

Brussels, 31 October 2002

## COUNCIL PRESIDENCY MODELS FOR REFORM

1. As regards any change in the system of six-monthly rotation, in paragraph 5 of its conclusions the Seville European Council "found there was a general readiness to examine the question further" and asked the Danish Presidency to "continue discussions with a view to an initial report to the European Council in December 2002."

The intention was to allow discussion to continue between the members of the Council, in parallel with the work of the Convention and without prejudice to the future IGC. Any guidelines on this subject could be "regarded as a contribution from the European Council to the proceedings of the Convention on the Future of Europe"<sup>1</sup>.

2. From the informal discussion between members of Coreper which took place on 10 July and 11 and 18 September 2002 a number of points emerged:

- There is broad agreement that the Presidency function so far has made an important contribution to the development of the Union. All agree that the prospect of enlargement makes it necessary to consider the need for changes. There are different views on the consequences: some believe that it is possible to maintain the basic structure of the current Presidency model, others that it is necessary to consider more substantial reform.
- Regardless of the model which is finally chosen, there is broad agreement on a number of general objectives: better distribution of responsibility, consistency, maintenance of the institutional balance and the need for national administrations to be involved.
- It is imperative that any model is transparent efficient, is based on equality between Member States in access to the function and ensures the necessary coordination and consistency of the Presidency function

3. It is generally acknowledged – also by several of those who wish to maintain the current system – that the Presidency in the area of external relations (CFSP/ESDP) poses a particular problem and that one response lies in strengthening the position of the High Representative in order to improve the *continuity* and *visibility* of the Union's external action (irrespective of the question of his status). This could be done, for example, by granting him the right in certain circumstances to submit proposals and allocating him duties relating to representation, negotiation of "Article 24" agreements and the implementation of decisions, including the appointment and supervision of special envoys. This could possibly also be **coupled with a fixed chairmanship of CFSP/ESDP committees and working parties (including the PSC):** either "institutional" (by representatives of the SG/HR) or elected from the Member States.
4. Finally, it emerged from the discussions that, since the duties of the Presidency cover many complex situations, reform of the system does not necessarily call for the same responses in every case, but depends on the sphere of activity, types of action or the level of responsibility

<sup>1</sup> Cf. report by the Secretary-General of the Council to the Barcelona European Council, SN 1636/2/02 REV 2 of 11 March 2002, p. 7.



**MODEL 1: close cooperation between the six-monthly Presidency and other members of the Council**

*This model maintains the principle of six-monthly rotation, while taking the Seville European Council's thoughts on collaboration between successive Presidencies to their logical conclusion. Collaboration would in fact cease to be on the basis of mere recommendation and would be covered by a set of precise, binding rules, possibly formalised in the Treaty. This approach would lead de facto to the setting up of a small rolling team Presidency (only 2 or 3 members) where the Presidency-in-Office on a six-monthly basis would continue to take precedence but would be considerably tempered by a systematic obligation to share and/or delegate power.*

This model would have the following characteristics:

1. **six-monthly Presidency maintained as a general rule;**
2. **other members of the Council closely associated with the office of the Presidency;** this could take various forms, depending on the nature and intensity of the desired collaboration:
  - (a) simply allowing the Presidency-in-Office the right to delegate certain tasks or entrust certain dossiers piecemeal to other Council members, in particular - but not exclusively - to Member States preparing to hold the Presidency; the question arises whether the Presidency's right to do this should be incorporated in the Treaty and covered by precise rules;
  - (b) a real "operational association" between the Presidency-in-Office and the following Presidency or Presidencies, which would be enshrined in the Treaty and could allow for:
    - "ambitious" implementation of Article 19(6) of the CRP on reinforced co-operation between the present and incoming Presidencies. Examples of this could be:
      - mandatory hand over to the incoming Presidency of tasks that will continue into that Presidency whenever the last ministerial or Coreper discussion on the topic in question has taken place,
      - mandatory division of labour in relation to co-decision procedure according to the expected time profile of any dossier so that the incoming Presidency/Presidencies will deal with those dossiers that are expected to be concluded under their respective presidencies
      - Alternatively the Presidency having been responsible for establishing the Council's common position would also be responsible for bringing the file to a close in the Conciliation procedure with the Parliament,
      - or the Presidency being responsible for initiating the negotiations would also be responsible for bringing the dossier to a close within a 1½ year time limit.
    - automatic sharing of certain tasks and/or dossiers on the basis of criteria to be defined (for example activities relating to regular meetings provided for in bilateral agreements),
    - incorporating the elements of collaboration between successive Presidencies in the annual work programme of the Council specifying which country is

responsible for what,

- certain Member States associated with the Presidency to be assigned responsibility for certain Council configurations when this would appear advisable in the light of joint work planning,
  - countries forming this "rolling Presidency" to be allocated some joint responsibility for the general coordination of proceedings, which would take the form, for example, of joint submission of regular reports to the European Council.
3. possibly parallel reinforcement of the role of the SG/HR in the area of CFSP/ESDP, cf. Point 3 of the introduction as well as transfer of role of representing Council in the European Parliament to SG/HR with respect to presenting Council declarations, urgent issues of major importance and answering questions
  4. possibly reinforcement of the role of the Council General Secretariat by progressively extending the list of working parties it would be called upon to chair.

