

THE COUNCIL OF THE EUROPEAN COMMUNITY



Council of the European Communities
General Secretariat

Council of the European Communities
General Secretariat

Information Service

The Council of the European Community

An introduction
to its structures and activities

1990

Cataloguing data can be found at the end of this publication.

Situation on 30 October 1990

Text by Jean-Pierre Sabsoub

Photographs by Léon Crabbé

Cover photo: maquette of the future Council building

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¹ Other than the Council.

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Foreword

The story of the development of the Communities up till now, and certainly the story (still to be told) of its future development, is one of a gradual and careful transfer of portions of national sovereignty to European institutions, for the greater good of all concerned. It follows that, just as each Member State has always worked out procedures and mechanisms for formulating and implementing its policies, so the Community is no less in need of procedures and mechanisms of its own. The only difference is that national procedures and mechanisms are—by and large—familiar to the citizens of the country concerned, because they are part of their culture, their history, their immediate physical environment, and indeed their educational curriculum, while Community procedures and mechanisms are to a great extent still unknown or even misportrayed and misunderstood, which is even more serious. This is regrettable, and unnecessary, because seen from the inside the Community's way of doing things is actually surprisingly rational and efficient, given the size of the tasks that it has to undertake and the fact that it is continually called upon to break new ground.

The Council is at the heart of the Community's legislative process; working from within the Council, the Information Service of the General Secretariat has attempted to set out, as clearly and as exhaustively as possible, all aspects of the Council and its work. This has—perhaps surprisingly—not been done by us before in published form, and I have long felt that an information brochure of this type would fulfil a very real need.



Niels Ersbøll
Secretary-General of the Council.

A handwritten signature in black ink, which appears to read "Niels Ersbøll". The signature is written in a cursive, flowing style with some loops and flourishes.

Niels Ersbøll

I — The European Community and the Council's role

A — HISTORICAL BACKGROUND

The Second World War and its harrowing consequences led the leaders of many Western European States to strive for closer union between their countries, while the wish to avoid the mistakes made just after the First World War drove them to seek solutions to problems through economic cooperation or even integration.

The Organization for European Economic Cooperation (OEEC) Treaty was signed in April 1948.¹ On the initiative of Winston Churchill in particular, a Congress on Europe was held in The Hague in May 1948. The Council of Europe was set up in May 1949.

It is however the declaration on 9 May 1950 of the French Minister for Foreign Affairs, Robert Schuman, which is regarded as the starting point of the new process of European unification.

In his declaration, inspired to a large extent by Jean Monnet, Robert Schuman proposed the creation of a large European market in the framework of a European Federation open to all the States of the continent. His initiative, limited initially to two well-defined and at the time strategic sectors, led to the signing on 18 April 1951 in Paris of the treaty establishing the European Coal and Steel Community (ECSC), concluded for a period of 50 years. Six countries became members: Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands.

Attempts to set up a European Defence Community and a European Political Community ended in failure. However, in June 1955 in Messina the Governments of the Europe of The Six decided to continue their efforts towards economic integration begun for coal and steel by extending it to the entire economy and to the use of atomic energy.

The negotiations which opened in May 1956, on the basis of a report from an intergovernmental committee chaired by the Belgian statesman Paul Henri Spaak, led to the signing by the Six, on 25 March 1957 in Rome, of the Treaties establishing the European Economic Community (EEC) and the European Atomic Energy Community (EAEC or Euratom). These two Treaties are of unlimited duration.

The favourable results of the development of the Six prompted Ireland, Denmark, the United Kingdom and Norway to apply to join the three Communities in 1961/62.

¹ Since renamed the OECD (Organization for Economic Cooperation and Development).

These requests encountered the veto of the French Government, which was to be upheld in 1967, at the time of the second request for accession by these four countries.

At the summit meeting in The Hague on 1 and 2 December 1969, the Heads of State or Government of the Six gave negotiations the political impetus required: the Accession Treaties were signed on 22 January 1972 in Brussels and ratified shortly afterwards by the parliaments of Denmark,¹ Ireland¹ and the United Kingdom and those of the Member States. On 1 January 1973, the enlarged European Community had nine members.

After the return to democracy of the southern European countries, a further stage in the enlargement of the Community began. The requests for accession by Greece (12 June 1975), Portugal (28 March 1977) and Spain (28 July 1977) were followed by lengthy negotiations. The Treaty of Accession of Greece was signed in Athens on 28 May 1979: Greece became the 10th Member State on 1 January 1981. The Treaty with Spain and Portugal was signed on 12 June 1985 in Lisbon and in Madrid successively. Accession became effective on 1 January 1986: the European Community now had 12 Member States.²

¹ Following a favourable referendum in these countries.

² As a result of its integration in the Federal Republic of Germany on 3 October 1990, the territory of the former German Democratic Republic is an integral part of the European Community.

B — COMMUNITY INSTITUTIONS AND BODIES ¹

Although we usually speak of the 'European Community' as a whole, which emphasizes its unity, the three Communities are still legally separate. They share several common institutions: The European Parliament, the Council,² the Commission² and the Court of Justice. The Council and the Commission are assisted by an Economic and Social Committee. The audit is carried out by a Court of Auditors.

1. The European Parliament

The European Parliament, established by the Rome Treaties as the single 'Assembly' for the three Communities, replaced the pre-existing ECSC Assembly. At their inaugural meeting in March 1958 in Strasbourg, the Assembly representatives had already introduced in some languages the term 'European Parliament', officially adopted subsequently by the Single European Act.³

Consisting at first of delegates from national Parliaments, the European Parliament is elected by direct universal suffrage, following a Council decision in September 1976, in accordance with the objective laid down by the Treaties: the first election was held in June 1979 and the second in June 1984.

Since the third election, in June 1989, the European Parliament has had 518 members from the 12 Member States, each country being entitled to a specific number of representatives. They hold office for five years and are divided into political groups organized at Community level, not national delegations.

The European Parliament elects its President, currently Enrique Barón Crespo,⁴ and 14 Vice-Presidents. It holds its plenary sessions in Strasbourg, generally for one week each month. Between sessions, the 18 Parliamentary Committees prepare its work, mainly in Brussels. The European Parliament's General Secretariat and its departments, located in Luxembourg, employ some 3 000 officials, half of them for translation and interpreting duties.

Although the European Parliament's powers are more limited than those of national parliaments, they are nevertheless very extensive. It exercises permanent control over the Commission, particularly when examining the *General Report on the activities of the European Communities*, at the beginning of each year, or

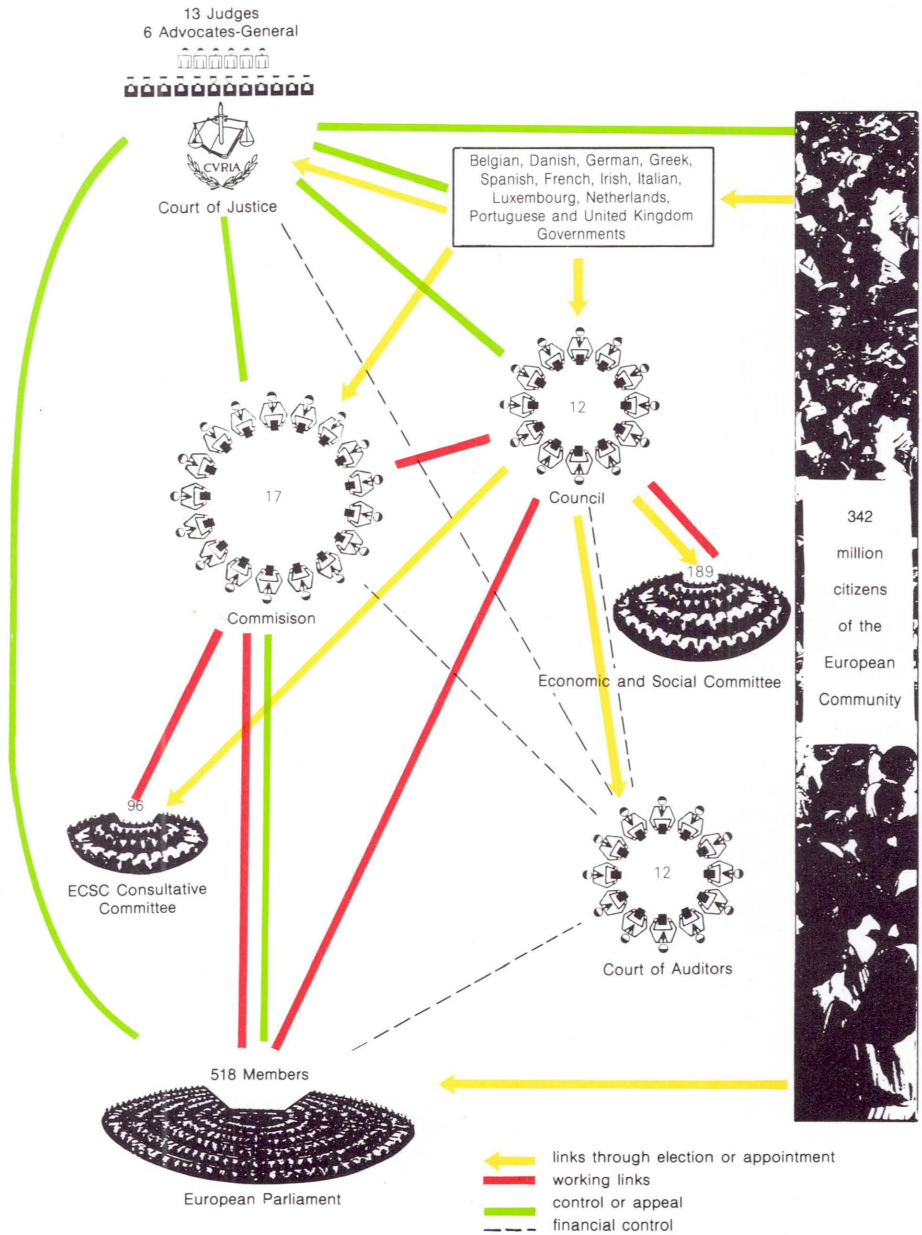
¹ Other than the Council.

² Since 1 July 1967, the date of the entry into force of the Treaty establishing a Single Council and a Single Commission of the European Communities, signed on 8 April 1965 in Brussels, and also called the Merger Treaty. These institutions were previously separate for each Community.

³ See page 17.

⁴ Since 25 July 1989.

TABLE 1
Community institutions and bodies
 (simplified diagram)



through written or oral questions.¹ It can compel the Commission to resign, by adopting a censure motion carried by a two-thirds majority.

The European Parliament adopts resolutions on its own initiative concerning the various aspects of Community and international policy. It set in motion the proceedings which led to the Single European Act.² It takes part in the preparation of Community legislation,³ and, above all, adopts the Community budget.⁴

The European Parliament's debates, opinions and resolutions are published in the *Official Journal of the European Communities*.

2. The Commission

The Commission has 17 Members, at least one from each Community country. Commissioners are appointed by common agreement by the Governments of the Member States; their term of office is four years and renewable.

The President, at present Jacques Delors,⁵ and the six Commission Vice-Presidents are appointed from among its Members for two years in accordance with the same procedure.

Commissioners act in the interest of the Community alone, and may not receive instructions from any Government. If the European Parliament adopts a censure motion, the Members of the Commission must resign from their duties as a body. Commission decisions are taken by a majority of Members. The Commission departments, located mainly in Brussels but with some in Luxembourg, include some 14 000 staff, of whom about 800 are assigned to research.

Under the Treaties the Commission is entrusted with many important responsibilities. In the first place, as guardian of the Treaties, it ensures that their provisions and those taken by Community institutions are implemented. For this purpose, it has powers of investigation and may instigate infringement procedures at the Court of Justice. It may grant temporary dispensations to the rules of the Treaties where the Treaties so provide in exceptional cases (safeguard clause).

The Commission also plays a full part in the legislative proceedings of the Communities: it submits its communications and proposals to the Council and a member of the Commission attends each Council meeting.

Finally, it is as a rule the Commission which exercises powers of implementation for Council Decisions, either alone or assisted by a Committee which is usually

¹ In 1989: 3 048, including questions put to the Council and European Political Cooperation. In 1988 the figure was 3 933 and in 1987 4 051.

² See page 17.

