

In the field of JHA, Article 39 TEU stipulates that the President of the Council has certain obligations as regards information and consultation<sup>45</sup>

The Council may also be represented before the committees, with the agreement of the Presidency, by its Secretary-General/High Representative, or, acting on instructions from the Presidency, by the Deputy Secretary-General or senior officials of the General Secretariat. The Council may also present its views to the European Parliament by means of a written statement<sup>46</sup>

*(d) Information procedure on international agreements*

In accordance with Article 300 TEU and long-standing procedures, the European Parliament is informed, usually in writing but sometimes orally by the President, in relation to negotiations of international agreements and their substance.

*(e) Meetings of the trilogue*

Meetings of the trilogue, which are usually informal and linked to specific issues, involve the President of the Council, the Commissioner responsible and usually the President or one of the vice-presidents of the European Parliament and/or the chairperson of the relevant European Parliament committee as well as some officials. This procedure is most frequently applied to budgetary matters, horizontal issues and the management of procedures.

Such meetings are the rule under the co-decision procedure (Article 251 TEC), for the negotiation of compromise texts and for reaching agreement on proposals for legislative acts. The Council is generally represented by the Chairman of Coreper at these dialogues.

The Presidents of the three institutions also meet periodically in Strasbourg in an informal political dialogue to raise general policy questions and the question of the operation of interinstitutional relations.

*(f) Co-decision procedure*

See the "Co-decision Guide", Part IV of this *Council Guide*.

<sup>45</sup> See Chapter VI, Section 4.  
<sup>46</sup> See the second paragraph of Article 26 CRP.

*(g) Other contacts*

Before Council meetings, it may happen that the President-in-Office (and exceptionally all the members of the Council in the context of the budgetary procedure) meet(s) the President of the Parliament or rapporteurs or parliamentary delegations.

*(h) Delegations and joint parliamentary committees in the context of agreements with third States*

The President of the Council is generally asked to attend the opening sessions of meetings of joint parliamentary committees and to give a speech. When it is not possible for a minister to be present, the Presidency is represented by an ambassador or senior official.

**2. The European Commission**

Apart from the relations established with the Commission in the context of the normal operation of the institutions, the Presidency has no specific incumbent obligations. However, it has become practice, when planning the six-monthly programme, for the Presidency, represented by the relevant minister, to meet the Commission (President and relevant members) for the purposes of drawing up the work programme.

**3. The Court of Justice**

Apart from courtesy visits, the Presidency has no specific obligations. There are, however, continuous contacts between the Council Legal Service and the Court of Justice in the context of legal actions.

**4. The Court of Auditors**

The Presidency invites the President of the Court of Auditors to present his annual report to the Council, in its Ecofin configuration. The Council examines this report in the context of the discharge procedure.

**5. The Committee of the Regions and the Economic and Social Committee**

Provision has to be made for Presidency ministers to be heard by both committees in presenting the Presidency's work programme. Occasionally, ministers have been heard at plenary sessions for certain discussions on specific subjects.

The General Secretariat of the Council represents the Council at meetings of the Bureau of both committees.

The President of the Council is often asked to participate at conferences on matters relating in varying degrees to European integration. In the past, the President took part in conferences such as the Conference of the Regions of the Community organised by the European Parliament and in meetings of the Conference of Bodies concerned with Community Affairs in the Parliaments of the European Community (COSAC), which are also attended by a European Parliament delegation.

## Chapter V – The Union's external relations

### 1. The role of the Council and the Presidency

Preparation for all activities connected with the Union's external relations is in principle carried out in the General Affairs and External Relations Council (GAERC). Where the conclusion or implementation of international agreements relates to sectoral Community activities and policies, work takes place in the Council's specialised configurations (for example, Environment Council, Agriculture and Fisheries Council). The Council, and therefore its Presidency, and the Commission must ensure the necessary consistency in all external relations activities, in particular their institutional aspects (division of powers between the Community and the Member States, procedures applicable to GASP and Community decision-making and representation at international level). In practice the Working Party of Foreign Relations Counsellors ("RÈLEX" counsellors) is often called upon to play a role in the preparatory work in order to ensure this "horizontal" consistency.

The role of the institutions in defining and conducting the Union's external relations differs according to whether the subject is a matter for the powers exercised under Titles V (CFSP)<sup>47</sup> and VI (JHA)<sup>48</sup> (TEU), for the Community, or for the powers of the Member States acting within the Council.

Where the Council is acting in the Community context, a distinction must be made between, on the one hand, the adoption of internal legal acts and, on the other hand, administering international agreements concluded by the Community, which implies defining in advance the line the Community will take in international forums. In the first case, the role of the Council and the Presidency is the same in the external relations sphere as in the other spheres of Community activity (taking into account the special features of the procedure for concluding international agreements: Article 300 TEC). The second case – where the definition of the Community position and its representation must be properly ensured – is treated in Sections 3 and 4 below.

Where the Council is acting in the CFSP context, the role and powers of the Presidency are different from its powers in areas covered by Community competence (section 4).

<sup>47</sup> See also Chapter V, Section 4.

<sup>48</sup> See also Chapter VI, Section 5.

The external powers of the Community and the Member States may also be exercised jointly when concluding and implementing certain international agreements ("mixed" agreements). In that case, preparatory work in the Council most often covers both subjects falling within Community competence and those falling within the powers of the Member States.

## 2. Enlargement

Accession negotiations are carried out in the framework of individual bilateral Intergovernmental Conferences composed of, on the one side, the candidate country concerned, and, on the other side, all the Member States. The Council determines the common positions of the European Union (EU) on all questions raised during accession negotiations. Nonetheless, if agreement can be reached, Cooper can define the common position of the EU at its level in conjunction with the Commission representative. The substance of the negotiations, i.e. the entire *acquis communautaire*, is divided into negotiating chapters.

In order to define the common positions of the EU, the Commission makes proposals in the areas covered by the EC Treaties (draft EU common positions on each negotiating chapter). Although with regard to CFSP and police and judicial cooperation in criminal matters, proposals can be made by the Presidency, in practice the Commission is entrusted with making proposals also in all these areas as well.

The Presidency chairs all negotiating meetings between the EU and candidate countries. The common positions of the EU are set out and upheld in the negotiations either by the President of the Council or, where the Council so decides, by the Commission, particularly if existing Community policies are concerned.

The Conference secretariat is provided, under the authority of the Secretary-General/High Representative (SG/HR) or his representative, by officials of the General Secretariat of the Council (GSC), which prepares and ensures the follow-up of all the meetings of Accession Conferences at Ministerial and Deputy level and of the Enlargement Working Party. This includes preparing the summaries of conclusions of the meetings of the Accession Conferences, which, together with the EU common positions, constitute the basis for the drafting of the Accession Treaty.

The European Parliament (EP) follows the enlargement process actively, in particular through the work in Joint Parliamentary Committees with candidate countries. The involvement of the EP throughout the negotiation process is essential as it is called upon to give its assent to the application for membership (Article 48 TEU).

## 3. Agreements with third countries and international organisations; Trade and Development

### (a) *The administration of international agreements concluded by the Community*

A distinction should be made between those agreements concluded by the Community (alone or jointly with the Member States) with one or more third States and participation by the Community (alone or jointly with the Member States) in international organisations (section 3 below). The list of the EU's external commitments under the three pillars is regularly updated in a Council document (6717/03).

#### *Composition of mixed bodies*

The roles of the Council and the Presidency differ according to whether the agreements are exclusively Community ones or are "mixed" agreements, i.e. concluded jointly by the Community and the Member States.

Exclusively Community agreements may entail the creation of a joint committee responsible for monitoring the implementation of the agreement; the Community is normally represented in them by the Commission, assisted by representatives of the members of the Council<sup>49</sup>.

Mixed agreements may entail the creation of bodies responsible for administering them (a "council" at ministerial level ("association council" or another name) and a "joint committee" at senior official level)<sup>50</sup>.

The Council adopted conclusions on 29 June 2000 aimed at rationalising the scheduling, organisation and number of such meetings, as well as the level of the participants<sup>51</sup>.

#### *Spokesman*

In exclusively Community agreements, the role of Community spokesman is normally assigned to the Commission.

<sup>49</sup> This role is departed from, as in the case of the International Science and Technology Centre (ISTC) and the Gulf Cooperation Council (GCC).

<sup>50</sup> The secretariat of these bodies is usually provided jointly by the General Secretariat and a secretary from the associated State.

<sup>51</sup> See 9660/00 of 21 June 2000 (Council conclusions on the management of external commitments at Ministerial level).

In mixed agreements, the role of single spokesman for the Community and the Member States is normally assigned to the Presidency or the Commission.