**MODEL 2: maintaining the six-monthly Presidency for the Council's legislative activities and introduction of an "institutional" Presidency for the Council's executive and coordination roles**

*This model is based on the observation that the Presidency's role and responsibilities vary depending on the Council's sphere of activity. It therefore sets out to adapt the current system by differentiating between the Council's legislative tasks and its executive/governmental tasks. In the first case, the combined effect of enlargement, planning of proceedings and the opening of debates to the public will result in the Council President's position becoming much more like that of the President of a traditional deliberative assembly – organisation of proceedings and conduct of debates – all tasks which can fit into the six-monthly rotation system, if that system is reinforced as in model 1. As regards the executive/governmental role, for which it is generally recognised that there is a real need for continuity, visibility and authority, this model proposes systematic use of various types of "institutionalised" Presidency based on equality between member states.*

This model would have the following characteristics:

1. six-monthly Presidency maintained at Council level for legislative activities (i.e. the vast majority of sector Councils), on the understanding that six-monthly rotation should be accompanied by:
  - close association of other Council members with the office of the Presidency, in accordance with model 1,
  - the creation of fixed chairmanships of committees and working parties by whatever means is deemed acceptable (chairmen appointed by mutual agreement, elected or from the General Secretariat).

What type of Presidency (six-monthly, "institutional" or "other") would be suitable for the ECOFIN Council and for the ECOFIN preparatory bodies? What about the chairmanship of the Euro Group?

2. setting up an "institutional Presidency" of the Council in its executive and general coordinating role:
  - "External Relations" meetings of the GAERC chaired by the SG/HR, cf. Point 3 of the introduction,
  - "General Affairs" meetings of the GAERC chaired by the SG/HR, an elected president among the present or former members of the GAERC or possibly by the elected President of the European Council, see below,
  - Coreper chaired by a Deputy Secretary-General of the Council.

### MODEL 3: Team Presidency possibly retaining a six-monthly component for the purposes of the coordinating chain

*In this model, which is to some extent symmetrical to model 2, six-monthly rotation is dropped (including for legislative activities) in favour of a team Presidency which would share all the Presidencies of the Councils for a given period in accordance with a pre-established fixed scheme or by election. As a variation thereof a six-monthly component could be retained in order to ensure that the whole system is properly managed and consistent whereby members of the team Presidency would in turn chair certain central coordinating and steering bodies, such as the General Affairs component of the GAERC and Coreper ("backbone") for six months at a time. Both models would be backed up by a degree of "institutionalisation", particularly in the external relations area.*

These models would have the following characteristics:

1. **Presidency of Council configurations shared between several Council members within a team for an extended period:**
  - (a) composition of the team:
    - variant (a): predetermined and balanced (geography, size, etc.)
    - variant (b): by free election from all the Member States.
  - (b) renewal of the team:
    - variant (a): a fixed team, i.e. replaced by a new team at the end of the period in question;
    - variant (b): a "rolling" team, i.e. one Member State leaves and another joins at regular intervals (every year? other period?)
  - (c) other characteristics of the team still to be determined:
    - how many members (3, 4, 5?)
    - for what period (1½, 2, 2½ or 3 years?)
  - (d) allocation of Council configurations:
    - predetermined by way of ensuring that each member of the team presides different Council categories (e.g. coordination functions, economic affairs, sector policies)
    - to be agreed within the team
  - (e) chairmanship of committees and working parties:
    - by the "national method", depending on the nationality of the President of the relevant Council configuration?
    - chosen (election by one's peers or otherwise) from the Member States in the team?
    - chosen from all the Member States?
    - in the two latter cases would Coreper be given the job of ensuring a certain degree of balance (geographical, size-related, etc.)?
2. a variation of the above mentioned model would be to **retain a six-monthly Presidency** (each member of the team in turn) for what is regarded as the **coordinating chain** of Council activities, i.e. the "General Affairs" meetings of the GAERC and Coreper;

3. Possibly "External relations" meetings of the GAERC chaired by the SG/HR, cf. Point 3 of the introduction.
4. Members of the team Presidency, both at ministerial and Permanent Representatives level, form a **coordinating committee** meeting at regular intervals to coordinate and organise proceedings and oversee the implementation of the annual and triennial programmes:
  - committee to be chaired by the six-monthly Presidency or by an institutional Presidency (SG/HR and Deputy Secretary-General)?

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**VARIANT APPLICABLE TO ALL MODELS: elected President of the European Council**

*This is the idea put forward by a number of delegations of replacing the six-monthly Presidency of the European Council by a President elected for a longer period. This idea may theoretically be combined with any of the three models set out above.*

Remit:

- what would be the remit of the European Council President?
- a): Preparing/Presiding the European Council:
  - The elected president of the European Council would presumably besides chairing the European Council be responsible for preparing the European Council, including regular contacts with Heads of State and Government. How could this role be reconciled with the fact that the Seville European Council decisions on reinforced preparation of the European Council by the GAERC, cf. Model 2 above. *For example, could the elected President of the European Council also chair the "General Affairs" meetings of the GAERC or at least the deliberations in the Council on the preparation of the European Council?*
- b): High level "external face" of the EU in contacts with third countries at level of heads of State and Government
  - *What would be the relation between this figure and the president of the Commission?*
  - *What would be the relation between this figure and the SG/HR?*
- c): Other functions:
  - Besides the questions mentioned above, the question of the role of the elected President in the various models mentioned: *Would the elected President of the European Council have a particular role to play in guaranteeing the coordination and consistency of the Union's action? In what way (e.g. by chairing the coordination committee in the team presidency model)?*
- d): Democratic legitimacy:
  - *What would be the role of the elected President in relation to the European Parliament: Would he report to the European Parliament before and/or after meetings of the European Council? Would he have a role corresponding to the President of the ECB?*

Selection methods based on equality between Member States:

- election:
  - by Heads of State or Government?
  - other means? (by Heads of State or Government acting on a proposal from a congress (national parliaments + EP)
- if so, by what majority?-(simple, qualified, 2/3, double, other?)
- by consensus of the Heads of State or Government?

Term of office:

- 5 years?
- 2½ years?
- 2 years?
- 1½ years?
- renewable?