³ See page 31 *et seq.*

⁴ See page 36 *et seq.*

⁵ Since 6 January 1985.

composed of representatives of the Governments of the Member States.¹ In addition the Commission administers the various Community funds and programmes. It adopts regulations and directives, takes decisions and formulates recommendations and opinions, which are all published in the *Official Journal of the European Communities*.

3. The Court of Justice of the European Communities

The Court of Justice of the European Communities, located in Luxembourg, ensures that the law is observed in the interpretation and application of the Treaties: it rules on the legality of the acts of the Member States and the Institutions. It consists of 13 Judges, assisted by six Advocates-General; the latter's role is to make reasoned submissions in open court on cases brought before the Court.

The Judges and Advocates-General are appointed by common accord of the Governments of the Member States for a term of six years. The Judges elect the President of the Court of Justice from among their number for a term of three years. He may be re-elected, just as the others may be re-appointed.

The Court of Justice, which had already been in existence since 1951 as an institution of the ECSC, has extended its jurisdiction to all Community domains since it began to function in October 1958.

A Court of First Instance was attached to it in 1988: its role is to examine certain classes of action or proceeding brought by natural or legal persons. It is composed of 12 members.

The Court of Justice and the Court of First Instance have about 730 staff.

Most of the cases referred to the Court do not come from Member States or Community institutions but from private businesses or ordinary individuals. At the request of national courts, the Court rules on the validity and interpretation of the provisions of Community law.

Community law prevails over national law. The rulings of the Court of Justice are enforceable in the Member States.

4. The Court of Auditors of the European Communities

The Court of Auditors of the European Communities, set up in October 1977,² replaced, with extended powers, the pre-existing external control bodies: a control commission for the EEC and Euratom and an auditor for the ECSC.

¹ See page 25 and also page 43.

² By the Treaty amending Certain Financial Provisions of the Treaties establishing the European Communities and of the Treaty establishing a Single Council and a Single Commission of the European Communities, signed in Brussels on 22 July 1975 and which entered into force on 1 July 1977.

The Court of Auditors consists of 12 members, one for each Member State, appointed by common agreement for six years by the Council after consulting the European Parliament. The members appoint their President from among their number for a term of three years. The Court of Auditors, located in Luxembourg, has an establishment of some 380 officials.

The Court of Auditors examines the accounts and the legality of all Community revenue and expenditure, and as a rule also those of any body created by the Community. Its decisions are taken by a majority of its members. The results of the audits carried out by the Court of Auditors are published in reports, the most important of which is the annual report on the Community accounts.

5. The Economic and Social Committee

The Economic and Social Committee, established by the Rome Treaties, held its first plenary session in May 1958. It consists of 189 representatives of the various categories representing the economic and social life of the Member States. Members are appointed by the Council acting unanimously for a renewable term of office of four years. The Committee appoints its Chairman and its Bureau from among its members for a term of two years. About 500 officials work in its offices, located in Brussels.

The Economic and Social Committee is a consultative assembly of the Community, based on a model common to most of the Member States. Its members continue to perform their respective professional duties, but come to Brussels to take part in working party meetings and, about once a month, to attend plenary sessions.

The Economic and Social Committee delivers opinions, not only when consulted by the Council and the Commission,¹ a mandatory requirement in some cases, but also on its own initiative. Its opinions are published in the *Official Journal of the European Communities*.

6. The European Investment Bank

The EEC Treaty created the European Investment Bank, an independent body located in Luxembourg whose members are the 12 Community States.² The Bank's mission is to help the balanced development of the Community. By granting loans and guarantees in all sectors of the economy it participates in the development of the less developed regions, the modernization or restructuring of businesses or the creation of new jobs and in projects of common interest to several Member States.

¹ The Commission is assisted by an ECSC Advisory Committee for questions affecting coal and steel, and by a Scientific and Technical Committee for some questions covered by the Euratom Treaty. These Committees, which are advisory, have a similar structure to that of the Economic and Social Committee.

² See also the Treaty amending certain provisions of the Protocol on the Statute of the European Investment Bank, signed in Brussels on 10 July 1975.

The European Investment Bank also grants loans under the agreements between the Community and the ACP States and those of the Mediterranean Basin, as well as to overseas countries and territories and—in certain cases—to other non-member countries. In this capacity it is represented at meetings of the Council of the European Communities and at those of other bodies, when questions affecting financial cooperation with those countries have to be examined.¹

*
* *

The Community has nine official languages, in which the *Official Journal of the European Communities* is published.²

*
* *

The unity of the Community institutions is symbolized by the Community flag:³ raised for the first time on 29 May 1986, it is rectangular with a circle of 12 gold stars in the middle on a blue background.

¹ See also page 49.

² Spanish, Danish, German, Greek, English, French, Italian, Dutch and Portuguese, following the alphabetical order of the original classification. Some basic texts are published in Irish.

³ This flag is already used by the Council of Europe.

C — THE COUNCIL

The Council of the European Communities consists of representatives of the 12 Member States, each Government delegating one of its members to it. This is why it is also called Council of Ministers, a title which further emphasizes its nature as a representative institution of the Member States. It is in the Council that the particular interests of the Member States and those of the Community meet, and it is there that agreement must be reached.

The composition of the Council varies according to the subjects to be dealt with:¹ as a general rule national ministers take part in meetings held on their respective fields (agriculture, environment, transport, economics and finance etc.).

The Council meets when convened by its President on his initiative or at the request of one of its members or of the Commission. The Presidency of the Council is held by each Member State in turn for six months in accordance with a pre-established order.² The President carries out his function of coordination and synthesis in the fullest possible way.

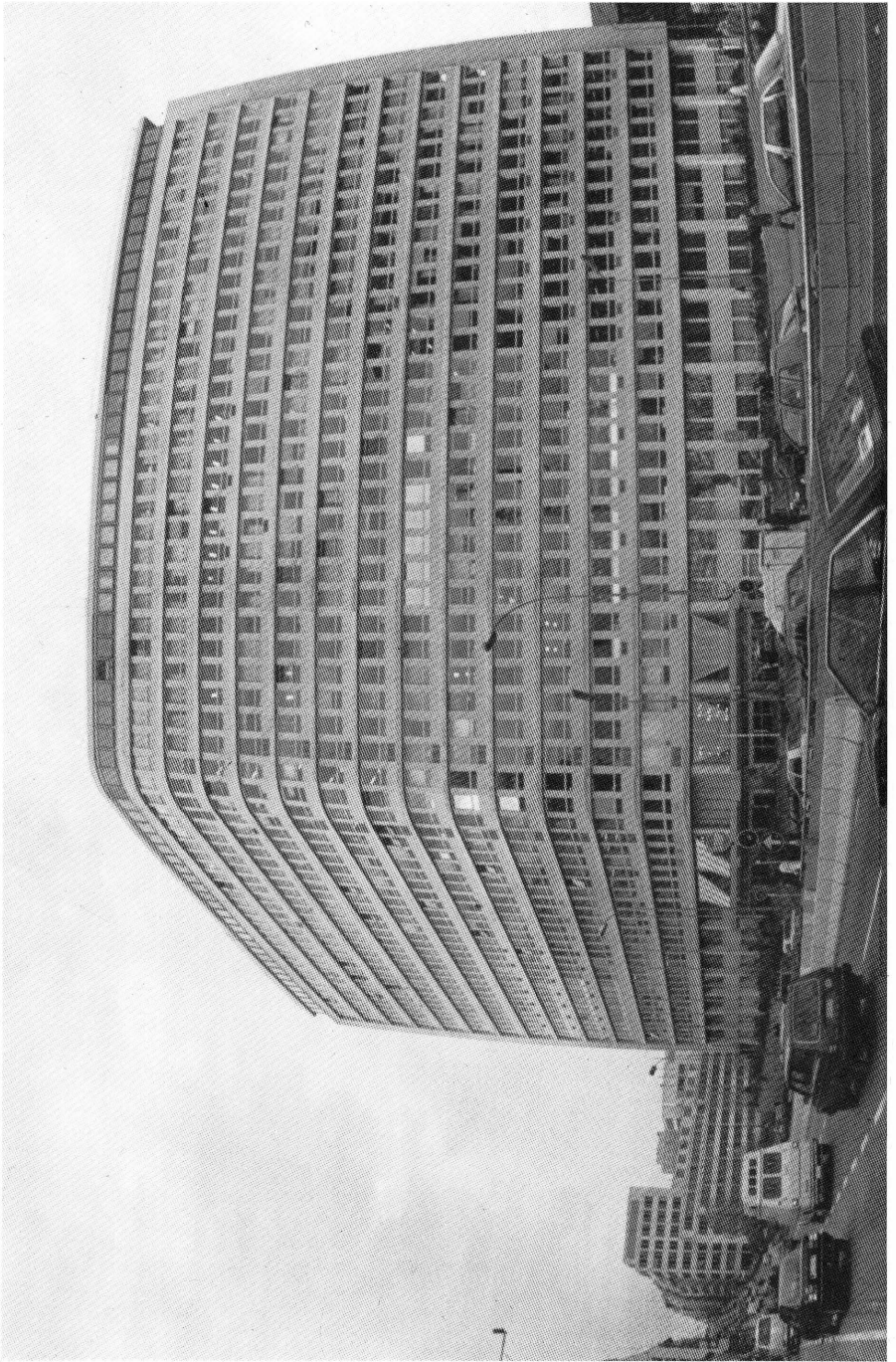
The President ensures the smooth running of Council proceedings and endeavours to find practical solutions to the problems submitted to the Council. Ministers also meet at informal meetings, in order to discuss topics of general interest together and to have as free as possible an exchange of views on them. These informal meetings, normally limited to seven per Presidency, do not replace the normal work of Councils.

The Council's Presidency-in-Office also cooperates with the previous and following Presidencies to achieve better organization of work in certain areas, for example the internal market: in that case the three Presidencies together are known as the Troika.

In accordance with the Rome Treaties (EEC, Euratom), the Council coordinates the general economic policies of the Member States and has powers of decision. All general provisions or those of a certain importance are adopted by the Council

¹ Thus in 1989 the Council had 89 meetings in 19 different fields.

² The rhythm of work which the first half of the year represents for a Presidency is not the same as that represented by the second half: for example, apart from the effect of the different holiday periods, it may be said that work on agricultural prices takes place in the first half while work on the annual budget of the Communities takes place in the second half. In a Community with 12 members, to avoid a given Member State always having to hold the Presidency during the same period in the course of each cycle of six years, the Treaties provide for two cycles for holding the Presidency. In the first cycle, the Presidency is held in accordance with the following order: Belgium, Denmark, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Portugal, and the United Kingdom, while in the following cycle the order is as follows: Denmark, Belgium, Greece, Germany, France, Spain, Italy, Ireland, the Netherlands, Luxembourg, the United Kingdom, and Portugal.



The Charlemagne building.

which, except in a very small number of cases, can only take a decision on the basis of a Commission proposal.

An important difference between the Rome Treaties and the Paris Treaty (ECSC) is that under the former the Council generally decides on the basis of a proposal from the Commission, while according to the latter the Commission generally decides when the Council has given its assent.¹

The Rome Treaties provide that unless there are provisions to the contrary the Council's decisions are reached by a majority of its members, i.e. by simple majority. However, in many cases the Treaties prescribe unanimity or a qualified majority. With the entry into force of the Single European Act,² qualified majority voting has been extended to certain areas which hitherto required unanimity, for example most matters involving the achievement of the internal market,³ economic and social cohesion, and technological research and development.

The Council has a staff in Brussels⁴ of a little over 2 000 officials. In April, June and October, the Council holds its meetings in Luxembourg, while the other meetings are normally held in Brussels.⁵

¹ See page 43.

² See page 17.

³ See also Annex 3.

⁴ The General Secretariat: see page 26.

⁵ See the Decision of the Representatives of the Governments of the Member States on the provisional location of certain institutions and Treaties Departments of the Communities, dated 8 April 1965. As an exception to the rule, a meeting may be held outside the normal places of work: for example, the 1104th Council meeting was held on 20 September 1986 in Punta del Este, on the occasion of the GATT Conference, and the 1283rd Council meeting was held on 4 December 1988 in Montreal in the same context.

D — EUROPEAN POLITICAL COOPERATION

Foreign policy cooperation between the Community countries, instituted by the adoption of the Luxembourg report in 1970 and subsequently extended, was given confirmation by the Single European Act in February 1986. The Act supplemented the procedures agreed on and the practices progressively established between Member States, thus basing such cooperation on a Treaty for the first time.