#### *Defining the Community position*

When bodies set up by an international agreement adopt decisions with legal effects, the position expressed by the Community spokesman is defined in advance by the Council itself (prepared by Coreper and the working party). If the decision to be taken by a body set up by international agreement falls not only within the Community's sphere of competence, but also within that of the Member States, a common position must be established. Member States' positions may be the subject of a decision by the representatives of the Member States meeting within the Council; this method guarantees the consistency of the Union's international action (Community and Member States), which the Presidency has to ensure.

When the work of these bodies does not result in the adoption of decisions with legal effects, the position to be expressed on behalf of the Community is established in the relevant working party. It is then confirmed by Coreper and, if it is a major policy position, by the Council.

#### *The holding of meetings*

In the case of exclusively Community agreements, the Commission is in principle responsible for holding and convening meetings of the joint committee set up by the agreement. In the case of mixed agreements, the President of the Council is co-President or takes his turn as President of the Association Council (as the Commission does in the case of the joint committee); in this capacity, he is responsible for the holding of meetings.

It is also the responsibility of the Council and the Presidency to organise the meetings, in particular at ministerial level, which are held with third States outside or alongside the legal framework set up by an agreement (for example, the conferences with the Rio Group or the countries of Central America, the EU-ASEAN Conference or the Euro-Mediterranean Conference in Barcelona).

As far as possible, meetings at ministerial level are held alongside meetings of the GAERC Council (in particular during a working meal enabling discussion in an informal context). A practice has been established whereby meetings of two Association Councils with third States belonging to the same geographical area and sharing the same type of concerns are scheduled for the same day.

On 29 June 2000 the Council agreed a series of measures aimed at streamlining the agendas of these meetings and ensuring that discussions focus on substantive issues.<sup>52</sup>

#### *(b) Community participation in international organisations and conferences*

Community participation in international organisations depends above all on the rules specific to each organisation. The diversity of these explains the diversity of the ways in which the Community participates. Some examples are given below.

If the Community is a full member of the international organisation, it is normally represented by the Commission. If the matters covered by the organisation are also within the jurisdiction of the Member States and the latter are also full members, representation is also ensured by the Presidency, which plays a crucial role in ensuring consistency in the international action of the Union (Community and Member States).

Whichever way the Community participates in an international organisation, the Council plays a decisive role in defining the Community position within the organisation. The Presidency must ensure that the Council's role in this context is always respected.

The action of the Member States as such within an international organisation may also be coordinated within the Council. The Presidency is often instructed to express the Member States' common position (UN General Assembly, for example). This possibility becomes an absolute necessity when the proceedings of the international organisation fall within the Community's exclusive sphere of competence but the Community is not admitted as such to the proceedings.

#### *The World Trade Organisation (WTO)*

The Community participates in the WTO jointly with the Member States. A code of conduct agreed between the Council, the Member States and the Commission lays down practical arrangements for negotiations on trade in services. The Council must adopt prior decisions enabling the Commission to express the Community's agreement before the WTO bodies adopt decisions with legal effects (see section 3(a) above).

The Council has authorised the Commission to negotiate the WTO's Doha Development Agenda. The Commission negotiates on behalf of the Community and the Member States in consultation with the 133 Committees and within the negotiating directives issued by the Council.

<sup>52</sup> See the above-mentioned conclusions (doc 9660/00 of 21 June 2000).

— *The United Nations Conference on Trade and Development (UNCTAD) and commodities organisations and conferences*

Participation by the Community and Member States in organisations and conferences relating to commodities is governed by the "PROBA 20" arrangement.

That arrangement provides for a joint delegation of the Community and the Member States which is to defend a common position previously established by the Council. The Commission normally acts as spokesman, but this role may sometimes be assumed by the Presidency, depending on the circumstances.

In UNCTAD, the Community is represented either by the Commission (trade aspects) or by the Presidency (development aspects). Proceedings relating to the generalised system of preferences (GSP) within the UNCTAD Special Committee on Preferences, which meets in Geneva for one week a year, are prepared at coordinating meetings in Brussels within the GSP Working Party. On-the-spot coordinating meetings are reserved for defining Community positions on unforeseen points.

— *The Food and Agriculture Organisation of the United Nations (FAO)*

The Community participates as a full member in the FAO jointly with its Member States. It does so on the basis of a declaration of competences dividing responsibilities for attendance at proceedings and the exercise of voting rights between the Community and its Member States.

Internal discussions are prepared on the basis of an ad hoc arrangement between the Council and the Commission (agreed in December 1991). The arrangement provides for consultation and for procedures to establish who has the right to make statements and to vote. If there is disagreement in the Council working party on how to apply the arrangement, the matter is referred to Coreper.

— *The United Nations General Assembly (UNGA) and the Economic and Social Council (ECOSOC)*

The Community has a standing invitation to participate with observer status in the sessions and work of the UN General Assembly. The Community is represented in the UN by the Presidency (permanent representative of the Member State holding the Presidency) and by the head of the European Commission's delegation to the UN. Save in exceptional cases when the Commission takes the floor, it is the Presidency which in principle expresses the Member States' common position at the General Assembly and ECOSOC. To this end, internal coordinating meetings, attended by the Commission, are held on the spot in order to

establish the European Union's position. In some, increasingly rare, cases, the EU Member States make supplementary national declarations.

— *The Council of Europe (CoE)*

The Community's status within the CoE enables it to be represented by the Commission in negotiations concerning conventions coming within the Community's exclusive competence. Regular meetings are scheduled within the JHA sphere.

— *The United Nations Convention on the Law of the Sea*

By decision dated 23 March 1998, the Community concluded both the UN Convention on the Law of the Sea of 10 December 1982 and the agreement of 28 July 1994 relating to the implementation of Part XI of that Convention. Those agreements, being of the "mixed" type, also come within Member States' competence<sup>53</sup>.

The Community is thus a member of the International Sea-Bed Authority (and, hence, of the Assembly, i.e. the organ of the Authority consisting of all the members of the latter). The Community, represented by the Commission, takes part in the meetings of the Authority's Assembly.

— *The International Labour Organisation (ILO)*

The Community enjoys observer status, enabling it to participate, without voting rights, in the General Conference of Representatives of ILO Members. Moreover, prior to ILO conferences and throughout negotiations in Geneva, the Member States hold coordinating meetings at which both the Commission and the GSC play an active role. Provided that the Member States agree on a common approach, the Presidency will present the Member States' position to the conference.

— *Fisheries*

In the area of fisheries, the Community has concluded bilateral agreements with a large number of countries. Given their nature, those agreements can be implemented without the Council's participation.

The Community is also affiliated to various international fisheries organisations. It is represented in them by the Commission, assisted by a committee composed of representatives of Member States' governments.

<sup>53</sup> OJ L 179, 23.6.1998, p. 1.

#### *Conventions on environmental matters*

In environmental matters, competence is mixed. Member States and the Community must therefore coordinate in order to establish the position to be taken in the context of the negotiation of new agreements as well as in that of the application of existing ones (e.g. climate, biodiversity, Montreal Protocol, Commission for Sustainable Development (CSD)). Coordination – on substantive and procedural matters – takes place at coordinating meetings in Brussels or on the spot in accordance with the Council's internal rules.

In carrying out the aforementioned tasks, a practice has come about which is reminiscent of the Troika provided for in Article 18 TEU. In order to enlist the support of the Member States as regards matters coming within their sphere of competence, the Presidency is assisted by the Member State which will hold the next Presidency. With regard to matters falling under Community competence, it is the Commission which represents the Community, in accordance with Article 300(1) TEC. Finally, the SG/HR, or his representative, assists the Presidency further to his obligation to assist the Council. In principle, the GSC accompanies the Presidency where the resources intended for international activities permit, and in any event at international negotiations of major importance.

The GSC assists the Presidency in all proceedings relating to organisation and production of the relevant documents (e.g. draft statements, documents setting out the position to be taken and those presenting reactions to the projects of international organisations, etc.).

#### 4. The Common Foreign and Security Policy (CFSP), including the European Security and Defence Policy (ESDP)

##### (a) *The Presidency and the Troika*

Article 18 TEU specifies the role of the Presidency, which represents the Union in matters relating to the CFSP. It is responsible for the implementation of joint actions and expresses the position of the Union in international organisations and at international conferences. In these tasks, in which the Commission is fully associated, the Presidency is assisted by the SG/HR. This constitutes the regular Troika composition. However, if necessary the incoming Presidency can also be called to assist the current Presidency with these tasks. Article 24 TEU gives the Presidency, upon authorisation by the Council, the task of negotiating international agreements to be concluded by the EU in the areas covered by Titles V (and VI) TEU.

