidency for the first time.

Your rapporteur does not agree with the idea of introducing multiple presidencies for longer periods. The assigning of these presidencies would in actual fact not be subject to any rules and could ultimately lead to control by a chosen few. Subsequently conflicts (of interest) between the various national presidencies would raise a new problem of coherence and coordination.

- Future of the High Representative for the CFSP

The functions of Secretary-General of the Council should be separated from those of the High Representative for the CFSP.

Similarly, it should be considered whether the powers of the High Representative for the CFSP - originally designed to give the CFSP a higher profile and greater continuity - should be not be widened.

Finally, the function of the High Representative for the CFSP should in due course be merged with that of Vice-President of the Commission responsible for foreign relations.

- Legislative functions of the Council and the national parliaments

As the future role of the national parliaments is included in the mandate for the 2004 Intergovernmental Conference, this matter will be considered in a specific report to be drafted by Mr Napolitano.

An avenue that should be explored in this context is association of the national parliaments in the legislative functions of the Council. The Council, in this institutional structure, would become the second chamber or senate of the Union as regards its legislative functions.

- Consultation of the candidate countries

Since the medium-term reforms form part of the preparations for the Intergovernmental Conference scheduled for 2004, your rapporteur recommends that the candidate countries should also be consulted about the future structure and workings of the Council.