European Political Cooperation and the European Communities, as the Single Act states, 'have as their objective to contribute together to making concrete progress towards European unity'.

To achieve this aim, the Member States endeavour jointly to formulate and implement a European foreign policy. They inform and consult each other on any foreign policy matters of general interest so as to ensure that their combined influence is exercised as effectively as possible, in particular through the convergence of their positions and the implementation of joint action. Each Member State takes account of the positions of the other partners in adopting its positions and in its national measures.

In addition, in order to increase their capacity for joint action in the foreign policy field, the Member States ensure that common principles and objectives are gradually developed and defined. The determination of a common position on most of the major international issues constitutes a point of reference for the policies of the Member States.

Cooperation in international forums is an important aspect of European Political Cooperation. The diplomatic missions of the Twelve in non-member countries also cooperate closely both on political questions and on other problems. In the case of joint measures on behalf of the Twelve, action is taken by the Presidency-in-Office or the Troika,¹ thereby providing proof of the reality of European cooperation.

This cooperation is implemented in the framework of the following structures: European Council;² meetings of Ministers for Foreign Affairs, at least twice per Presidency in the framework of European Political Cooperation (and if required also on the occasion of meetings of the Council of the European Communities); the Political Committee, which brings together officials with responsibility for political affairs from the Ministries of Foreign Affairs; and the Correspondents Group, which includes an official from the Ministry of Foreign Affairs of each country. About 20 Working Parties meet in accordance with the directives of the Political Committee.

The Commission is fully associated with the work of Political Cooperation; it is represented at all its meetings. The Member States also ensure that the European Parliament is closely associated with such cooperation: the Presidency keeps the European Parliament informed of the foreign policy issues which are being

¹ The Presidency-in-Office and the previous and following Presidencies. See page 9.

² See page 14.

examined within the framework of Political Cooperation and ensures that the Parliament's views are duly taken into consideration.

The Presidency is held by the Member State presiding over the Council of the European Communities. In the preparation and implementation of Political Cooperation activities, it has been assisted since the beginning of 1987 by a Secretariat located in Brussels.¹ It consists of a Head of Secretariat, appointed by the Ministers for Foreign Affairs, and five officials seconded from their Ministries, in accordance with a rota system. It has a small administrative and technical staff, drawn from national civil services. European Political Cooperation meetings are held in the capital of the country holding the Presidency or at the Secretariat.

¹ In the premises of the Council General Secretariat, under an Agreement signed in 1986 with the Secretary-General.

E — THE EUROPEAN COUNCIL

At a summit conference in December 1974 in Paris, the Heads of State or Government of the Member States decided to meet, accompanied by the Ministers for Foreign Affairs, three times a year and whenever necessary, as Council of the Community and in the context of political cooperation. It was also provided that the President of the Commission, assisted by a Vice-President, should participate.

The European Council, as it is now known, has taken the place of the European Summits held previously, one of the most notable of which was held in The Hague in December 1969. The decisions taken on that occasion led to Community policy being relaunched in numerous fields: the common agricultural policy, the own resources system, negotiations with countries applying for membership, progress towards political unification and so on.

These meetings at the highest level, by putting the questions discussed on a global footing, by establishing links and setting priorities, help to reaffirm the primacy of political objectives and to break the deadlock in certain situations. The European Council takes decisions on political alternatives, lays down general guidelines and provides new impetus by asking the institutions to deal with certain problems, by adopting joint declarations or by taking political decisions. It is an arbitration body at the highest level and it has made it possible, in particular, to solve the major problems which are fundamental to the Community's future (for example, long-term financing, accessions, reform of the agricultural policy).

The European Council plays a leading role in furthering European construction, but it is not its task to replace the Community institutions.

The Head of State or Government of the country holding the Presidency of the Council of the European Communities is the President of the European Council. The President-in-Office also appears regularly before the European Parliament to present the results of proceedings and the conclusions reached regarding various Community matters, as well as the discussions on political cooperation;¹ he sometimes also addresses the European Parliament before the European Council's discussions. In addition, the European Council submits a written report each year to the Parliament on the progress made towards European union.

In June 1983, the Stuttgart European Council set out in its Solemn Declaration on European Union the details of its role and methods of work in the framework of the Community institutions. The Single European Act² has now incorporated the European Council in the enacting terms of the Treaties, although it has not included it amongst the institutions themselves and as a result the way the European Council operates and its precise powers have not been laid down.

Article 2 of the Single Act states that 'the European Council shall bring together the Heads of State or Government of the Member States and the President of the

¹ See page 12.

² See page 17.

Commission of the European Communities. They shall be assisted by the Ministers for Foreign Affairs and by a Member of the Commission¹.

Meetings of the European Council are held at least twice a year, normally in a city of the country holding the Presidency, or in addition, in a city hosting Community institutions. The process of preparing its proceedings varies according to the topic: Community themes are prepared by the Council of Ministers for General Affairs, assisted by the Permanent Representatives Committee, while Political Cooperation themes are prepared by the Political Committee¹ and if required by the Ministers for Foreign Affairs meeting in Political Cooperation.

¹ See page 12.

II — The organization and working methods of the Council

A — LEGAL BASES

1. The Treaties¹

In addition to the Paris and Rome Treaties already mentioned, which constitute the original Treaties, and the Treaties of Accession or withdrawal (Greenland), there are three main Treaties revising those Treaties:

- the Treaty establishing a Single Council and a Single Commission of the European Communities, signed in Brussels on 8 April 1965, and also known as the Merger Treaty since it brought together the Community institutions initially set up separately for each Community;²
- the Treaty amending Certain Budgetary Provisions of the Treaties establishing the European Communities and of the Treaty establishing a Single Council and a Single Commission of the European Communities, signed in Luxembourg on 22 April 1970. This Treaty regulates the budget procedure between the institutions;
- the Treaty amending Certain Financial Provisions of the Treaties establishing the European Communities and of the Treaty establishing a Single Council and a Single Commission of the European Communities, signed in Brussels on 22 July 1975. This established the Court of Auditors.

2. Single European Act

Important modifications were made to the Treaties by the Single European Act, which was signed in February 1986 and entered into force on 1 July 1987. It was in response to the Solemn Declaration on European Union, in which the June 1983 Stuttgart European Council expressed its wish to move forward on the path of European union, that an Intergovernmental Conference drew up the outline for Community reform in 1985.

With the Single European Act, the Twelve reaffirmed their wish to 'transform relations as a whole among their States into a European Union', giving priority to

¹ A list of the Treaties concerned is given in Annex 1, with the dates of their entry into force. The text of these Treaties has been published in two volumes by the Office for Official Publications of the European Communities in each Community language.

² This Treaty also lays down in Article 4 that a 'committee consisting of the Permanent Representatives of the Member States shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council'. This is the Permanent Representatives Committee. Article 5 lays down that 'the Council shall adopt its rules of procedure'. See page 23.

CONSIGLIO DELLE A.S.
 COMMISSIONE INTERNAZIONALE A.S.
 BRIGATA EUROPEA A.S.
 COMITATO EUROPEO A.S.
 A.S. ITALIA EUROPEA
 A.S. EUROPEA A.S.
 COMITATO EUROPEO A.S.
 A.S. EUROPEA A.S.
 COMITATO A.S.
 A.S. EUROPEA A.S.

Pour Sa Majesté le Roi des Belges,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. de Lathauwer,

Pour Sa Majesté le Roi des Pays-Bas,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. van der Stoep,

Pour Sa Majesté le Roi de Grèce,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Karamanlis,

Pour Sa Majesté le Roi de Roumanie,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. G. Brătianu,

Pour Sa Majesté le Roi de Suède,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Carlsson,

Pour Sa Majesté le Roi de Turquie,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Feroz,

Pour Sa Majesté le Roi de Yougoslavie,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Djindjic,

Pour Sa Majesté le Roi de Belgique,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. de Lathauwer,

Pour Sa Majesté le Roi des Pays-Bas,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. van der Stoep,

Pour Sa Majesté le Roi de Grèce,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Karamanlis,

Pour Sa Majesté le Roi de Roumanie,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. G. Brătianu,

Pour Sa Majesté le Roi de Suède,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Carlsson,

Pour Sa Majesté le Roi de Turquie,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Feroz,

Pour Sa Majesté le Roi de Yougoslavie,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Djindjic,

Pour Sa Majesté le Roi de Grèce,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Karamanlis,

Pour Sa Majesté le Roi de Roumanie,
 Son Excellence Monsieur le Ministre des Affaires
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 M. G. Brătianu,

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 étrangères,
 M. Feroz,

Pour Sa Majesté le Roi de Yougoslavie,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Djindjic,

Pour Sa Majesté le Roi de Belgique,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. de Lathauwer,

Pour Sa Majesté le Roi des Pays-Bas,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. van der Stoep,

Pour Sa Majesté le Roi de Grèce,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Karamanlis,

Pour Sa Majesté le Roi de Roumanie,
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 étrangères,
 M. G. Brătianu,

Pour Sa Majesté le Roi de Suède,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Carlsson,

Pour Sa Majesté le Roi de Turquie,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Feroz,

Pour Sa Majesté le Roi de Yougoslavie,
 Son Excellence Monsieur le Ministre des Affaires
 étrangères,
 M. Djindjic,

Single European Act (title and signing).

setting up the single market before the end of 1992. The Single Act confirmed the role of the European Council and of European Political Cooperation by incorporating them in Community practice. It also strengthened the role of the European Parliament in the legislative process by a cooperation procedure, and increased the possibilities for the Council to take decisions by a qualified majority.¹

The Single European Act specifically extended the field of Community powers in the monetary, economic and social areas, as well as adding technological research and development, the environment and regional policy.

The Single Act also amended the terms under which the Council takes its decision on a request for accession to the Community by a European State: Article 237 of the EEC Treaty requires a unanimous decision by the members of the Council after the Commission has been consulted and the European Parliament has given its assent.

3. Rules of Procedure

The Rules of Procedure of the Council currently in force go back to 24 July 1979. Some amendments were made on 20 July 1987. These Rules lay down the arrangements for the Council's work, and in particular the role of the President.²

It is his task to convene Council meetings on his own initiative or at the request of one of its members or of the Commission. The President lays down the dates planned for Council meetings, and draws up the provisional agendas for them.

The Rules of Procedure are the legal basis for the existence of the General Secretariat of the Council.³

¹ See pages 31-36 and pages 39-41.

² Rules of Procedure of the Council of 24 July 1979 as amended on 20 July 1987. See page 9.

³ See page 26.

B — THE WORKING FRAMEWORK

1. Meetings (General points — Agenda — Minutes)

The Council holds about 80 meetings per year.¹ If required, meetings may be spread over several days, sometimes even with an interval of one or more weeks. More than one Council meeting may be held at the same time, obviously with different members and on different matters. The Council has set itself the aim of avoiding an excessive concentration of meetings in June and December (at the end of a Presidency).²

Council meetings, as stated in the Rules of Procedure, 'shall not be public, unless the Council unanimously decides otherwise. The Commission shall be invited to take part in meetings of the Council. The Council may, however, decide to deliberate without the presence of the Commission'.

Generally, the Governments of the Member States and the Commission are represented by a spokesman, who may be accompanied by at most six persons per delegation in the conference room. A member of the Council unable to attend a meeting may be represented by someone else. The members of the Permanent Representatives Committee responsible for preparing a Council meeting, as well as the Secretary-General and General Secretariat officials also attend meetings, which may as a result bring together nearly 100 people.

The Council's legislative activity is constantly increasing. This is why, since the beginning of 1989, each Presidency has drawn up a detailed work programme before its term of office forming the basis for the organization of its work, with the assistance of the Secretary-General of the Council and in contact with the Secretary-General of the Commission. Drawing up such a programme every six months makes for better preparation of meetings and a more effective transition between Presidencies. The main features of the work programme are communicated in advance to the various Permanent Representations³ and the Commission for information.

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¹ 80 in 1987, 77 in 1988, and 89 in 1989. Of these, 14 meetings were given over to general affairs (including external relations), 12 were on agriculture, 10 on the internal market, 8 on economics and finance, etc., the composition of the Council naturally corresponding on each occasion to the matter dealt with. Over the years the number of meetings each year has risen gradually; there were 41 in 1969, 51 in 1974, 62 in 1977, 72 in 1982, and so on.