##### (b) *Working Parties*

Working Parties contribute to the preparation of Council decisions and/or positions by regularly gathering experts from the Member States' relevant Ministries ("capital formation") and/or Permanent Representatives ("Brussels formation"). They carry out either the regional or thematic work, frequently, but not exclusively on instructions/taskings by the Political and Security Committee (PSC) (in the field of CFSP) and/or COREPER. The different working parties meet with different frequencies, depending on the nature of their work and the urgency of the items on their agendas. A list of working parties is regularly updated in a Council document issued to this effect (see Annex 8).

In the field of external relations, working parties were originally "merged" when the CFSP came into existence with entry into force of the Maastricht Treaty (1 November 1993). Merging meant that the former European Political Cooperation (EPC) Groups (capital-based) and the equivalent European Community Working Parties (Brussels-based) were joined in a single entity<sup>54</sup>. A subsequent wave of mergers was carried out at the initiative of the Finnish Presidency in the second half of 1999.

Some working parties deal only with items which fall within the CFSP sector<sup>55</sup>.

Experience shows that the possibility to meet in the Brussels formation allows rapid reaction as well as continuity of the Union's external action.

Working parties endeavour to reach agreement in particular on:

- common analyses of the situation in third States or on a multilateral question and the common position which might be adopted by the EU;
- proposals which might be approved by the PSC under the heading of practical measures for implementing the CFSP: demarches, requests to be addressed to representations in third States and other preparatory measures, and declarations by the Presidency on behalf of the EU;
- substantive recommendations for future Council initiatives in the CFSP sphere which the PSC may submit as opinions to the Council, as well as the political follow-up to such initiatives.

<sup>54</sup> Latin America, Transatlantic Relations, Asia-Oceania, ad hoc Working Party on the Middle East Peace Process, Mashreq/Maghreb, Middle East/Gulf, OSCE, Central Europe, Eastern Europe and Central Asia, Western Balkan Region, South-East Europe.

<sup>55</sup> Africa, Consular Affairs, Terrorism, CFSP Administrative Affairs and Protocol, Global Disarmament and Arms Control, United Nations, Public International Law, Non-Proliferation (Nuclear, Chemical and Biological), Conventional Arms Exports, Human Rights.

The Presidency is assisted by GSC officials for all activities necessary to the smooth functioning of working parties, i.e. agenda setting, calling of meetings, contacts with the Commission and delegations, reporting and advice. Before the beginning of each Presidency the future Presidency circulates the Working Party Timetable with the planned dates for meetings during the six-month period.

Notices of meetings are sent by COREU to the capitals, the Commission and the Permanent Representations, preferably at least a week before the meeting. They must indicate the items on the agenda and the practical details of the meeting. The distribution of an "annotated agenda" has become common practice for most working parties.

Notices of meetings are also circulated by means of Council communications (former relexes) to ensure that the relevant departments of the GSC (security, logistics, etc.) are informed.

The GSC reports on the meetings of the working parties. This ensures continuity of working methods from one Presidency to another. As a general rule, reports are available 24 hours after the working party meeting and, in the area of CFSP, are in principle sent by COREU. Member States are bound only by the operational conclusions which, after having been checked with the Presidency, are approved by a "silent" procedure, which expires according to the time-line indicated in the COREU.

(c) *Working Party of Foreign Relations Counsellors ("RELEX Counsellors")*

The Working Party of Foreign Relations Counsellors ("RELEX Counsellors") prepares all legal acts in the CFSP area and is, in particular, responsible for examining their legal, financial and institutional implications as well as ensuring that CFSP and Community matters are properly coordinated. Its mandate includes the elaboration of draft common positions on sanctions.

It finalises CFSP legal instruments (often prepared by regional or thematic working parties) and prepares decisions regarding the CFSP budget. It reports both to the PSC and Coreper. The legal instruments that it finalises are always submitted to Coreper with a view to Council adoption.

In practice, the core tasks of RELEX Counsellors concern:

- examining the legal instruments (Joint Actions Article 14 TEU) for EU military and civilian crisis management operations, including their financing;

- examining the legal instruments (Common Positions Article 15 TEU) for EU restrictive measures (sanctions) – travel restrictions, arms embargoes, freezing of assets – imposed either following obligations under the UN Security Council Resolutions, or imposed as EU autonomous sanctions;

- examining the legal instruments (Joint Actions Article 14 TEU) for the mandates and extension of the mandates of the EU Special Representatives (EUSR), including their financing;

- examining the draft international agreements to be concluded by the Council in accordance with Article 24 TEU.

(d) *The Political and Security Committee (PSC)*

Article 25 TEU established a Political and Security Committee (PSC) which monitors the international situation in the areas covered by the CFSP and contributes to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative. It also monitors the implementation of agreed policies, without prejudice to the responsibility of the Presidency and the Commission. The PSC's terms of reference were set by the Council in a decision<sup>56</sup>.

With the entry into force of the Treaty of Nice, the PSC succeeded the Political Committee (POCO) which was composed by the Political Directors, i.e. the heads of political departments of the

Ministries of Foreign Affairs of the Member States. The PSC is now composed of Member States' Brussels-based representatives at ambassador level (standing formation) but can also meet in political directors' format. This usually happens in the margins of the European Councils. Presidencies usually organise an informal meeting of political directors at the beginning of each Presidency to give overall guidance on particularly important CFSP/ESDP issues.

The PSC is specifically responsible for dealing with crisis situations and examining all the possible options for the Union's response. Within the scope of Title V of the TEU, the PSC exercises, under the responsibility of the Council, political control and strategic direction of crisis management operations, military and/or civilian. The Council may authorise the PSC to take the relevant decisions during a crisis management operation, without prejudice to Article 47 TEU. This possible delegation of authority from the Council to the PSC constitutes a major innovation introduced by the Treaty of Nice to the EU decision-making system.

<sup>56</sup> See Council Decision of 22 January 2001 setting up the Political and Security Committee (OJ L 27, 30.1.2001, n. 1). See also Annex III to Annex VI of the Presidency conclusions of the Nice European Council (December 2000).

In the performance of its functions, the PSC provides guidance to the relevant working parties and regularly takes note of their reports.

The PSC is supported by the Directorate-General for External and Politico-Military Affairs (DG E), the Policy Planning and Early Warning Unit (PPEWU or PU), the Situation Centre (SITCEN) and the EU Military Staff (EUMS).

The SG/HR regularly participates in the PSC to brief and/or debrief on specific initiatives. The SG/HR may chair the PSC in crisis-management situations. Regular reporting to the PSC is undertaken by EUSRS (currently for the following areas: FYROM, the Middle East Peace Process, the Southern Caucasus, Afghanistan, Bosnia and Herzegovina, the Stability Pact, the African Great Lakes, and Moldova), the Personal Representatives of the SG/HR (currently for Non-Proliferation, Kosovo and Human Rights) and Operation Commanders/Leads of Crisis-Management Operations/Missions (currently for the following operations: ALTHEA, PROXIMA, EUPM, THEMIS, LEX and EUSEC DRC).

The PSC receives opinions (advice) from the EU Military Committee (EUMC) and forwards guidelines to it. For advice on civilian-crisis management the PSC relies on the work and advice of the Committee for Civilian Aspects of Crisis Management (CIVCOM) set up by a Council Decision of 22 May 2000<sup>57</sup>.

The PSC is also assisted by the Politico-Military Working Party (PMG), and is prepared by the Nicolaidis Group.

Within the framework of the EU's consultation, cooperation and transparency with NATO and the modalities for EU access to NATO common assets and capabilities (EU-NATO framework arrangements referred to as "Berlin plus"), the PSC holds regular consultation meetings with the North Atlantic Council (PSC-NAC meetings) and receives reports, inter alia, from the EU-NATO capability group in the framework of a capacity development mechanism.

PSC recommendations to the Council, including draft Council conclusions, are entered on the agenda for Coreper to ensure that they are forwarded to the Council in good time. The PSC may meet alongside the Council to take account, where appropriate, of the latest political developments.

The Presidency may organise an informal PSC meeting during its six-month period to discuss working methods and/or review key policy questions in an informal setting. The PSC occasionally travels, for instance to familiarise itself *in situ* with the working of an operation.

(e) *The European Union Military Committee (EUMC) and the European Union Military Staff (EUMS)*

The European Union Military Committee (EUMC) established by the Council is made up of the chiefs of defence staff of the armed forces of the Member States (CHODS) represented by their military delegates in Brussels (Mil Reps)<sup>58</sup>. Its task is to give military advice or recommendations to the PSC and to direct all military activities within the framework of the EU. Its chairman (CEUMC) is a four-star flag officer, appointed by the Council for a three-year period on the recommendation of the EUMC meeting at chiefs of defence level. The CEUMC is the EUMC's spokesperson for the PSC and the Council, and is also the military adviser to the SG/HR.

