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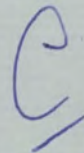
MEMBERS OF OD(E)

UK Presidency : Council Working Procedures

1. FCO officials have produced a paper which I have found helpful, and I am sending it to colleagues likely to be most involved in the conduct of Councils during our Presidency in the hope that they too may find it of some use (it is I think probably more relevant to the conduct of formal than of informal councils).

2. It sets out some ideas for improving the working procedures of the Council which, speaking at least for the Foreign Affairs Council, leave a good deal to be desired. I agree broadly with these ideas, and took advantage of the visit to London on 20 May by Neils Ersbøll, the Secretary General of the Council, to try them out on him. He welcomed them and thought the prospects of achieving some improvements along these lines well worth a try.

3. I am sending this minute and its enclosure to the members of OD(E), the Secretaries of State for Industry, Employment, Environment, Social Services, Energy, Education and Science and Transport, and to Sir Robert Armstrong.

  
 (CARRINGTON)

5 June 1981

Foreign and Commonwealth Office

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Prime Minister

This does not directly concern the European Council but you may like to be aware that an effort to improve procedures lower down is being made.

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## SECOND UK PRESIDENCY : COUNCIL WORKING PROCEDURES

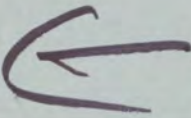
1. The Council's working procedures have been the subject of adverse criticism from most member states over the years. Successive Presidencies have been prepared to recognise this and have voiced good intentions about doing better. Various ideas have been aired and, in the context of the report of the Three Wise Men, actually approved. There has not, however, been much noticeable improvement in practice, at least in the Foreign Affairs Council.

2. There are obvious limitations on what a single Presidency can hope to achieve in this area. Moreover, each specialist Council has its own characteristics and the difficulties encountered in the Foreign Affairs Council may not apply in the same degree to others. It nevertheless seems worthwhile for the UK to attempt some procedural changes which might bring a modest improvement to the working of the Council. Such changes are, of course, no substitute for clear, purposeful and impartial chairmanship and individual Chairmen will have their own ideas about how they will wish to run their own Council meetings. Procedure does, however, have a part to play; but because securing agreement à dix to procedural change in any formal sense is a cumbersome and difficult process, the best way of achieving it is, as often as not, through practice and example.

3. Areas in which the UK Presidency could bring improvements to bear might include:-

- i) Size of delegations. There is a persistent impression at Council meetings (and the Foreign Affairs Council is no better than others in this regard) that there are too many officials present in the room most of the time. Sir Michael Butler might be instructed to pass the word through COREPER that the UK Presidency would like to see the number of officials in the meeting room for any one item on the agenda reduced by comparison with usual practice. It will clearly be essential for the UK to

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set a good example, since we are inclined to field as large a delegation as anyone. This will mean officials, even very senior ones, being prepared to follow proceedings from the Salle d'Ecoute unless their presence in the room is absolutely essential. As a general rule for 'unrestricted' meetings of the Council, the number of people per delegation allowed into the Chamber should be limited to the number of chairs available to delegations. If necessary, the Chairman need not hesitate to ask anyone he sees standing either to be seated or, if there is no room, to leave the chamber. He might also make systematic, but sparing, use of 'restricted' and 'super restricted' formats where appropriate. 'Restricted' would be interpreted to mean only those for whom there is room round the table (in practice three or four per delegation, depending on the room), although there is no reason why Chairmen should not adopt even more restricted definitions. 'Super restricted' would be smaller still, one or two per delegation, and might be best achieved by moving to a smaller room, adjacent to the main meeting room.

- ii) Punctuality. Council meetings tend to start seriously late. The UK cannot do more to improve the habits of our partners than to make it clear that we intend to start meetings on time, or within five minutes of the announced time; and then proceeding to do so.
- iii) Attendance. Foreign Ministers (especially from the big countries) are probably the worst offenders when it comes to sending their Deputies rather than coming themselves to Council meetings. Yet their presence really is important if the meetings are not to degenerate into something closely resembling COREPER. The agenda of Foreign Affairs Councils could be so arranged as to ensure that those items of real policy content are bunched in such a way that Foreign Ministers can attend in person at least part of each Council without having to write off

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two full days. Similarly where, as sometimes happens, there are a number of agenda items requiring the presence of Trade Ministers, these could be grouped together.

- iv) COREPER follow-up. UK Chairmen might make it their objective to instil into their Community colleagues a stronger sense of obligation that they should take decisions at Council meetings rather than fall back on remitting difficult questions back to COREPER. Inevitably, however, there will be instances where there is no avoiding further work in COREPER. In such cases it could be helpful if the Council, having settled some points on a given issue, instructed COREPER to resolve the others by a stated deadline; for this to work, the Chairman would need to invite his colleagues on the Council to instruct their Permanent Representatives accordingly. This device may not be generally applicable to all Councils, but some Chairmen may find it useful.
- v) Briefing. Chairmen of Council meetings will be heavily dependent on the Council Secretariat for both oral and written briefing which has to be produced and translated in a very short time. The Council Secretariat's written style is normally somewhat stilted and formal, but Mr Ersbøll, the Secretary General of the Council, and his staff have said they would be willing, if asked, to try to produce somewhat punchier written briefs. The Secretary of State has given them an example of the briefing style he likes, and may wish to suggest to other Ministers that they consider feeding in similar preferences to the officials in the Council Secretariat responsible for the preparation of their business. The FCO can provide examples of the sort of briefs the Council Secretariat normally supply, as well as the format they have agreed to adopt for Lord Carrington.