Council meetings have been numbered regardless of the topic discussed since the creation of the Single Council under the Merger Treaty (1967): the 1000th meeting was held on 2 May 1985 (on agriculture as it happens).

² As part of the improvements to working methods the Council decided on at its meeting of 19 December 1988.

³ Each Member State has a Permanent Representation to the European Communities, located in Brussels. See also page 23.



1426th Council meeting (Agriculture) on 25 September 1990 in Brussels.

At the beginning of each meeting, the Council adopts its agenda.

The provisional agenda for each meeting, drawn up by the President on the basis of the six-monthly work programme, is sent to the other members of the Council and the Commission at least 14 days before the beginning of the meeting. As laid down in the Rules of Procedure, the provisional agenda includes the items for which a request for inclusion and any documentation have reached the General Secretariat at least 16 days before the beginning of the meeting: it is not unusual for there to be several dozen. An item may be added at the beginning of the meeting only by unanimous agreement. The provisional agenda also shows which items a vote may be taken on.

The provisional agenda is divided into part A and part B.

Following agreement reached within the Permanent Representatives Committee, those items for which Council approval without a debate is possible are entered in part A; this does not rule out the possibility for each of the members of the Council and for the Commission of expressing their opinion when these items are adopted and of having statements entered in the minutes. However, where a position is taken on an 'A' item which might result in further discussion, the item is normally postponed to a subsequent meeting unless the Council decides otherwise. Having 'A' items on the agenda thus simplifies procedure: about two-thirds of Council decisions are dealt with as 'A' items.

Part B covers the other items on the agenda, normally to be debated, if possible with an indication of the assigned objective: items submitted for negotiation, policy debate, establishing a common position, and so on. An agenda usually includes on average between five and ten such items. A Council meeting may be called to discuss a single part B item.

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As laid down in Article 7 of the Rules of Procedure, minutes are drawn up for each meeting. The draft minutes are prepared by the General Secretariat within 15 days and submitted to the Council for approval. They generally include, for each item on the agenda, a reference to the documents submitted to the Council, the decisions taken or the conclusions reached by the Council and any statements made by the Council or which a member or the Commission has asked to be entered in the minutes.

Each member of the Council or the Commission may propose an amendment to the draft minutes. Once they have been approved the President-in-Office and the Secretary-General sign them.

Press releases drawn up by the General Secretariat provide substantial information on the Council's conclusions or proceedings for each meeting, and also state which members attended.

2.1. Permanent Representatives Committee (Coreper)¹

The Permanent Representatives Committee assists the Council by preparing its discussions and carrying out the instructions given to it by the Council. As provided for in the Merger Treaty and the Council's Rules of Procedure, the Permanent Representatives Committee has two parts, the first part (Coreper I) consisting of the Deputy Permanent Representatives and the second (Coreper II) consisting of the Permanent Representatives, who have Ambassador status. The matters to be examined are divided among the agendas for the meetings of each of the Committee's two parts; Coreper II normally deals with questions of a more general and political nature.

The Permanent Representatives Committee operates in accordance with procedures similar to those of the Council and at its meetings endeavours—with the assistance of Commission representatives—to find solutions to the problems being discussed or to pave the way for the Council to take a decision. The Permanent Representatives Committee differs however from the Council in that each Permanent Representative must express his Government's views in the Committee, but is also at the same time the Community's mediator with his Government.

Each part of the Permanent Representatives Committee meets one or more times per week. The Committee normally examines questions two or three weeks before the date planned for discussions within the Council in accordance with the six-monthly work programme of the Presidency-in-Office.

In addition to its main task of preparing Council discussions (including drawing up provisional draft agendas for Council meetings), very often the Committee has to act on the political decisions taken within the Council, which involves, in particular, preparing the legislative texts likely to be adopted.

2.2. Special Committee on Agriculture

Common agricultural policy questions fall within the purview of the Special Committee on Agriculture, because of the importance of this area in Community activity. The mandate of this Committee, which was set up by the Representatives of the Governments of the Member States in the framework of their Decision of 12 May 1960 on speeding up the pace of achieving the objectives of the EEC Treaty, was subsequently confirmed by the Council. The Special Committee on Agriculture operates in the same way as the Permanent Representatives Committee.

3. Committees²

Numerous other Committees, generally set up by a Council Act, have been entrusted with well-defined tasks. Some of them are presented below.

¹ Its French acronym.

² See also page 49.

Article 113 Committee

This Committee, set up under Article 113 of the EEC Treaty, is entrusted with assisting the Commission in the negotiations it conducts on behalf of the Community on trade and tariffs.

The country holding the Presidency of the Council presides over this Committee.

Standing Committee on Employment

The Standing Committee on Employment was set up by a Council Decision on 14 December 1970. Its task is to ensure that there is dialogue, cooperation and consultation, in compliance with the Treaties and the powers of Community institutions and bodies, between the Council or the representatives of the Governments of the Member States as appropriate, the Commission and both sides of industry.

Such dialogue, cooperation and consultation take place in order to coordinate Member States' employment policies by harmonizing them with Community objectives.

Each side appoints its own representatives. The Committee is chaired by the State holding the Presidency of the Council.

Committee on Scientific and Technical Research (Crest)

This Committee, established by the Council Resolution of 14 January 1974 on the coordination of national policies and the definition of projects of Community interest in the field of science and technology, is responsible for assisting the Community institutions in defining objectives and developing a common policy in these areas.

The Committee consists of representatives of the Member States and the Commission. It is chaired by a representative of the Commission and its Secretariat is provided by the General Secretariat of the Council, with the assistance of Commission experts for scientific and technical problems.

Budget Committee

This Committee, set up at the Community's inception (1959) in the framework of the Permanent Representatives Committee, and whose activities are at present based on Article 125 of the Financial Regulation of 21 December 1977,¹ differs from other groups of national experts operating within the Council because of its threefold mission.

In addition to preparing the discussions of the Permanent Representatives Committee on the general budget of the Communities, the Budget Committee also prepares opinions for the Committee on the financial implications of Community

¹ As amended by Council Regulation (Euratom, ECSC, EEC) No 610/90 of 13 March 1990.

measures submitted for discussion in other forums. Finally, it has the specific task of approving the budget forecasts for the General Secretariat of the Council as such, as well as those of the Economic and Social Committee.

The Committee consists of representatives of the Member States and the Commission. It is chaired by the country holding the Presidency of the Council.

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It should also be noted that the Advisory Committees¹ set up under Council acts for various matters² assist the Commission in the implementation and management of Council decisions. Their members are appointed by the Council and represent in part the Governments of the Member States and in part the organizations concerned. They usually deliver opinions on draft measures submitted to them by the Commission. Advisory Committees are chaired by a Commission representative.

4. Working parties

The Permanent Representatives Committee is also assisted by working parties of counsellors in all areas or working parties set up on an *ad hoc* basis for special matters.

These working parties, consisting of national civil servants, examine proposals or prepare Permanent Representatives Committee meetings, with the participation of Commission representatives. A Commission proposal sent to the Council is allocated to a given working party which examines it and reports to the higher authority (normally the Permanent Representatives Committee). The working parties operate in accordance with procedures similar to the Council's, and are subject to the supervision of the Permanent Representatives Committee or the Special Committee on Agriculture.

In practice, unless given an urgent mandate, a working party examines a specific topic every two or three weeks, thus leaving an interval for the compilation of reports and documents and translation into all the Community languages. Work continues until the working party's chairman considers the matter is ready to be referred to the Permanent Representatives Committee. In straightforward cases, the working party may send in its report after only one or two meetings, while several months' work may be required for complex matters.

The Permanent Representatives Committee may also set up or disband working parties, but supervision of discussions is the responsibility of the Presidency-in-Office of the Council. The number of working parties may vary in accordance

¹ See also page 5 above and page 43.

² For example, the Advisory Committee on Freedom of Movement for Workers was set up by Council Regulation (EEC) No 1612/68 of 15 October 1968, published in *Official Journal of the European Communities* L 257 of 19 October 1968.

with Council requirements, but over the last few years there have always been more than 100.¹

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In this way, national civil services participate directly in the Council's work, through the various committees and working parties.²

5. General Secretariat (General points — The Secretary-General — Organization and role)

As laid down in Article 17 of the Rules of Procedure, 'the Council shall be assisted by a General Secretariat under the direction of a Secretary-General'.

At its first meeting from 8 to 10 September 1952, the Special Council of Ministers of the European Coal and Steel Community established a Secretariat to assist it and appointed Mr Christian Calmes as Secretary; he became Secretary-General in July 1954.

At the meeting of the six Ministers for Foreign Affairs held in Messina in June 1955 the Secretary-General was instructed to provide the Secretariat for the conferences and committees responsible for preparing the new European Treaties. With the creation of the European Economic Community and the European Atomic Energy Community in 1958, Mr Calmes was put in charge of the General Secretariat of the three Councils which became a single Council with the entry into force of the Merger Treaty in 1967.

After Mr Calmes, Mr Nicolas Hommel was Secretary-General from 1 July 1973 to 7 October 1980. The present Secretary-General is Mr Niels Ersbøll, appointed by a Council decision with effect from 8 October 1980; his term of office was renewed for the first time in 1985 and for the second time in 1990 (until 1 July 1994).

The Secretariat was located in Luxembourg at first, but some services worked in Brussels from July 1955 onwards for the conferences and committees which prepared the Rome Treaties. In 1958 it moved to 2 rue Ravenstein and then in December 1971 to the Charlemagne Building at 170 rue de la Loi. Some services are at present located in other buildings. A new building intended to house all the services of the Council General Secretariat is being built near the Rond-Point Schuman. Completion is scheduled for 1994.

In 1958 there were 238 people working for the General Secretariat. On 30 October 1990 there were 2 008, governed by the Staff Regulations for Officials of the

¹ Over 150 on 1 January 1990.

² The committees and working parties had 1 932 days of meetings in 1989, 2 000 in 1988 and 1 828 in 1987.

European Communities in the case of staff appointed to permanent posts, or the Conditions of Employment of other employees of the European Communities in other cases.¹

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* *

When the new Secretary-General was appointed² in October 1980, the Council wanted to strengthen his role in assisting the Council and the Presidency to carry out their tasks, in order to achieve better coordination of the Council's work and greater continuity between successive Presidencies.

To this end, the Secretary-General endeavours to help the Council to take decisions based on compromises by means of preparatory meetings with delegations. He keeps the Council's workload down by endeavouring to reach substantive agreements within the Permanent Representatives Committee on a large number of questions.

The Secretary-General, together with the General Secretariat which assists him, does not therefore merely play a technical role, but also plays an active role in the Council's political operations.

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In addition to the Secretary-General's Private Office, the General Secretariat has a Legal Service and seven Directorates-General, classified from A to G.³

The task of the Legal Service is to assist the Council, the Permanent Representatives Committee and the working parties set up by the Council in all problems of a legal nature raised by the preparation of Council acts,⁴ particularly as regards the compliance of such acts with the law, their proper form and the conditions for publication. The Legal Service represents the Council before the Court of Justice in the various cases in which the Council is involved.

The General Secretariat provides the Council's administrative and practical infrastructure, at three levels: working parties, the Permanent Representatives Committee and the Council itself. It also assists some bodies in the field of intergovernmental cooperation. It supplies the technical back-up for meetings by providing participants with conference rooms, interpreting services and security staff. Since most documents have to be issued in nine languages, a large number of officials are involved in document translation,⁵ typing, reproduction and management.

¹ On 30 October 1990: no other employees.

² By the Council acting unanimously, as laid down in Article 17 of the Rules of Procedure. See Council Decision of 26 September 1980.

³ See Table 2.

⁴ See page 41.

⁵ On 30 October 1990: 433, i.e. over 20% of the establishment.