The EUMC is assisted by the European Union Military Staff<sup>59</sup> (EUMS), composed of military experts from the Member States seconded to the General Secretariat. The EUMS is directly attached to the SG/HR; it is headed by a Director-General, a three-star flag officer, and works under the military direction of the EUMC.

(f) *The General Affairs and External Relations Council (GAERC)*

The GAERC is composed by the Ministers for Foreign Affairs (MFAs) and deals with the Union's overall external relations, covering the CFSP, ESDP as well as trade, development and cooperation policies with third countries (see Article 2(2) CRP).

The GAERC adopts legislative acts in the Community domain, CFSP acts (Common Positions, Joint Actions, implementing decisions and other decisions), as well as conclusions (political statements containing in principle operational follow-up) and EU declarations in the CFSP area.

In order to encourage substantive discussion on difficult issues, those may be discussed in restricted sessions. This may also be done during the Ministers' lunches, although the format of a restricted session is to be preferred in order to avoid endless lunches which, being a meeting of MFAs and not of the Council, cannot adopt formally Council conclusions. This is the reason why any conclusions agreed during an MFA's lunch need to be adopted during the formal afternoon session.

<sup>57</sup> Decision 2000/354/CFSP, OJ L 127, 27.5.2000, p. 1.

<sup>58</sup> See Council Decision of 22 January 2001 setting up the European Union Military Committee (OJ L 27, 30.1.2001, p. 4).

<sup>59</sup> See Council Decision of 22 January 2001 on the establishment of the Military Staff of the European Union (OJ L 27, 30.1.2001, p. 7. Under revision as of April 2005 to take account of the new tasks deriving from the establishment of the Civ-Mil Cell.

In the CFSP area, the Council acts by unanimity in accordance with Article 23(1) TEU. Abstentions do not impede unanimity. In the cases referred to in Article 23(2) – when adopting CFSP acts on the basis of a common strategy, when adopting decisions implementing joint actions or a common positions and when appointing a EUSR in accordance with Article 18(5) – the Council acts by qualified majority voting (QMV). QMV is not applied to decisions having military or defence implications. On procedural questions the Council acts by simple majority (Article 23(3) TEU).

In the CFSP framework, the results of votes are made public only by unanimous decision of the Council or of Coreper taken at the request of one of its members (Article 9(2)(a) CRP).

Since Coreper (Part II) is responsible for preparing the work of the GAERC (Article 207 TEC), every document intended for Council approval is transmitted to it via Coreper and hence needs to be entered on Coreper's agenda in good time in accordance with the CRP. Especially legal acts that need to be published in the Official Journal have to be prepared well in advance with the routing in mind, notably to ensure that translations can be prepared, that legal/linguistic experts have a possibility to review the document, and that it can be sent in time to the Office for publications (EUR-OP) for publication in the OJ. Secretariat officials take care of this on behalf of and in consultation with the Presidency.

In cases of urgency, the written procedure may be used in accordance with Article 12 CRP, including a silent procedure through COREU for CFSP matters. However, the adoption of a legal act may only be done through the ordinary written procedure, not via COREU.

#### *(g) Relations with the European Parliament (EP) (Article 21 TEU)*

The Presidency consults the European Parliament on the main aspects and basic choices of the CFSP and ensures that its views are duly taken into consideration. The EP is kept regularly informed by the Presidency and the Commission of the development of the CFSP. In particular:

- the Presidency maintains close contacts with the EP and in particular organises consultation of Parliament on the main aspects and basic choices of the CFSP;
- the Presidency informs the Council of the reactions, communications, questions, recommendations or resolutions of the EP relating to the CFSP;

– the Presidency once a year consults the EP on a Council document setting out the main aspects and basic choices of the CFSP, including the financial implications for the general budget of the EC (the "Article H" report)<sup>60</sup>, moreover, at the request of the EP, the Presidency agreed to a series of meetings in 2004 to inform the EP (representatives of the Budget and Foreign Affairs Committees) on developments and implementation of CFSP actions and their expenditure<sup>61</sup>.

– the Council Secretariat, at senior official level, regularly meets with representatives of the EP.

#### *(h) Political dialogue*

In the framework of the CFSP, the EU conducts a political dialogue with a large number of States and groups of States. Meetings take place regularly at all levels, from officials to Heads of State and Government. Political dialogue commitments are listed and regularly updated on the Council website.

The Presidency, assisted by the SG/HR, represents the Union. Political dialogue can also be conducted by the SG/HR, acting on behalf of the Council and at the request of the Presidency (Article 26 TEU). The Commission is fully associated, as is the case with all areas of CFSP.

Meeting agendas are negotiated with the third country concerned and circulated in advance via COREU. A record of the discussions relating to the dialogue is prepared by the Secretariat and also circulated via COREU.

#### *(i) Cooperation between diplomatic and consular missions (Article 20 TEU)*

The Presidency ensures that diplomatic and consular missions of the Member States and Commission delegations in third States and at international conferences, and their representations to international organisations, cooperate in ensuring that the common positions and joint actions adopted by the Council are compiled with and implemented.

They are to step up their cooperation by exchanging information, carrying out joint assessments and contributing to the implementation of the provisions laid down for implementing Article 20 TEC (protection of citizens of the Union in the territory of third States).

<sup>60</sup> In accordance with the provisions of the Interinstitutional Agreement of 6 May 1999, and in particular Chapter II.

<sup>61</sup> Furthermore, the Council Secretariat transmits the financial statement of each action financed from the CFSP budget for information to the European Parliament as soon as the act has been adopted.

*(j) International organisations and conferences*

With the development of the CFSP, the EU is increasingly speaking with one voice in international organisations and conferences. Consistent with obligations under the TEU (see Articles 11(2), 19 and 20), the Member States and the Commission delegations have stepped up their cooperation to that effect.

Where the issues at stake in these forums are considered a matter of priority or particularly central to the Union's concerns, common positions (Article 15 TEU) may be adopted to give greater emphasis to the consistency of Member States' action. Every year, usually in July, the Council also adopts a comprehensive document (priorities paper) setting out the EU priorities for each coming session of the General Assembly (UNGA). In addition, the Council may adopt conclusions defining the precise initiatives the EU intends to take in specific instances, such as the conclusions adopted prior to sessions of the UN Commission on Human Rights and the Third Committee (Social, Humanitarian and Cultural Committee) of the UNGA.

The Presidency acts on behalf of the EU in international organisations and conferences in every capacity required, i.e. ranging from making general policy statements to actually acting as negotiator in the widest sense.

Detailed finalisation of EU positions in international organisations and conferences is normally carried out through coordinating meetings in advance of and, if necessary, during the session concerned. The matters discussed in such meetings include common voting and co-sponsorship positions, if relevant, as well as written contributions, statements, explanations of vote or demarches to be delivered on behalf of the EU. Following the adoption of the European Security Strategy, particular emphasis is placed on EU coordination in the UN. There is now coordination on the activities of the UNGA and its subordinate bodies, in particular its six main committees, as well as of ECOSOC and its subsidiary bodies, in particular the functional commissions, such as the Commission on Human Rights sitting once a year in Geneva. Moreover, on occasion, concerted statements on behalf of the EU are delivered in open meetings of the Security Council. The SG/HR may also address the Security Council, for instance on an issue relating to the ESDP. In addition, particular attention is paid to the proceedings of the Organisation for Security and Cooperation in Europe (OSCE), where statements are delivered on behalf of the European Union to the Permanent Council, the Senior Council, the Ministerial Council and the Summit.

The Presidency is responsible for submitting any written contributions from the EU and for carrying out, where appropriate, with the Troika (SG/HR, Commission and if necessary the Member State which will hold the next Presidency), the agreed procedures for implementing common positions or joint actions.

The role of the EU Presidency is accordingly particularly important in these international forums. It is responsible for running day-to-day EU coordination, for representing the Union in discussions/negotiations with third countries, regional groups or organisations, and for delivering the demarches, statements, explanations of vote, etc. on behalf of the EU that are mentioned above. The Presidency's role is especially vital in the UN, where the EU as such (as opposed to the European Community which has observer status) has no formal status. The EU positions in the UN are expressed by the Permanent Representative of the Member State holding the Presidency (special arrangements are made for representation of EU positions on procedural matters when the Member State holding the Presidency is not a member of the UN body concerned). When the EU meets with non-EU countries or regional groupings or undertakes demarches, it often does so in the format of the Troika (Presidency, SG/HR, Commission and, if need be, incoming Presidency).