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4. The Secretary General of the Council has said that he would welcome it if the UK Presidency were to put these ideas into effect. In particular he pointed out that previous Presidencies have occasionally tried, with some success, to improve the punctuality of meetings and he has a real interest in our doing so, especially if it enables meetings to end more promptly as well. He also put in a strong plea that the UK Presidency should apply rigorously the rules of procedure (especially Article 2 which concerns the agenda) which the Council adopted in 1979 and which, he said, are both simple and clear and, if endorsed conscientiously, could do much to improve the workings of the Council. UKRep Brussels have produced a document which both sets out what these rules are and gives a detailed commentary on how they work in practice. This will be circulated shortly, along with updated versions of the guidance for both Ministers and officials on how European Community meetings work, with a supplement on the particular responsibilities falling on the Presidency.

5. This may also be a convenient moment to circulate the attached reminder of those proposals made by the Three Wise Men on the conduct of Council business, which were generally approved by the European Council in December 1980. During our Presidency we should be guided by them.

Presidency Secretariat  
ECD(E)  
3 June 1981

EXTRACT FROM CONCLUSIONS OF EUROPEAN COUNCIL, 1-2 DECEMBER, 1980,  
ON REPORT OF THE THREE WISE MEN

THE COUNCIL

1. (a) Role of the Council

As agreed by the Heads of State or Government in December 1974 in Paris and the European Council in December 1975 in Rome when approving the 'Marlia procedure', the Council of the European Communities (Ministers for Foreign Affairs) is entrusted with the role of providing the impetus and coordination required to ensure consistency in the activities of the Community and continuity in its work.

(b) Consistency of Community action

Such consistency of Community action could be more readily achieved if, in each Member State, there were better coordination among the departments involved in the various dossiers handled by the Council in its different formations. The suggestion was made that, in those countries where this did not already exist, an appropriate body should be set up to carry out such coordination. In this connection, Permanent Representatives should take part in the process culminating in definition of the position to be adopted by the State they represent.

(c) Delegation of powers to the Commission

It is desirable that powers should be delegated more frequently to the Commission, with the latter being asked to submit stock formulae (as the 'Wise Men' suggested) for the principal eventualities, on the understanding that it remains for the Council to decide, on a case-by-case basis, when the appropriate conditions are fulfilled for recourse to such delegation of powers.

(d) Organization of Council proceedings


Council agendas should contain only a limited number of items raising important problems. Informal meetings of the Members of the Council should be held only if strictly necessary.

2. The Permanent Representatives Committee

- As provided by the Treaty establishing a single Council and a single Commission of the European Communities, the Permanent Representatives Committee 'shall be responsible for preparing the work of the Council' for each of its meetings, regardless of the Council's composition. The Committee should to this end be able to coordinate better the activities of the various working parties or specialist committees.

- If it is to perform effectively this work of preparing all Council meetings and be able to relieve the Council of a certain number of dossiers, the Permanent Representatives Committee must have wider powers of decision and to this end the Permanent

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Representatives must be given broad and flexible instructions to enable them, at their level, to resolve the greatest possible number of problems. To this end, instructions such as would enable a common position to be found should be given by each Member State as early as possible in the examination of a dossier, so that meaningful negotiations culminating in agreement may begin within the Permanent Representatives Committee.

To this end:

a. the Permanent Representatives Committee should aim to submit to Ministers the main problems of principle and then, in the light of guidelines laid down by the Council, it should prepare agreed texts for the Council's approval;

b. the Council should instruct the Permanent Representatives Committee to solve outstanding problems within a certain time-limit and Ministers should then give the Permanent Representatives appropriate instructions;

c. the Presidency should announce in advance its plans for reaching agreement in the Permanent Representatives Committee so that the Permanent Representatives can obtain instructions in time.

- The Permanent Representatives Committee, which has the power to set up working parties, should exert closer control over the activities of these bodies and may itself discuss at any time the dossiers which are before the working parties.

- The Permanent Representatives Committee is invited to examine the points in which its working methods might be improved, taking as its basis the various suggestions made during examination of the Report of the 'Three Wise Men'.

### 3. The Presidency

The prime role of the Presidency, assisted at all levels by the General Secretariat, involves in particular organizing work, preparing Council agendas, monitoring progress in discussions within working parties and coordinating the work done within the different bodies with a view to ensuring the consistency of Council decisions.

- 5 JUN 1981