TABLE 2
Organization chart of the Council General Secretariat

<p>Secretary-General</p>
<p><i>Financial control</i></p>
<p>Private Office Advisory Group General information, Publications, Documentation Press and topical information Intergovernmental Cooperation</p>
<p>Legal Service</p>
<p>Directorate-General A Administration and Personnel Protocol, Organization, Security, Infrastructures Translation and document production</p>
<p>Directorate-General B Agriculture — Fisheries</p>
<p>Directorate-General C Internal market: Customs union, Industrial policy, Approximation of laws, Right of establishment and freedom to provide services, Company law, Intellectual property</p>
<p>Directorate-General D Research — Energy — Transport — Environment — Consumer protection</p>
<p>Directorate-General E External relations and development cooperation</p>
<p>Directorate-General F Relations with the European Parliament and the Economic and Social Committee — Institutional affairs — Budget and Staff Regulations</p>
<p>Directorate-General G Economic, financial and social affairs</p>



Charlemagne conference room. The simultaneous interpretation booths can be seen at the sides.

The General Secretariat assists each incoming Presidency in the preparation of the planning for its term of office. It also ensures that Council activities in each six-monthly period correspond as closely as possible to the Presidency's work programme, by means in particular of a computerized monitoring system.

The General Secretariat is entirely at the service of the Presidency, supporting it in its efforts to find compromise solutions, coordinate work or arrive at an overall view. Each Council or Permanent Representatives Committee meeting is therefore preceded by a detailed briefing enabling the Secretary-General and the Directors-General responsible to discuss the matters concerned with the Presidency, and to submit possible proposals for tactics and solutions.

Finally, the General Secretariat distributes documents, and draws up reports and notes in which it reports on the progress made and assesses discussions between the Member States, advising on the procedure to be followed or proposing alternatives.

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The General Secretariat represents a factor of continuity in the work of the Council, whose archives it administers. Like the other Community institutions, the Council has given the public access to its historical archives, consisting of documents produced more than 30 years ago.

The European University of Florence is responsible for keeping the Community's historical archives in general. Council documents are, however, available at the General Secretariat in microfiche form. An inventory of the Council's historical archives, starting with the year 1952, is now being published.¹

¹ *Inventaire des archives historiques du Conseil. Année 1952*. Edition provisoire. Bruxelles, 1986. Published in French only. As of 30 October 1990, the inventories corresponding to the years 1952 to 1959 are available.

C — DECISION-MAKING PROCEDURES

1. Before the vote — How the Council establishes its intentions

1.1. Standard procedure

(a) Commission proposal

As laid down in Article 145 of the EEC Treaty, the Council has power to take decisions which it must exercise under clearly defined conditions. As a general rule the Council is obliged to take decisions on the basis of a proposal from the Commission, which proposes the legal basis at the same time: this is the starting point of the Community legislative process.¹ Proposals may be amended only by the Commission itself or by the Council acting unanimously; this applies to the legal basis as well.

The path to be followed to arrive at a Council Decision will vary, according to the area covered by the proposal submitted for examination, and according to the Article or Articles of the Treaty² on which the proposal is based.

It will be seen below that, depending on the Article chosen, a distinction needs to be made not only between three types of requirement regarding voting (simple majority, qualified majority and unanimity) but also various types of participation by other institutions or bodies in the Council's legislative activity before it takes its final decision: consultation of the European Parliament, of the Economic and Social Committee and the Court of Auditors, cooperation procedure with the European Parliament, and the European Parliament's assent.³

(b) Examination of the Commission proposal

The procedures for preparing and conducting proceedings within the Council have evolved progressively in accordance with the day-to-day operating requirements of the institutions. The Council's working methods are in any case not rigid, thus enabling it to adapt to circumstances, particularly when the urgent nature of problems to be dealt with so requires. The information given below is therefore often merely indicative.

Before beginning its examination of a Commission proposal, the Council consults the European Parliament where the Treaty requires it to, which, with the exception of trade policy, is generally the case (e.g. agriculture, internal market, regional and social policy, cooperation and development, etc.) This also applies to

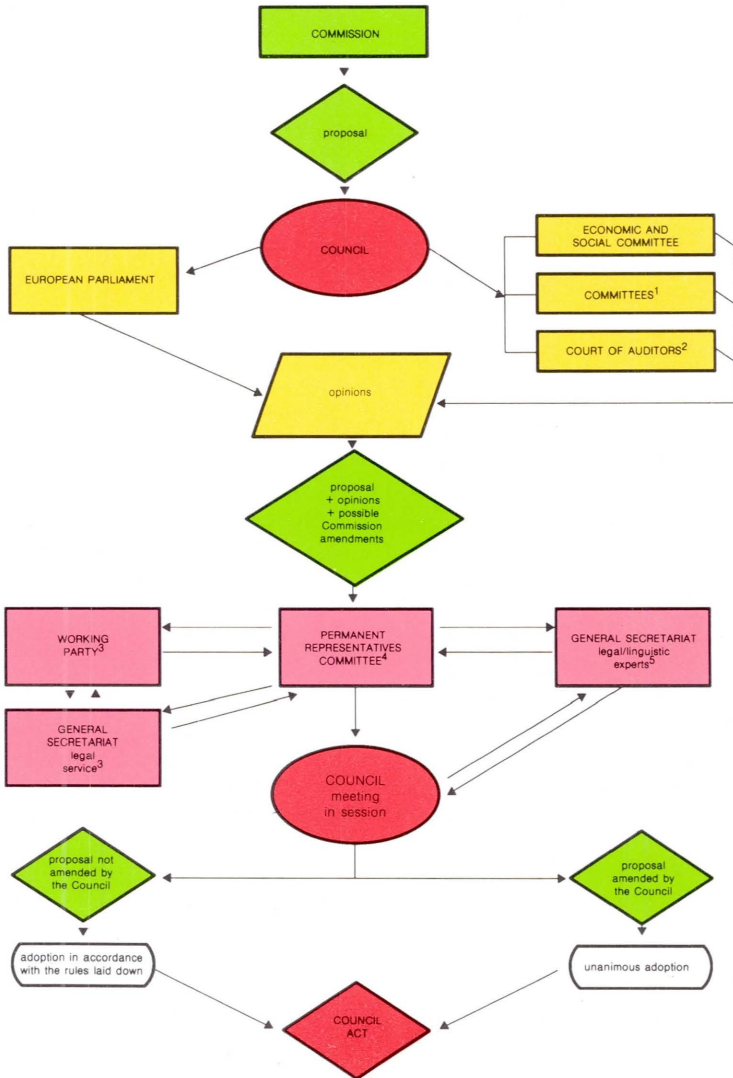
¹ Like the European Parliament, the Council may, however, ask the Commission to carry out studies on given topics and to submit proposals to it; see Article 152 of the EEC Treaty.

² In presenting the procedures for taking decisions, reference will be made for guidance to the Treaty establishing the European Economic Community, since it is the one with the most substantial possibilities open to the Council and the other institutions.

³ See also hereunder and page 39.

TABLE 3A

Diagram showing how the Council establishes its intentions
(standard procedure)



¹ In the areas with which they are concerned.

² In certain cases.

³ A given working party submits a report on a matter referred to it by the Permanent Representatives Committee. If required, the Legal Service of the General Secretariat gives its opinion.

⁴ The Special Committee on Agriculture, if appropriate.

⁵ The legal/linguistic experts check legislative texts before they are submitted to the Council; where amendments are adopted in the course of examination by the Council, it takes a Decision on the substance of the matter and sends the text back to the legal/linguistic experts for a further check; the text is subsequently adopted as an 'A' item.

the Economic and Social Committee and other committees in the areas with which they are concerned.¹

The Council may also carry out consultations when it considers it advisable because of the importance of the subject-matter. Article 209 moreover requires the Council to seek the opinion of the Court of Auditors before any decision it takes on financial regulations and making the Communities' own resources available to the Commission².

Once the opinion of the institutions consulted has been received, the proposal is examined by the Permanent Representatives Committee and, at the latter's request, by one of the working parties which keeps the Permanent Representatives Committee informed of the outcome of its work. When this is done, the chairman of the working party ensures that account is taken during discussions of the opinions of the European Parliament and the Economic and Social Committee.

If the Permanent Representatives Committee considers it desirable to carry out the technical examination of the proposal in more detail, it may state its views on the matter and instruct the working party to continue its examination and report back to it later.

(c) Permanent Representatives Committee proceedings

In cases where it has been possible to meet the conditions for the adoption of an act (a simple majority, a qualified majority or unanimity, with abstention(s) if applicable) at working party level and where it appears that the Council may adopt such an act without discussion, the proposal is entered in part 'I' of the agenda for the meeting of the Permanent Representatives Committee which decides whether or not to endorse the view of the working party and, if so, to submit the proposal to the Council for approval as an 'A' item on its agenda.

Where agreement has not been reached at working party level, the proposal is submitted to the Permanent Representatives Committee in part 'II' of its agenda. The Permanent Representatives Committee decides what to do on the matter according to circumstances:

- if agreement is reached within the Committee, the item is entered in part A of the agenda for the Council meeting for a decision 'without debate';
- if agreement cannot be reached within the Committee, the item is submitted to the Council for debate in part B of its agenda, and it is then the task of the Permanent Representatives Committee to submit the salient features to the Council.

(d) Written procedure

The Council's Rules of Procedure³ provide for use of a written procedure provided that all the members of the Council agree to use such a procedure for the

¹ For example in the field of research, Crest delivered a favourable opinion on 8 December 1988 on a Commission proposal of 27 June 1988 concerning the adoption by the Council of a research programme.

² Pending delivery of the opinion requested, the Council restricts itself to preliminary discussions on the proposal being examined.

³ Article 6.

matter concerned. This procedure may be used when the urgent nature of a situation requires a rapid decision by the Council which, in other circumstances, could have been adopted as an 'A' item on the agenda. In this case, members of the Council are consulted by telex.

However, most of these 'votes in writing' are routine procedures concerning consultation of the European Parliament and the Economic and Social Committee on a proposal sent to the Council by the Commission, and likewise on the accrediting of ambassadors from non-member countries to the European Communities. The Secretary-General regularly draws up a situation report on these written procedures, and a monthly list of the acts adopted in accordance with the procedure.

1.2. Cooperation procedure

The Single European Act modified the decision-taking process by increasing the European Parliament's capacity for influence through the introduction of a cooperation procedure.¹ This procedure applies in most of the areas concerned in bringing about the internal market, in social policy, regional development and research. Its main innovation lies in the introduction of a second reading.

The first reading corresponds to the standard procedure: Commission proposal, opinion of the European Parliament, opinion of the Economic and Social Committee if applicable, and then examination by the Council.

It does not however lead to a Council act, but to a Council 'common position', which is adopted by a qualified majority or, if the Council amends the Commission proposal without the latter's agreement, unanimously. Where the Council's discussions have resulted in substantial modifications to the text proposed by the Commission, considered as a whole, and these modifications are at variance with the wishes of the European Parliament, the Parliament has to be consulted again before the common position is established.²

The Council's common position, after legal and linguistic finalization in the various Community languages, is then sent to the European Parliament, together with the Council's reasons and the Commission's position.

The second reading enables the European Parliament to express an opinion on this common position, normally within three months, and enables the Council to take a final decision after possible intervention by the Commission.