Where there is an EU position on a matter under discussion in an international forum, supplementary national statements tend only to be delivered in the event of high-level (usually ministerial or above) attendance. Furthermore, the Presidency may mandate other Member States' representatives to represent the Union's views and positions in informal discussions. In the absence of a formally agreed common position, Member States may make national declarations should they see fit.

In preparing for and holding the EU coordinating meetings mentioned above, and in implementing their conclusions, the Presidency is assisted by the General Secretariat (Article 18(3) TEU) in Brussels, Geneva and New York on a permanent basis and at other conference venues as far as staffing considerations permit. In the crisis-management area, the General Secretariat also has direct contacts with the United Nations Secretariat, on which it reports on a regular basis to the Presidency and the Member States.

## Chapter VI – Specific arrangements for JHA

Before the beginning of each Presidency, the incoming Presidency draws up the timetable for the meetings of working parties scheduled for the six-month period. The dates of the meetings of the Justice, Home Affairs and Civil Protection (JHA) Council, the Article 36 Committee, the Strategic Committee on Immigration, Frontiers and Asylum and the Committee on Civil Law Matters are notified at this point, as are the dates of all working party meetings as far as possible. A timetable covering working party meetings for the coming month is circulated at the end of the preceding month.

As a result of the integration of the Schengen acquis into the European Union, many of the meetings referred to above (Council, Coreper, working parties) are also frequently held in "Mixed Committee" format, although the Mixed Committee format cannot be a substitute for normal meetings. Norway, Iceland and Switzerland are involved in cooperation at this level.

### 1. Working parties

Working parties, like all other groups, are set up by decision of Coreper (Article 19(3) CRP).

Meetings of working parties are convened by the General Secretariat, following the Presidency's agreement, by communications addressed to members of the working parties and the Permanent Representations, in principle at least one week before the meeting. Meetings of the Working Party of JHA Counsellors are convened by the Presidency by e-mail addressed to the JHA Counsellors in the Permanent Representations.

The working parties report back to the Coordinating Committee, consisting of senior officials, provided for in Article 36 TEU and hence known as the "Article 36 Committee", and to the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) on matters falling within these Committees' respective spheres of competence. The Committee on Civil Law Matters meets in different configurations depending on the matters for discussion.

### 2. Article 36 Committee

The tasks of the Article 36 Committee are to:

- give opinions for the attention of the Council, either at the Council's request or on its own initiative;

- contribute, without prejudice to the role of Coreper, to the preparation of the Council's discussions in the fields covered by Article 29 TEU.

As a general rule, the Article 36 Committee meets once a month.

All meetings of working parties and of the Article 36 Committee are in principle held at the Council headquarters in Brussels.

### 3. Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)

SCIFA was set up to prepare the Council's discussions on immigration, frontiers and asylum. The task of this Committee, which consists of senior civil servants, is to issue strategic guidelines in matters relating to immigration, frontiers and asylum and to deal with questions arising from Articles 62, 63 and 66 TEC with a view to synthesising and, where necessary, solving them and to give substantive input to Coreper's discussions.

As a general rule, SCIFA meets once a month in Brussels.

The Strategic Committee meets in two different configurations:

- SCIFA as such;
- SCIFA/Mixed Committee, with the participation of Iceland and Norway.

### 4. Committee on Civil Law Matters

This Committee meets in different configurations depending on the matters for discussion. It meets in its "General Affairs" configuration when its task is to prepare a general approach or when it is required to deal with questions relating to external aspects of judicial cooperation in civil matters. It is also responsible for ensuring consistency of Community acts in the area of civil law. It may give opinions on questions of judicial cooperation in civil matters arising under other parts of the Treaty, for instance questions of jurisdiction and applicable law raised by Community instruments.

The Committee also meets in specific configurations to examine proposals on the table. For example, when examining the proposal for a Regulation on the law applicable to non-contractual obligations (the Rome II draft instrument), the Committee meets as the "Committee on Civil Law Matters (Rome II)".

The Committee consists of officials from the Ministry of Justice, judges and, in certain cases, university professors of international law.

All the Committee's meetings are held at the Council's headquarters in Brussels.

## 5. The JHA Council

**Each Presidency in principle organises three or four meetings of the JHA Council.**

In addition, it will also convene an informal meeting of JHA Ministers; these informal meetings must comply with the rules laid down for meetings of this type (see Chapter III, Section 5 – Informal meetings of ministers).

In areas covered by Title VI of the TEU, the Council generally acts unanimously, except on procedural matters and in cases where Article 34(3) TEU expressly provides for a different voting rule. Article 34(2)(c) TEU lays down that the Council, acting by a qualified majority, is to adopt measures necessary to implement decisions.

Measures implementing conventions are adopted within the Council by a majority of two-thirds of the High Contracting Parties.<sup>62</sup> Most acts in the JHA areas covered by the TEC are adopted by the co-decision procedure.<sup>63</sup>

Publication of instruments under Title VI in the Official Journal (OJ) takes place in accordance with the following rules (laid down in Article 17 CRP):

– Any framework decisions and decisions referred to in Article 34(2) TEU are automatically published in the OJ ("L" series), and any conventions established by the Council in accordance with Article 34(2) TEU are automatically published in the OJ ("C" series); a notice of entry into force of such conventions is published at a later date.

<sup>62</sup> See also Chapter III, Section 4(e).

<sup>63</sup> Council Decision 2004/927/EC of 22 December 2004 providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty (OJ L 396, 31.12.2004, p. 45).

– unless the Council or Coreper decides otherwise, initiatives presented to the Council by a Member State pursuant to Article 34(2) TEU as well as the common positions referred to in Article 34(2) TEU are published in the OJ;

– the Council or Coreper decides, on a case-by-case basis and taking account of any publication of the basic act, whether any measures implementing the decisions referred to in Article 34(2) TEU and any measures implementing conventions established by the Council in accordance with Article 34(2) TEU should be published in the OJ.

Publication of Regulations in the Official Journal of the European Union is mandatory. Regulations are published under the heading "Acts whose publication is a prerequisite for their applicability". Regulations which are not published are not illegal but have no binding effect. Regulations enter into force on the date specified in them or, if no date is mentioned, on the 20th day following that of their publication.

## 6. Relations with the European Parliament

Relations with the European Parliament are governed by the legal basis of acts under preparation.

On most questions in the fields of asylum, immigration and judicial cooperation in civil matters, the European Parliament legislates with the Council by the co-decision procedure provided for in Article 251 TEC.

First and second reading procedures and a conciliation mechanism have been introduced in those areas of "Community competence".

In the areas covered by Title VI TEU, Article 39 TEU requires the Council to consult the Parliament before adopting any measure referred to in Article 34(2)(b), (c) and (d) TEU. The European Parliament delivers its opinion within a time-limit which the Council may lay down but which may not be less than three months. If no opinion is forthcoming within that time-limit, the Council may act. The Presidency (and the Commission) regularly inform the European Parliament of discussions held. Information may be passed on by means of a written document, participation in debates at plenary sessions of Parliament, or a report to one of the Parliament committees responsible for matters covered by Title VI TEU (Committee on Civil Liberties, Justice and Home Affairs and Committee on Legal Affairs).

Under Article 39(3) TEU, the European Parliament may ask questions of the Council or make recommendations to it. Each year Parliament holds a debate on progress with regard to the implementation of the areas referred to in Title VI; the debate, which is normally held at the end of the year, is attended by the President of the JHA Council.

Lastly, the written report on the progress achieved by the Union under Article 4 TEU, which is submitted annually to the European Parliament, also contains information on the JHA sector.

#### 7. Relations with non-member States

The European Commission is the European Community's spokesman on the international stage in all areas of Community competence. The Commission is also entrusted with negotiating international agreements on behalf of the European Community. Article 37 TEU requires Member States, within international organisations and at international conferences in which they take part, to defend the common positions adopted in the areas covered by Title VI TEU under the provisions of Title VI TEU, Articles 18<sup>64</sup>, 19 and 24 (conclusion of international agreement(s) TEU are applicable. The Presidency, assisted by the General Secretariat of the Council and, where appropriate, the Commission, conducts negotiations for international agreements entered into pursuant to Article 24 TEU. Relations with non-member States under structured dialogues follow the general rules laid down by the Council.

The Presidency, assisted by the General Secretariat of the Council, reports to the Article 36 Committee and to the Strategic Committee on Immigration, Frontiers and Asylum on contacts with non-member States and on exchange of information, in close cooperation with the Commission.