A distinction needs to be made here between three possibilities:

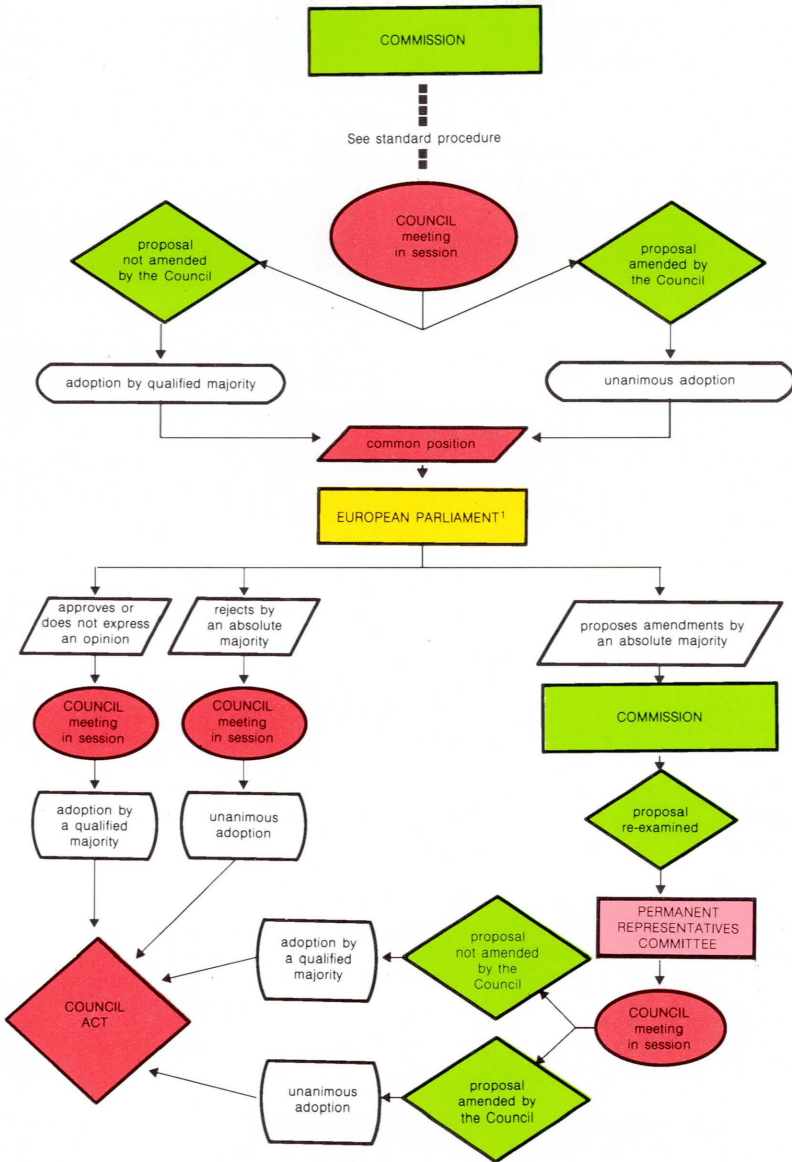
1. If the European Parliament **does not express** an opinion **or approves** the common position, the Council adopts its decision in accordance with the common position, a qualified majority then being sufficient;

¹ See also Article 149 of the EEC Treaty.

² This also applies, *mutatis mutandis*, for proposals submitted to the standard procedure (consultation).

TABLE 3B

Diagram showing how the Council establishes its intentions
(cooperation procedure)



¹ Second reading at the European Parliament.

2. If the European Parliament **rejects** the common position by an absolute majority of its membership the Council must take a unanimous decision to adopt the act concerned. If the Council does not reach unanimous agreement, the proposal contained in the common position is deemed not to have been adopted;
3. If the European Parliament, by an absolute majority of its membership, **proposes amendments** to the Council's common position, the Commission then re-examines its proposal on the basis of the amendments proposed, and may amend it by incorporating all or part of these amendments.

The Commission then sends the Council its re-examined proposal, together with the European Parliament's amendments which it has not agreed to, giving its opinion on them. The Council, deciding by a qualified majority, may adopt the re-examined Commission proposal. But it may also, acting unanimously, amend the re-examined Commission proposal and also adopt the European Parliament amendments not agreed to by the Commission.

In order to avoid delays in the decision-making procedure, time-limits are imposed on the three institutions for the adoption of their respective decisions, starting from the time the Council's common position is sent to the European Parliament.

If the Council fails to act within the period allocated to it,¹ the proposal is deemed not to have been adopted. During this procedure, provided the Council has not taken a decision, the Commission may amend its proposal in compliance with the limits laid down by the cooperation procedure.

1.3. Budget procedure ²

(a) Presentation of the budget procedure

The budget procedure as it stood after the amendments introduced by the 1970 and 1975 Treaties³ was quite lengthy and complicated. It was for this reason that the Council, the Commission and the European Parliament, following three-way consultations,⁴ concluded in June 1988 an interinstitutional agreement on budgetary discipline and improving the budget procedure.

This agreement, which in particular introduced multiannual forecasts of Community expenditure, made it possible to avoid a number of problems associated with the budget procedure and so comply with the time-limits laid down. The budget procedure follows the same path as the standard procedure presented above, with the significant difference that the participation of the European

¹ In the last two cases, three months from the time the Council receives, respectively, the European Parliament decision in all the official languages and the re-examined proposal (i.e. by the Commission) in all the languages.

² Since 1 January 1975 the budget of the Communities has been entirely financed by the Communities' own resources, and amounts to about 3% of the total of the national budgets, i.e. about 1.2% of the GNP of the 12 Member-States for 1990.

³ See page 17 above, and also Article 203 of the EEC Treaty.

⁴ See below.

Parliament in the decision-taking process is decisive. In simplified terms it may be described as follows:

Each institution draws up an estimate of its expenditure before 1 July of the year preceding the year concerned and sends it to the Commission, which groups the estimates together in a single document: the preliminary draft budget, containing estimates of revenue and expenditure.

The Commission submits this preliminary draft to the Council by 1 September at the latest, together with its opinion, which may contain different forecasts. However, since amendments are often necessary, the Commission often supplements its preliminary draft by one or more rectifying letters, thereby extending the period in which the Council discusses the preliminary draft budget, as well as the follow-up to the budget procedure.

After the Council's Budget Committee and the Permanent Representatives Committee have examined the different aspects of the preliminary draft budget, the Council, having itself consulted the other institutions and bodies and in particular after meeting a delegation from the European Parliament, draws up the draft budget by a qualified majority and sends it to the European Parliament by 5 October at the latest (**First reading** by the European Parliament).¹

The Parliamentary Committee responsible for the matter examines the proposal and the Parliament expresses its position on each entry. These positions differ according to whether expenditure is compulsory or non-compulsory, compulsory expenditure being that which must be made by virtue of the Treaties or Acts adopted under them.

Within a period of 45 days, the European Parliament may, by a majority of its membership, amend the draft budget for non-compulsory expenditure² and propose to the Council, by an absolute majority of the votes cast, amendments to compulsory expenditure. In the somewhat hypothetical event of the Parliament not making any comments, the budget is deemed to have been adopted; if there are amendments or proposals for amendments the draft budget goes back to the Council.

The Council, after meeting a delegation from the European Parliament and after deliberating with the Commission and, possibly, the other institutions or bodies concerned, may

- (a) as regards the amendments to non-compulsory expenditure:³
amend each of them, if there is a qualified majority in favour. A minority against may thus block any modification of the Parliament's amendments;

¹ The European Parliament holds two plenary sittings in October, each lasting a week.

² Within the framework of a well-defined mechanism, linked to a maximum rate of increase in expenditure over the previous budget. This rate is calculated each year by the Commission.

³ About 34% of the whole budget for 1990.

(b) as regards the proposals for amendments to compulsory expenditure :

- reject by a qualified majority a proposal for an amendment which does not involve an increase in overall expenditure. If no such decision to reject it is made, the proposal is deemed to have been accepted;
- accept by a qualified majority a proposal for an amendment involving an increase in overall expenditure. If no such decision to accept it is made, the proposal is deemed to have been rejected;
- in the case of rejection of a proposal of an amendment in accordance with the two subparagraphs above, either maintain the amount shown in the draft budget or set another figure.

If within a period of 15 days after communication of the draft budget the Council has not made any changes to it, the budget is deemed to have been finally adopted.

More usually, the draft budget, amended within the same period in accordance with the proposals for amendments agreed to by the Council, goes back to the European Parliament, which may (by a majority of its membership and three-fifths of the votes cast), within 15 days amend or reject the modifications made by the Council to its amendments (**Second reading** by Parliament), which normally leads to final negotiations with the Council.

The budget is then finally adopted and the President of the European Parliament is asked to determine this officially. However, for important reasons, the European Parliament may reject the draft budget in its entirety. In such cases, the whole budget procedure has to be started again.

The procedures regulating the establishment and implementation of the budget (financial regulations) are adopted by the Council, acting unanimously on a proposal from the Commission, after consultation of the European Parliament and seeking the opinion of the Court of Auditors.

**(b) ‘Tripartite dialogue’ and coordination procedure :
special cases in the budget procedure**

In order to settle disagreements which may arise during the budget procedure, the Presidents of the European Parliament, the Council and the Commission, in a Joint Declaration made on 30 June 1982,¹ agreed on various measures designed to make it operate smoothly. This is why, *inter alia*, the three Presidents, in case of need and at the request of any one of them, meet for three-way discussions to enable them to prepare joint proposals for solutions to be submitted to their institutions.

The fact that this ‘tripartite dialogue’ should have been put on a formal footing is itself the outcome of the introduction in March 1975—also by a Joint Declaration¹—of a conciliation procedure between the European Parliament and the

¹ The text of these Joint Declarations is contained in the text of the Treaties establishing the European Communities, published by the Office for Official Publications of the European Communities.

Council, with the assistance of the Commission. This procedure is to enable the Parliament to play an effective part in drawing up legislative acts with appreciable financial implications. A Conciliation Committee, consisting of the Council and representatives of the Parliament, with the participation of the Commission, endeavours to harmonize the positions of the institutions in cases where the Council intends to depart from the opinion adopted by the European Parliament.

2. The vote — Taking decisions

The Council's Rules of Procedure, as amended following the entry into force of the Single European Act, have made opening the voting proceedings simpler. The right to call a vote now lies not only with the President of the Council, but also with each member of the Council or of the Commission participating in the Council meeting if a majority of the Council's members support the request.

The Rules of Procedure thus make it easier to call a vote on all the items of the agenda for each meeting on which the Council is legally capable of taking a decision by a simple or qualified majority.

A member of the Council who is unable to vote may authorize another member of the Council to vote on his behalf. Except in urgent cases, and with the agreement of all participants, the Council deliberates and takes decisions only on the basis of documents drawn up in all the Community languages. The Council's deliberations are covered by the obligation of professional secrecy. The Commission representatives do not vote.

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* *

The Treaties lay down various possibilities for taking decisions: by a simple majority, by a qualified majority and unanimously.

1. **By a simple majority:** this consists of an absolute majority of the members of the Council (i.e. seven), and enables decisions to be taken in all cases where another means of voting is not provided for. In the main it is used for procedural decisions, and in other specific cases.¹

In matters affecting coal and steel, this majority is considered to have been attained if it represents an absolute majority of the representatives of the Member States, including the votes of the representatives of two States which each produce at least one-ninth of the total value of coal and steel output of the Community.

In cases where the ECSC Treaty requires the Council's assent, that assent is obtained in accordance with the same procedure. Where votes are divided equally or there is still disagreement with the Commission, the agreement of the representatives of three Member States which each produce at least one-ninth of the total value of the coal and steel output is enough for assent to be given.

¹ See Annex 3.

2. **By a qualified majority:** the use of qualified majority voting, which has been provided for in the Treaties from the outset, for example in agriculture or foreign trade, has developed over several years. It was prescribed by the Single European Act for decision-taking in numerous fields introduced by the Act, including the establishment of the internal market.

In these cases Member States' votes are weighted as follows: the votes of the Federal Republic of Germany, France, Italy and the United Kingdom each count for ten votes, Spain's for eight votes, the votes of Belgium, Greece, the Netherlands and Portugal for five votes each, Denmark's and Ireland's for three votes each and Luxembourg's for two votes.

A decision is reached by a qualified majority when it has received at least 54 votes of the total of 76. When a decision must be taken without a Commission proposal, these 54 votes must in addition be cast by at least eight members of the Council.

The principle of qualified majority voting prevents the 'large' States from putting the smaller ones into a majority position. Conversely, two 'large' States cannot by themselves form a minority to block proceedings.

The following situation has arisen in the past: a vote could have been taken by a qualified majority, but one Member State, citing a vital national interest, considered that discussions should continue. This potential possibility for refusing to allow a vote, which is not included in the Treaties, but which is found in the conclusions of

TABLE 4
Weighting of votes

For Council proceedings requiring a qualified majority, the votes of the Member States are weighted as follows:

	Member State	Number of votes
B	Belgium	5
DK	Denmark	3
D	Germany	10
GR	Greece	5
E	Spain	8
F	France	10
IRL	Ireland	3
I	Italy	10
L	Luxembourg	2
NL	Netherlands	5
P	Portugal	5
UK	United Kingdom	10
Total		76

54 votes constitute a qualified majority.

If a vote is taken which is not based on a Commission proposal, these 54 votes must be cast by at least 8 members of the Council.

the Council going back to 1966, is usually known under the term 'Luxembourg compromise'. On these grounds, some Member States consider that if a vital national interest is cited discussions must continue; this view is not shared by other Member States, with the result that not even during the negotiations for the Single Act in 1985 did it prove possible to lay down rules on the matter (despite several attempts). Consequently it continues to depend, in each case, on the political assessment of each member of the Council (subject possibly to control by the Court of Justice).