A report on the European Union's priorities and policy objectives for external relations in the JHA field was approved by the European Council, meeting in Santa Maria da Feira in June 2000<sup>65</sup>. An initial assessment was carried out at the Laeken European Council. The report envisages regular evaluation by Coreper of progress on the external aspects of the Union's activities in the field of JHA, if necessary based on information provided by the Commission and the working parties or committees concerned.

Dialogue between the Union and its partners is conducted along the following lines. The Council Presidency should endeavour to:

- (i) make full use of the international frameworks set up by association agreements or cooperation agreements;

<sup>64</sup> See Chapter V, Section 3.

- (ii) envisage flexible arrangements, where an institutional framework is lacking for dialogue with some partners (e.g. the Council of Europe);
- (iii) establish a system, as provided for in Article 19(2) TEU, for keeping Member States informed, either by the Presidency if it is a participant or, failing that, by another participant, in an international forum where not all Member States participate.

External relations under Title VI TEU are conducted by the Presidency, assisted by the General Secretariat and frequently in close collaboration with the Commission. Most JHA external relations are conducted under the Troika format (i.e. the current Presidency, the next Presidency and the Commission).

<sup>65</sup> See the Presidency conclusions of the European Council meeting in Santa Maria da Feira on 19 and 20 June 2000, Annex VII (doc 7653/00).

## Chapter VII – Protocol and logistics

### 1. Accreditation of ambassadors from non-member States to the EU

The Commission receives the request for accreditation. After delivering a favourable opinion, it passes on the request from the non-member State, together with that opinion, to the Council. After receiving the communication from the Commission, the General Secretariat (DG F's Protocol Department) sends the request for accreditation, together with the curriculum vitae of the Ambassador designate, to the capitals in the form of a CM (Communication) document. If no observations from Member States have reached the General Secretariat of the Council within 30 calendar days from the date of the CM document opening the procedure, the agreement of all Member States is considered to have been given. (The written tacit agreement procedure has been in use since 1 April 1992). At the end of the period, the General Secretariat of the Council informs the President of the Commission and the Protocol Department, which notifies the relevant Embassy of the Council's approval. The General Secretariat of the Council then sends a Dipl. document to the Permanent Representations to inform them of the end of the approval procedure.

The President of the General Affairs and External Relations Council is responsible for receiving Ambassadors from non-member States, who present their credentials to him during a short ceremony on the occasion of a Council meeting.

Credentials are presented at almost every meeting. In general, the President receives between two and eight Ambassadors, having a brief interview with each of them. The date and time are fixed by mutual agreement between the Embassies concerned, the Presidency and the Protocol Department of DG F. It is sometimes difficult to arrive at a definitive timetable a few days in advance. It is important that every effort be made to avoid last-minute changes, which are often misunderstood by the Ambassadors. The President of the Council may delegate his duty to a State Secretary if this helps to set appointment times.

The ceremony – which is not in any way grand – is normally attended by the President of the Council (or State Secretary) together with an assistant and the Head of Protocol for the Council.

A few days before the meeting the President of the Council receives a brief information note on relations between the Ambassador's State and the Union, to which is attached the curriculum vitae of the new Ambassador.

### (d) Order of protocol for Member States and acceding States

As a general rule, the protocol order for Member States is based on the alphabetical order of the names of the Member States in their national language. Acceding States follow, also in alphabetical order:

ORIGINAL LANGUAGE	ENGLISH	FRENCH	
BELGIQUE / BELGIE	BELGIUM	BELGIQUE	BE
ČESKÁ REPUBLIKA	CZECH REPUBLIC	REPUBLIQUE TCHÈQUE	CZ
DANMARK	DENMARK	DANEMARK	DK
DEUTSCHLAND	GERMANY	ALLEMAGNE	DE
EESTI	ESTONIA	ESTONIE	EE
EAAΛAΪ	GREECE	GRÈCE	EL
ESPAÑA	SPAIN	ESPAGNE	ES
FRANCE	FRANCE	FRANCE	FR
IRELAND	IRELAND	IRLANDE	IE
ITALIA	ITALY	ITALIE	IT
KYΠΡΟΣ	CYPRUS	CHYPRE	CY
LATVIJA	LATVIA	LETTONIE	LV
LIETUVA	LITHUANIA	LITUANIE	LT
LUXEMBOURG	LUXEMBOURG	LUXEMBOURG	LU
MAGYARORSZÁG	HUNGARY	HONGRIE	HU
MALTA	MALTA	MALTE	MT
NEDERLAND	THE NETHERLANDS	PAÏS BAS	NL
ÖSTERREICH	AUSTRIA	AUTRICHE	AT
POLSKA	POLAND	POLOGNE	PL
PORTUGAL	PORTUGAL	PORTUGAL	PT
SLOVENIJA	SLOVENIA	SLOVENIE	SI
SLOVENSKO	SLOVAKIA	SLOVAQUIE	SK
SUOMI	FINLAND	FINLANDE	FI
SVERIGE	SWEDEN	SUÈDE	SE
UNITED KINGDOM	UNITED KINGDOM	ROYAUME UNI	UK

ACCEDING STATES

БЪЛГАРИЯ BULGARIA BULGARIE BG  
 ROMANIA ROMANIA ROUMANIE RO

CANDIDATE COUNTRIES (in order of application)

TURKIYE TURKEY TURQUIE TR  
 HRVATSKA CROATIA CROATIE HR

However, at meetings of the Council and Council bodies, alphabetical order is replaced by the order of Council Presidencies.

The order of Council Presidencies is also followed at meetings of the European Council.

(b) Member States and acceding States: shortened names

The two-letter ISO code (ISO code 3166 alpha-2) is to be used for country abbreviations, with the exception of Greece and the United Kingdom for which the recommended abbreviations are EL and UK, respectively.

Shortened name in original language	Shortened name	Full name (protocol name)	Code	Former abbreviation
Belgique/België	Belgium	Kingdom of Belgium	BE	B
Česká republika	Czech Republic	Czech Republic	CZ	
Danmark	Denmark	Kingdom of Denmark	DK	DK
Deutschland	Germany	Federal Republic of Germany	DE	D
Eesti	Estonia	Republic of Estonia	EE	
Ελλάδα (Ellada)	Greece	Hellenic Republic	EL	EL
España	Spain	Kingdom of Spain	ES	E
France	France	French Republic	FR	F
Irland	Ireland	Ireland	IE	IRL
Italia	Italy	Italian Republic	IT	I
Κύπρος (Kipros)	Cyprus	Republic of Cyprus	CY	
Latvija	Latvia	Republic of Latvia	LV	
Lietuva	Lithuania	Republic of Lithuania	LT	
Luxembourg	Luxembourg	Grand Duchy of Luxembourg	LU	L

Magyarország	Hungary	Republic of Hungary	HU	
Malta	Malta	Republic of Malta	MT	
Nederland	Netherlands	Kingdom of the Netherlands	NL	NL
Osterreich	Austria	Republic of Austria	AT	A
Polska	Poland	Republic of Poland	PL	
Portugal	Portugal	Portuguese Republic	PT	P
Slovenija	Slovenia	Republic of Slovenia	SI	
Slovensko	Slovakia	Slovak Republic	SK	
Suomi/Finland	Finland	Republic of Finland	FI	FIN
Sverige	Sweden	Kingdom of Sweden	SE	S
United Kingdom	United Kingdom (not England or Great Britain)	United Kingdom of Great Britain and Northern Ireland	UK	UK
Bulgaria				
Romania				

(c) Rules for placing flags

The order in which the flags of the Member States are placed is based on the alphabetical order of their names in their national language. The flags of the acceding States are placed after those of the Member States, also in alphabetical order. The flags of the candidate countries come next, in the order of these countries' applications to join the EU.

When an event is organised by the Presidency, its flag is the first in the series of flags and the European flag is the last in the series. The flags of the other Member States are placed in between in the alphabetical order of the names of the Member States concerned in their national language. When the event is organised by a European institution, the European flag comes first followed by the flags of the Member States in alphabetical order.

At international meetings, it is customary to fly the flags of the participating States, with the flag of the host State in first place followed by the flags of the other States in alphabetical order and from left to right.

The alphabetical order to be followed may vary depending on the type of meeting between the European Union and third countries:

- a) alphabetical order in the national language of the country is followed at European Conference meetings;

- b) alphabetical order in English is followed at meetings with the Gulf, ACP and ASEAN States;
- c) alphabetical order in French is followed at EUROMED meetings.

When an official photo session is organised during a visit by a foreign Head of State or Government, the visitor and their host frequently pose in front of flags. As a matter of courtesy, the host should ensure that his guest is to his right. The same rule applies at press conferences with foreign dignitaries.

In such cases, the flags are arranged so as to enable the visitor and his host to each pose or speak in front of his own national flag for clearer identification.