We should note in this context that the amendment made to the Council's Rules of Procedure in 1987¹ stipulating that voting proceedings are to be opened at the request of a simple majority of the members of the Council has in any event significantly altered the importance of the 'Luxembourg compromise', since in the last resort a Member State cannot really prevent a vote **being called**; all it can hope to do is organize a blocking minority.

3. Unanimously: the EEC Treaty provides for decisions to be taken unanimously in the most sensitive areas, such as taxation. Unanimity is also necessary in those areas for which the Treaty has not laid down specific powers (Article 235).

Since the Single European Act has added to the Treaty Articles that deal explicitly with various areas which previously were covered by Article 235 (for example regional policy and the environment), that Article is used in particular for development cooperation measures and certain aspects of energy policy.

Unanimity is also required when the Council wishes to amend Commission proposals. In certain cases laid down by the ECSC Treaty, the Council's assent also needs to be unanimous.

Abstention by members who are present or represented does not prevent a decision from being adopted unanimously. This sometimes results in the paradoxical situation where a decision for which a qualified majority cannot be reached, because the 54 votes needed have not been attained, is taken more easily unanimously, as a result of abstention by certain members of the Council who do not wish to vote in favour but who do not want to prevent the Act concerned from going through.

3. After the vote — Ways in which the Council's intentions are conveyed

3.1. Council acts

The Council conveys its intentions by adopting acts which are promulgated after they have been signed by the President-in-Office of the Council and the Secretary-General.

The Council's legislative capacity is not unlimited, since it is subject to two important constraints: first, its acts may be challenged before the Court of Justice;

¹ See page 19 above.

secondly, the legislator depends entirely on the Commission. The Council may indeed not act without an initial proposal from the Commission, which is free to amend or even withdraw its proposal so long as it does not misuse procedures.

The legal effects of Council acts vary according to the nature of the act, and are defined in the Treaties.

There are regulations, directives, decisions, recommendations, and opinions. The Council also adopts decisions on various issues which are not necessarily compulsory, as well as resolutions. The legal status of these acts varies according to circumstances.

(a) Regulations¹

- Regulations are of general scope. They are addressed mainly to bodies of individuals, unlike decisions;
- they are compulsory in their entirety;
- they are directly applicable in all Member States and therefore have the force of law.

Regulations contain the reasons on which they are based and are divided into articles. They show the date on which they enter into force or, if they do not, the date when they do is set at the 20th day following publication of the regulation in the *Official Journal of the European Communities*. It has been agreed that the deadlines for the expiry or the renewal of such acts should normally be at times other than the end of June or the end of December, in order to avoid texts accumulating at the end of a Presidency.

(b) Directives²

Directives are binding on the Member States they are addressed to regarding the results to be achieved, while leaving responsibility with national authorities for the way and means in which they are transposed into national law.

(c) Decisions³

Decisions, which may be addressed to legal persons or moral persons, are binding in their entirety upon those to whom they are addressed. When the national authorities responsible regulate implementation of any obligations laid down by a decision, an appeal can be made to the national body responsible, but suspension may only be decided by the Court of Justice of the European Communities.

In practice, the Council also promulgates general decisions without specifying those to whom they are addressed.

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¹ In 1989 the Council adopted 410 regulations, in 1985 469 and in 1980 443.

² In 1989 the Council adopted 80 directives, in 1985 60 and in 1980 59.

³ In 1989 the Council adopted 151 decisions, 72 in 1985 and 125 in 1980.

Directives and decisions state the reasons on which they are based and are notified to those to whom they are addressed by the President of the Council or the Secretary-General acting on his behalf. They take effect as a result of that notification. The Council decides unanimously whether or not to publish them in the *Official Journal of the European Communities*.

(d) Recommendations, opinions and Council assent

The Treaties provide that the Council may also act—to designate a desired measure or attitude—by means of recommendations (which must be based on a specific article of the Treaties) and opinions. They are generally addressed to the Member States.

The Council gives its assent in accordance with the ECSC Treaty (without which the act concerned cannot be adopted) to certain decisions taken by the Commission, sometimes unanimously but more often by a majority.

(e) Other ways in which the Council's intentions are conveyed

The Council often conveys its intentions by means of 'resolutions', 'declarations' and 'conclusions'. Like the recommendations and opinions referred to above, these acts are all entirely optional and not legally binding. However, particularly when they are published, such acts may have a certain impact on public opinion in the countries concerned.

(f) 'Mixed' acts and decisions of the representatives of the Governments of the Member States

In some areas where Community powers are not exclusive, for example culture, health or education, use is made of 'mixed' acts done jointly by the Council and the representatives of the Governments of the Member States 'meeting within the Council'.

Some decisions fall exclusively within the powers of national Governments, for example the appointment of Members of the Commission and of the Judges of the Court of Justice: in such cases it is stated that the decision has been taken by a 'Conference of the representatives of the Governments of the Member States'. In practice, such decisions are taken on the occasion of a Council or Permanent Representatives Committee meeting.

3.2. Implementing and management powers

The Single European Act stressed the principle of the delegation by the Council of implementing powers to the Commission, supplementing Article 145 of the EEC Treaty. In application of those provisions, the Council has defined and simplified the rules which govern the exercise of these powers by the Commission. In the Community this is known as the 'Committee procedure'.



Official Journal of the European Communities.

There are three basic types, two of which have two alternatives, so that the Council may choose from a total of five possibilities. In addition, one type which also has two alternatives is provided for in cases where the Council empowers the Commission to take safeguard measures.

The three basic types are based on the three most common types of procedure known previously under the names of 'Advisory Committee procedure', 'Management Committee procedure' and 'Regulatory Committee procedure'. Similarly, the one for safeguard measures draws to a large extent on certain rules followed in trade.

The Council makes its choice of type of procedure according to the degree of management independence it wishes to grant the Commission. The least restrictive type provides that the Commission may act in all cases after merely consulting a Committee. On the other hand, the most restrictive type, generally known as the 'double safety net', provides that the proposal for a decision on implementation by the Commission must be approved within a Committee by a qualified majority of the representatives of the Member States, and that in the absence of a favourable opinion the Commission must refer the matter to the Council, which not only has three months in which to take a decision, but may even reject the proposed measure by a simple majority.

In addition, the Treaty authorizes the Council to reserve the right to exercise directly powers to implement the rules it lays down in specific cases.

III — Council activities in the world

1. Relations with non-member countries in general

In the context of external relations, the Council has two separate roles to play: that of legislator¹ and that of an active participant in the drawing up—and in certain cases administering—of contractual relations established between the Community and non-member countries. It is the second aspect which concerns us here.

Before starting negotiations with a non-member country or a group of non-member countries, or on a multilateral basis, the Commission must obtain the Council's authorization. To this end, it submits to it draft negotiating directives, which must be approved by the Council, if need be after it has amended them. At the end of the negotiations—which are conducted by the Commission but in consultation with the representatives of the Member States—the Commission reports to the Council to obtain approval for the results obtained. Once it has approved them, the Council takes its decision to sign and conclude the agreement concerned.

In the case of a trade agreement, the Council acts pursuant to Article 113 by a qualified majority; if however the agreement is wider in scope, covering for example cooperation, the Council takes its decision on the basis of Article 235 which requires the European Parliament to be consulted and the members of the Council to act unanimously. For association agreements, the Council acts on the basis of Article 238 under which the assent of the European Parliament must be received and the members of the Council must act unanimously. In addition, the Council keeps the European Parliament informed of the content of and progress in negotiations in accordance with a well-established procedure.

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* *

As regards 'non-preferential' agreements²—in contrast to association or co-operation agreements which will be dealt with below—strictly speaking the Council has no management or representation role to play, other than the signing of the agreements concerned by the President-in-Office of the Council.

Nevertheless, it should be pointed out that **political** dialogue—at the level of the Ministers of the Twelve—has often developed in parallel with the development of

¹ For example, granting tariff concessions by means of regulations (in particular 'generalized preferences'), annual decisions on financial and technical cooperation guidelines with certain developing countries, decisions on food aid, etc.

² In particular trade and economic cooperation agreements which—as far as trade is concerned—do not go beyond 'most-favoured nation' treatment.



Signing of the Cooperation and Trade Agreement with the Soviet Union on 18 December 1989 in Brussels.

'institutionalized' trade relations. As a result, declarations approved by a number of ministerial meetings between the Twelve and certain regional groupings which have signed 'non-preferential' agreements with the Community cover both political matters and the economic and trade matters encompassed by the various agreements concerned. This is the case, for example, of the Joint Declaration by the Asean-EEC ministerial meeting (16 and 17 February 1990), the Declaration with the signatory countries to the General Treaty on Central American economic integration¹ (9 and 10 April 1990), and the Joint Communiqué with the countries which were parties to the Cooperation Council Charter for the Arab States of the Gulf (17 March 1990).

2. Association and cooperation with certain non-member countries

The Community has concluded association and cooperation agreements with most of the countries in the Mediterranean basin.² Each of these agreements is administered by an Association or Cooperation Council.

Association and Cooperation Councils deal with questions of political importance, in particular the results of and prospects for cooperation. Technical questions and matters of detail which come under cooperation are dealt with only at the level of Association or Cooperation Committees.

Each Association Council is generally composed, on the one hand, of members of the Council and Members of the Commission and on the other of members of the Government of the non-member country; the Presidency is held in turn by a representative of each of the contracting parties. In these Councils, the role played by the Council of the Community may be said to be one of representation as well as administration.

An Association Council is assisted by an Association Committee responsible for preparing its proceedings and ensuring the continuity of cooperation required for the smooth running of the agreement. This Committee is composed of representatives of the members of the Association Council. The Joint Secretariat consists of a civil servant from the Government of the non-member country and a Community staff member.

All this applies *mutatis mutandis* to Cooperation Councils.

3. The Lomé ACP-EEC Convention

Special links have been established between the Community and 68 African, Caribbean and Pacific States, the ACP States. These relations are currently governed by the fourth ACP-EEC Convention, signed in Lomé (Togo) on 15 Decem-

¹ Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama; Colombia, Mexico and Venezuela also participated.

² See Annex 4.

ber 1989, with provision to run for 10 years and an update of the volume of financial aid after five years.¹

The institutions of the fourth ACP-EEC Convention are, in addition to the Joint Assembly, the ACP-EEC Council of Ministers and the ACP-EEC Committee of Ambassadors.

The ACP-EEC Joint Assembly, which consists of equal numbers of members of the European Parliament and a representative from each of the 68 ACP States, holds two ordinary sessions per year, which are attended by representatives of the Council. It is an advisory body and meets alternately in an ACP State and a Community country.

The Council of Ministers consists on the one hand of members of the Council of the European Communities and members of the Commission and on the other of a member of the Government of each ACP State. The Council of Ministers which lays down the general guidelines for the work to be done in implementing the Convention, has powers of decision in the cases laid down in the Convention in order for it to achieve its objectives.

The Presidency of the Council of Ministers is held in turn by a member of the Council of the European Communities (from 1 October to 31 March) and a member of the Government of an ACP State (from 1 April to 30 September).

The ACP-EEC Council of Ministers holds an annual meeting, or extraordinary meetings at the request either of the ACP States or the Community on a date which the President fixes after consulting the members of the Council. It issues an annual report.

The Article 193 Committee, created within the Council of Ministers, is responsible for improving the implementation of financial and technical cooperation. It consists of a representative of each Member State of the Community, a Commission representative and 13 representatives from the ACP States.

The ACP-EEC Council of Ministers is assisted by the ACP-EEC Committee of Ambassadors. This is composed of the Permanent Representative of each Member State of the Community and a Commission representative and the Head of Mission of each ACP State.

¹ The first Lomé Convention, signed between the Community and 44 African, Caribbean and Pacific countries on 28 February 1975, was in force from 1 April 1976 to 1 March 1980. It followed the Yaoundé Conventions signed in 1963 and 1969 between the Community and, originally, 18 mainly French-speaking African States, and the Arusha Agreement signed in 1969 between the Community and three English-speaking East African States. The two Yaoundé Conventions were in force from 1 January 1964 to 31 January 1975 and the Arusha Agreement from 1 January 1971 to 31 January 1975.