(f) *Order of protocol for corteges*

The protocol order for the arrival of corteges at specific events at Head of State or Government level is as follows:

- European Institutions:  
Secretary-General/High Representative for the CFSP, President of the European Commission, President of the European Parliament;
- Candidate countries in reverse alphabetical order of their applications to join the European Union:  
Croatia, Turkey;
- Acceding States in reverse alphabetical order of their names in their national language;
- 25 Member States in reverse order of Presidencies.

If a Member State and/or a candidate country is represented by its Head of State, it comes after all the countries of the same category represented by Prime Ministers.

(e) *Order of interinstitutional precedence and order of precedence among dignitaries of the Institutions and Bodies*

European Institutions and Bodies

1. European Parliament
2. Council of the European Union
3. Commission
4. Court of Justice
5. Court of Auditors
6. European Central Bank
7. European Investment Bank
8. Economic and Social Committee
9. Committee of the Regions

Dignitaries of the Institutions and Bodies

1. President of the European Parliament
2. President of the Council
3. President of the Commission
4. President of the Court of Justice
5. President of the Court of Auditors
6. President of the European Central Bank
7. Foreign Ministers
8. Secretary-General/High Representative for the CFSP
9. Other Ministers who are members of the Council
10. Vice-Presidents of the European Parliament and of the Commission
11. President of the Court of First Instance
12. President of the European Investment Bank
13. President of the Economic and Social Committee
14. Members of the Committee of the Regions
15. Members of the Parliament and of the Commission
16. Judges and Advocates-General of the Court of Justice
17. Members of the Court of Auditors
18. Permanent Representatives
19. Vice-Presidents of the European Investment Bank
20. Vice-Presidents of the Economic and Social Committee
21. Vice-Presidents of the Committee of the Regions
22. Members of the Court of First Instance
23. Members of the Economic and Social Committee
24. Members of the Committee of the Regions
25. European Ombudsman
26. European Data Protection Supervisor
27. Registrars and Secretaries-General of the Institutions and Bodies
28. Assistant European Data Protection Supervisor
29. Directors-General of the European Institutions
30. Directors of the European Institutions

*(D) Specific rules concerning the High Representative for the CFSP*

The High Representative (HR) takes part in European Council meetings and in the meals of Heads of State and Government during those meetings. He sits to the left of the President of the European Council in the meeting room and to his right during meals.

At summit meetings with third countries, the High Representative sits to the left of the President of the European Council both in the meeting room and during meals. The seat to the right of the President of the Council is reserved for the President of the Commission.

At meetings of the General Affairs/External Relations Council (GAERC), the High Representative sits to the left of the President in the meeting room and opposite the President during meals.

At Troika meetings with third countries, the High Representative sits to the right of the President both in the meeting room and during meals.

For family photos at the various abovementioned events, the High Representative is always in the front row.

2. *Meals and receptions (organised by the General Secretariat and charged to the Council budget)*<sup>66</sup>

*(a) Meals at Council meetings*

The principle is as follows:

Lunches are working lunches connected with the meeting. They are organised by the General Secretariat.

General Affairs and External Relations, Ecofin and JHA Councils: one lunch per meeting.

Those invited are: Ministers, Members of the Commission, State Secretaries, Permanent Representatives and – at meetings of the General Affairs and External Relations Council – Political Directors. Guests are divided between two different rooms: one is for the President and Heads of Delegation; while the other guests lunch in a separate room.

<sup>66</sup> The General Secretariat is willing to provide assistance over and above the events described in this chapter, but the costs are to be met by the Presidency.

– All other Councils: as a rule, one lunch at the beginning and one at the end of a Presidency.

Those invited are: Ministers or Heads of Delegation only. At meetings in Luxembourg, Deputy Permanent Representatives are also invited but lunch in a different room.

Those present at the table of the President and Heads of Delegation are:

– for the General Affairs and External Relations, Ecofin and JHA Councils: the Secretary-General/High Representative or the Deputy Secretary-General, the Chairman of Coreper, the Chairman of the Political and Security Committee (for the General Affairs and External Relations Council), the Secretary-General (or Deputy Secretary-General) of the Commission and the relevant Commissioner. If several subjects are being discussed over lunch, the presence of more than one Commissioner may be necessary;

– for other Councils configurations: the Chairman of Coreper (Part 1), the relevant Commissioner and the relevant Director-General from the General Secretariat of the Council.

Whatever the Council configuration, additional guests are invited to the Presidency table only if a President so requests because of the subject being discussed over lunch. This applies equally to, for example, Members of the Commission and Chairmen of Committees in the context of the Ecofin Council.

*(b) Larger functions*

*ACP-EC Council*

When the meeting takes place in Europe, the Presidency gives a meal for Heads of Delegation plus one person and a meal or reception for other delegates. The General Secretariat is responsible for organisation and costs.

When the meeting takes place in an ACP country, the host State generally gives a very large reception for all those attending. The European side endeavours to return the hospitality by organising a reception on a smaller scale.

It is traditional for the President of the Council to take part in the annual meeting of the ACP-EC Joint Assembly and on that occasion to give a meal for a small number of people.

## Other Association or Cooperation Councils

As a general rule, the Presidency gives a meal. The format varies, depending on the venue and the programme.

Participation in negotiations in the framework of international organisations (UN, UNCTAD, WTO, etc.)

The Community spokesmen in these fora are usually either the Commission and the Presidency of the Council together or the Commission alone. It is for the Presidency to decide whether it is appropriate to hold a reception for Heads of Delegation. If it decides to do so, it may give the reception jointly with the Commission. Organisation is entrusted to the General Secretariat.

### (c) Other meals

#### *Corper (Part 1)*

Under established practice in recent years, one working meal per month is arranged (normally at the meeting preceding that of the General Affairs and External Relations Council), as well as some meals with certain Commissioners. Maximum number of meals: 12.

#### *Corper (Part 1)*

Working meals may be arranged, with the Council paying for not more than six per six-month period.

*Special Committee on Agriculture, Article 133 Committee, Article Group, Merieux Group and Article 36 Committee*

Working meals may be arranged, with the Council paying for one per six-month period.

#### *Political and Security Committee (PSC):*

PSC lunches are paid for by the Member States in turn according to the seating arrangements in the meeting room. The General Secretariat of the Council is responsible for organisation and invoicing. PSC lunches attended by the SG/HR are paid for by the Council.

## 3. Travel by the President

The nature of the President's duties requires him to travel on a number of occasions, all of which are connected with Council business.

The occasions in question are chiefly Association Council meetings held in non-member States and Troika meetings, also in non-member States. Sometimes the President is sent by the Council on a "tour of the capitals".

Following the entry into force of the Decision of 10 October 2000 of the Secretary-General/High Representative concerning reimbursement of travel expenses of delegates (Decision No 361/2000, see Annex IV), the Council decides whether the cost of the President's ticket and that of one companion is reimbursable. If it is, reimbursement is based on the business restricted class fare within Europe and the business class fare outside Europe.

If the President travels first class, the Presidency has to pay the difference. Where a special plane is used, the Council pays part of the cost up to the limit indicated above.

When the President is representing his State at a major international conference, for example in the United Nations framework, and chairing on-the-spot coordinating meetings of Member States, the Council does not contribute to the cost.

The Council never pays accommodation expenses or office rental or equipment costs.

### 4. Meetings away from customary places of work

In the case of all meetings in the Council framework taking place outside Brussels/Luxembourg, such as Association or Cooperation Councils meeting in non-member States, the bulk of the cost is borne by the host country. A proportion of costs (hiring of rooms, technical equipment, and entertainment costs) could be charged to the Council's budget if approved beforehand by Corper or the Secretary-General and subject to the availability of funds. The General Secretariat of the Council generally helps with the practical organisation of such meetings.

As a rule, on the other hand, the Presidency bears the full cost of all meetings convened on its initiative outside the institutional framework as such – principally those held in its own country: informal ministerial meetings, and meetings of the Permanent Representatives Committee, Political and Security Committee, Article 36 Committee, Special Committee on Agriculture and certain working parties. The Presidency may, however, call on one of the thirteen teams of interpreters placed at the Council's disposal daily. This, of course, means that the team in question is not available in Brussels.

The organisation and cost of European Council meetings are entirely the Presidency's responsibility, although it relies on the General Secretariat for help in all organisational matters. The General Secretariat keeps a detailed, regularly updated checklist available for consultation by the Presidency.

## Chapter VIII – Financial responsibility

As already mentioned in Chapter I.6, concerning the General Secretariat of the Council, the Deputy Secretary-General, under the authority of the Secretary-General/High Representative, has full responsibility, in accordance with Article 207(2) TEC and Article 23(5) CRP, for administering the Secretariat's human and financial resources.

The Presidency should therefore ensure that it obtains the Deputy Secretary-General's agreement before embarking upon any initiatives or taking any decisions which might have implications in terms of human or financial resources.

The Presidency should note that the officials with whom it deals within the General Secretariat are under strict instructions not to commit the Secretariat<sup>67</sup>, even tacitly, to any unauthorised organisational measure or expenditure whatsoever, whether involving human or financial resources (instructions issued on 20 October 2000).

Those service instructions cover:

- any contact with the Presidency, delegations, other institutions or third parties;
- any action or initiative, in particular by a working party, which might:
  - a) involve making available staff, equipment or infrastructure<sup>68</sup>,
  - b) entail overtime or any other kind of supplementary services;
  - c) give rise to any other financial obligations for the Council.

Any Secretariat officials counting across any such moves must explicitly reserve their position and refer the matter to the Deputy Secretary-General for agreement.

The Presidency should also note the following rules, dictated by budgetary constraints and the need to plan work in the light of the human resources available.

<sup>67</sup> ... unless duly empowered by the Deputy Secretary-General to do so.

<sup>68</sup> Such matters should be referred to Coreper via the Antici Group for discussion with the Appointing Authority at that level.

## 1. Preparations on behalf of the Presidency

Permanent Representations should as far as possible handle preparations on behalf of the Presidency, or at least coordinate them.

Preparatory meetings between Presidency representatives and the relevant Secretariat officials should thus, as a rule, be held in Brussels.

Meetings in the Presidency's capital should be arranged only where political preparation proves necessary and in exceptional cases, without the Secretariat incurring any expenditure as a result (travel and subsistence expenses chargeable to the Presidency).

## 2. Travel expenses of delegates of Council members

A system of fixed budgets to cover travel expenses incurred by delegates of Council members was introduced on 1 January 2004 (see Annex 3) Member States holding the Presidency have a higher budget. The budget allocation may be used for the eligible meetings listed in the Decision.

The following should be noted in this connection:

— in formal meetings are not eligible. The Secretariat will not meet any expenses, all of which have to be borne by the Presidency (including the travel and subsistence expenses of Secretariat officials);

— in no case may the number of meetings of committees or working parties held in the Presidency's country exceed the limit of fifteen.

## 3. Interpreting

Under Decision 56/04 of 7 April 2004, the Council budget covers interpreting services for meetings of the European Council, the Council and certain preparatory bodies.

The Decision also indicates the meetings of preparatory bodies for which no interpreting is provided (which include, in particular, meetings outside the headquarters of the Council).

An annual envelope of EUR 2 million for each language<sup>69</sup> is provided for preparatory bodies for whose meetings interpreting is available under the Decision. Delegations wishing active or passive interpreting for their language in the preparatory bodies in question may request it, with the cost being set off against the envelope. Requests exceeding the provision are for the account of the requesting State. 66% of any unused amounts are transferred to the budget for travel expenses (see point 2).

## 4. Production and translation of documents

In planning the meetings and proceedings of working parties and Coreper, allowance must be made for the time inevitably taken to draft, translate and produce documents. The Presidency should therefore discourage the holding of working party meetings the day before or the same day as Coreper meets, since such meetings make it impossible not only to have documents translated but also to have them properly distributed, thereby detracting from the efficacy of proceedings.

With its special responsibility for the planning and organisation of Council business, the Presidency should also as far as possible avoid, or at least limit to exceptional cases, the holding of meetings at weekends or on public holidays, which gives rise to considerable additional expenditure. In order to help the Presidency assess each specific situation arising, the Secretariat will systematically draw up financial impact statements where any such meetings are envisaged.

Cooperation between the Presidency and the Secretariat is also desirable as regards document production and translation into the official Community languages, which confronts the Secretariat with a substantial workload and a constant organisational challenge<sup>70</sup>. Particular attention should be paid here to allowing reasonable intervals between meetings dealing with a particular issue, to compliance with time limits and to whether to have a text translated, which should be considered only where of assistance in making progress.

<sup>69</sup> to be shared by countries with the same official language.

<sup>70</sup> In 2004, for instance, the General Secretariat of the Council processed 23 555 original documents totalling 219 106 pages, some 89 345 of which were translated by each of the eleven language divisions. The document reproduction department produced over 100 million photocopied pages and distributed 95 948 hard-copy documents.

## 5. Publication of documents in the Official Journal

ANNEX I

Cooperation between the Presidency and the Secretariat should assure that allowance is also made for the time inevitably needed to identify, send, correct, proofread, typeset and print documents in the Official Journal of the European Union after their adoption, which is another organisational challenge.<sup>71</sup> Attention should be paid to good document quality, availability of all language versions and reasonable planning of publication and entry-into-force dates. This help avoiding costly rescheduling of planned publications, last-minute corrections of texts during their treatment, as well as Corrigenda in the OJ – at the expense of the General Secretariat's budget.

COUNCIL DECISION  
of  
determining the order in which the office of President of the Council shall be held

### THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second paragraph of Article 203 thereof,  
Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 116 thereof,  
Having regard to the Treaty on European Union, and in particular Articles 28(1) and 41(1) thereof,

Whereas:

- (1) By Decision 95/2/EC/Euratom, ECSC<sup>72</sup>, the Council established the order in which the office of President of the Council was to be held for the Member States of the European Union at the date of 1 January 1995.
  - (2) The European Union was enlarged on 1 May 2004 to include ten new Member States.
  - (3) The order in which the office of President of the Council shall be held should accordingly be determined taking into account the new Member States.
  - (4) This Decision shall be without prejudice to amendments to the order in which the office of President shall be held adopted by the Council after the accession of Bulgaria and Romania,
- HAS DECIDED AS FOLLOWS:

<sup>71</sup> In 2004, the Council published 103 497 pages in the OJ L and C series plus 6 179 pages in the electronic OJ Ce series in all official languages, with the assistance of the Office for publications in Luxembourg (EUR-OP) and private printers.

<sup>72</sup> OJ L 1, 1.1.1995, p. 220. Decision as amended by Decision 2002/109/EC/ECSC, Euratom (OJ L 39, 9.2.2002, p. 17).

*Article 1*

1. The order in which the Member States shall hold the Presidency of the Council from 1 January 2006 is set out in the Annex hereto.

2. The Council, acting unanimously on a proposal from the Member States concerned, may decide that a Member State may hold the Presidency during a period other than that resulting from the order established in the Annex hereto.

Article 2

This Decision shall take effect on 1 January 2006.

*Article 3*

This Decision shall be published in the Official Journal of the European Union.  
Done at .....

*For the Council*  
*The President*

Austria	January – June 2006
Finland	July – December 2006
Germany	January – June 2007
Portugal	July – December 2007
Slovenia	January – June 2008
France	July – December 2008
Czech Republic	January – June 2009
Sweden	July – December 2009
Spain	January – June 2010
Belgium	July – December 2010
Hungary	January – June 2011
Poland	July – December 2011
Denmark	January – June 2012
Cyprus	July – December 2012
Ireland	January – June 2013
Lithuania	July – December 2013
Greece	January – June 2014
Italy	July – December 2014
Latvia	January – June 2015
Luxembourg	July – December 2015
Netherlands	January – June 2016
Slovakia	July – December 2016
Malta	January – June 2017
United Kingdom	July – December 2017
Estonia	January – June 2018

## ANNEX 2

### 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 and more specifically its article 19.

#### 1. 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 COREPER<sup>73</sup> 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. Whenever possible, written input should be submitted jointly by delegations maintaining the same position.*

##### *Role of the Antici/Merrens Groups*

With a view to lightening the load on COREPER:

- (4) *COREPER should avoid going over ground already covered in the Antici and Merrens groups; this applies in particular to the "r" items; information on the organisation and order of its business and information on the agenda and organisation of forthcoming Council meetings. Whenever possible, delegations shall raise any Other Business items in the Antici/Merrens groups rather than at COREPER.*
- (5) *The Presidency will convey to the Antici and Merrens groups as soon as possible before COREPER all necessary information in order to allow a thorough preparation of discussion on each agenda item. Conversely, the Presidency may, as appropriate, encourage delegations to communicate to the Antici/Merrens group information on the positions they will be taking at COREPER. In this context the Presidency shall prioritise the agenda of COREPER. The Presidency will consider convening the Antici and Merrens groups more frequently, when required by circumstances.*

<sup>73</sup> References to COREPER should be understood as applying also to other preparatory bodies above working party level.

## 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 Joint or Merits, 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 reject 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.*

### Harassing 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.