The second Lomé Convention, signed on 31 October 1979, covered cooperation relations between the ACP States and the Community from 1 March 1980 to 28 February 1985.

The third Lomé Convention, signed on 8 December 1984, was in force from 1 May 1986 to 28 February 1990. Transitional measures are regulating cooperation until the entry into force of the fourth Lomé Convention. Namibia is expected to join as the 69th ACP State in the very near future.

A representative of the European Investment Bank attends meetings of the Committee, as well as those of the Council of Ministers when it has matters on its agenda falling within the Bank's purview.

The ACP-EEC Committee of Ambassadors is responsible for preparing Council meetings and for carrying out any instructions the Council may give it. The Council may delegate some of its powers to the Committee. The Committee itself is assisted by a number of other committees or sub-committees.

The Secretariat of the ACP-EEC Council of Ministers, of the ACP-EEC Committee of Ambassadors and of the other committees is provided on a joint basis by two secretaries, who are appointed after reciprocal consultation, one by the ACP States and the other by the Community. The Secretariat is in Brussels. The Group of ACP States also has a General Secretariat of its own in Brussels.

The Lomé Convention set up the Centre for the Development of Industry,¹ located in Brussels. Its main duties, in the Community and the ACP States, are to distribute information, to carry out studies and to arrange meetings between individuals in positions of responsibility. The Centre also seeks to identify partners and projects and possible sources of finance, and to investigate opportunities in industrial training and applied research.

The Technical Centre for Agricultural and Rural Cooperation, also set up by the Lomé Convention,² comes under the authority of the ACP-EEC Committee of Ambassadors. It is currently located at Wageningen (the Netherlands), with an operational unit in Brussels.

The Technical Centre serves the authorities of the ACP States responsible for agricultural development, to provide them with better access to information, research, training and innovations in the agricultural and rural areas. In this context, it organizes meetings on tropical agriculture and/or agricultural development questions in particular.

4. Specialized Committees

Committee of Senior COST Officials

This Committee was formed in 1970 by the representatives of the 19 States³ participating in European Cooperation in the Field of Scientific and Technical Research (COST). The mandate which it was given on the basis of an exchange of letters between the President of the Council of the European Communities and the Ministers for Foreign Affairs invited to participate in cooperation was renewed and extended by the Conference of Ministers for Research held in 1971.

The task of the COST Committee is to draw up the general strategy for COST cooperation, to select and prepare the various projects and to formulate the

¹ Fourth Lomé Convention, Article 89 *et seq.*

² Fourth Lomé Convention, Article 53.

³ The Community countries and Austria, Finland, Norway, Sweden, Switzerland, Turkey and Yugoslavia.

necessary agreements. It is in addition responsible for managing the COST Fund, appointing project coordinators and experts and setting up subcommittees.

It consists of representatives of each participating State and of representatives from the Commission of the European Communities. The Secretariat is provided by the General Secretariat of the Council.

Select Committee on Cooperation Agreements between the Member States and non-member countries

On 22 July 1974 the Council adopted a Decision introducing a consultation procedure for Cooperation Agreements between the Member States and non-member countries. The main aim of that decision was to establish a procedure for the mutual exchange of information and a consultation procedure within the framework of the Community.

The objective of consultation is to ensure that the agreements concerned comply with common policies and in particular the Community's trade policy. The aim is also to promote the mutual exchange of information and exchanges of views and to encourage, where applicable, coordination of action with regard to the non-member countries concerned.

Consultation is conducted within a Select Committee composed of representatives of each Member State and the Commission. It is chaired by a Commission representative and the Secretariat is provided by the General Secretariat of the Council.

5. European Political Cooperation

European Political Cooperation, whose bases, objectives and procedures have been summarized above,¹ enables the Twelve to speak with a single voice. That voice is heard in particular through specific declarations by the Twelve—or through the action they take—on various aspects of foreign policy. At the present stage of European integration (1990), European Political Cooperation constitutes an instrument for cooperation between the Twelve which from the legal point of view is situated outside the Council's proceedings proper, although it is quite often involved in the Council's deliberations because of the political dimension of the decisions the Council is required to take in foreign relations.

¹ See pages 12 and 13.

IV — The Council and the Community's future

The Council itself has no authority to determine the composition of the Community through enlargements or to determine the new areas of activity likely to be included in Community powers. Nor has it any authority to determine the Community's decision-taking process (institutional equilibrium) or its own voting rules. In other words, the Council has no powers to alter the decision-taking process of the Community laid down by the Treaties. That is the task of the Member States. The Council cannot innovate beyond the rules in the Treaties: it can **neither** for example choose the areas which require a qualified majority **nor** determine the composition of that qualified majority. All that is a matter for the Treaties and the Acts revising them (for example the Single Act), and therefore for the Twelve Member States.

The Council's role is different: it is to carry out the tasks entrusted to it by the Treaties. It was on this basis that it built up the common agricultural policy in the 1960s—which it continues to supplement and adapt—and it is on this basis that it is now constructing the internal market, a social policy and an environment policy, undertakings for which it received both the guidelines and the means in the Single European Act of 1987.

The Council will no doubt be entrusted with further specific missions in the final decade of the century, relating to the implementation of economic and monetary union on the one hand and political union on the other. These new missions will be assigned through further amendments to the Treaties, to be agreed on between the Twelve in 1991.

The Treaties

- Treaty establishing the European Coal and Steel Community.
Signed in Paris on 18 April 1951. Entered into force on 25 July 1952.
- Treaty establishing the European Economic Community.
Signed in Rome on 25 March 1957. Entered into force on 1 January 1958.
- Treaty establishing the European Atomic Energy Community.
Signed in Rome on 25 March 1957. Entered into force on 1 January 1958.
- Treaty establishing a Single Council and a Single Commission of the European Communities.
Signed in Brussels on 8 April 1965. Entered into force on 1 July 1967.
- Treaty amending Certain Budgetary Provisions of the Treaties establishing the European Communities and of the Treaty establishing a Single Council and a Single Commission of the European Communities.
Signed in Luxembourg on 22 April 1970. Entered into force on 1 January 1971.
- Treaty between the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands (Member States of the European Communities), the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland concerning the accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and to the European Atomic Energy Community.¹
Signed in Brussels on 22 January 1972. Entered into force on 1 July 1973.²
- Treaty amending Certain Financial Provisions of the Treaties establishing the European Communities and of the Treaty establishing a Single Council and a Single Commission of the European Communities.
Signed in Brussels on 22 July 1975. Entered into force on 1 July 1977.
- Treaty amending certain provisions of the Protocol on the Statute of the European Investment Bank.
Signed in Brussels on 10 July 1975. Entered into force on 1 October 1977.
- Treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the United

¹ Denmark, Ireland and the United Kingdom joined the European Coal and Steel Community through the Decision of the Council of the European Communities taken in Brussels on 22 January 1972.

² Accession became effective for all the signatory States except Norway.

Kingdom of Great Britain and Northern Ireland (Member States of the European Communities) and the Hellenic Republic concerning the accession of the Hellenic Republic to the European Economic Community and to the European Atomic Energy Community.¹

Signed in Athens on 18 May 1979. Entered into force on 1 January 1981.

- Treaty amending, with regard to Greenland, the Treaties establishing the European Communities.
Signed in Brussels on 13 March 1984. Entered into force on 1 February 1985.
- Treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Communities) and the Kingdom of Spain and the Portuguese Republic concerning the accession of the Kingdom of Spain and the Portuguese Republic to the European Economic Community and to the European Atomic Energy Community.²
Signed in Lisbon and Madrid on 12 June 1985. Entered into force on 1 January 1986.
- Single European Act.
Signed in Luxembourg on 17 February 1986 and in The Hague on 28 February 1986. Entered into force on 1 July 1987.

¹ Greece joined the European Coal and Steel Community through the Decision of the Council of the European Communities taken in Brussels on 24 May 1979.

² Spain and Portugal joined the European Coal and Steel Community through the Decision of the Council of the European Communities taken in Luxembourg on 11 June 1985.

Recent and future Presidencies

The President of the Council carries out his duties for a period of six months. Over the next few years the Presidency of the Council will be held in turn by the following Member States:

- from 1.1. to 30.6.1990: Ireland
- from 1.7. to 31.12.1990: Italy
- from 1.1. to 30.6.1991: Luxembourg
- from 1.7. to 31.12.1991: Netherlands
- from 1.1. to 30.6.1992: Portugal
- from 1.7. to 31.12.1992: United Kingdom
- from 1.1. to 30.6.1993: Denmark
- from 1.7. to 31.12.1993: Belgium
- from 1.1. to 30.6.1994: Greece
- from 1.7. to 31.12.1994: Germany.

All communications for the Presidency of the Council must be sent to:

The Council of the European Communities

170 rue de la Loi
B-1048 Brussels

Telephone: 234 61 11
Telex: 21711 Consil B
Telegrams: Consilium
Fax: 234 73 97 — 234 73 81

Voting procedures laid down by the EEC Treaty

1. Simple majority¹

Article 128	laying down of general principles for implementing a common vocational training policy
Article 5 of the Merger Treaty ²	adoption of the Council's Rules of Procedure
Article 152	Council request to the Commission to undertake studies and to submit proposals to it
Article 153	determination of the rules governing the committees provided for in the Treaty
Article 213	laying down of the limits and conditions under which the Commission may collect information and carry out any checks required for the performance of its tasks
Article 236(2)	opinion on calling an intergovernmental conference to amend the Treaty

2. Qualified majority³

Article 7(2)	rules designed to prohibit any discrimination on grounds of nationality
Article 8b, second paragraph	determining the guidelines and conditions necessary to ensure balanced progress in all the sectors concerned in achieving the internal market
Article 28	autonomous alteration or suspension of duties in the common customs tariff
Article 42	application of the rules on competition to production and trade in agricultural products
Article 43(2)(3)	establishment of the common agricultural policy
Article 49	adoption of the measures required to bring about freedom of movement for workers

¹ See Article 148(1). Wherever a provision of the Treaty makes no reference to the majority required for a Council Decision, such decisions are taken by a simple majority.

NB: In all cases where, in pursuance of the Treaty, the Council acts on a proposal from the Commission, unanimity is required for an act constituting an amendment to that proposal (see Article 149(1)).

² This Article replaces Article 151, repealed by Article 7 of the Merger Treaty.

³ See Article 148(2).

NB: In all cases where, in pursuance of the Treaty, the Council acts on a proposal from the Commission, unanimity is required for an act constituting an amendment to that proposal (see Article 149(1)).

Article 54(2)	implementation of the general programme for the abolition of restrictions on freedom of establishment or achieving a stage in freedom as regards a particular activity
Article 55, second paragraph	ruling that the provisions on freedom of establishment do not apply to certain activities ¹
Article 56(2)	coordination of national provisions providing for special treatment for foreign nationals on grounds of public policy, public security or public health ¹
Article 57(1)	directives for the mutual recognition of diplomas, certificates and other evidence of formal qualifications concerning the taking up and pursuit of activities as self-employed persons ¹
Article 57(2) first and third sentences	directives to coordinate national provisions concerning the taking up and pursuit of activities as self-employed persons ¹
Article 59, second paragraph	extending freedom to provide services to nationals of a third country who provide services and who are established within the Community
Article 63(2)	implementation of the general programme for the abolition of restrictions on freedom to provide services or achievement of a stage in the liberalization of a specific service
Article 69	progressive implementation of the provisions on the free movement of capital
Article 70(1), first to third sentences	directives for the progressive coordination of the exchange policies of Member States in respect of the movement of capital between those States and third countries
Article 70(2), second paragraph	amending measures taken by the Member States to eliminate difficulties arising from differences between their exchange rules
Article 73(1), second paragraph	revocation of the authorization given by the Commission to a Member State to take protective measures in the field of capital movements
Article 75(1)	implementation of the common transport policy
Article 79(3)	abolition of the discrimination resulting from different rates being charged and different conditions being imposed for carriage on grounds of the country of origin or destination of the goods in question
Article 84(2)	provisions for sea and air transport
Article 87(1), second paragraph	provisions to give effect to the rules on competition

¹ This provision applies to services (see Article 66).

Article 92(3)(d)	specifying the categories of aid compatible with the common market
Article 94	regulations for the application of Articles 92 and 93 (on the aid granted by the Member States)
Article 98	authorization of temporary measures for remissions and repayments of certain charges in respect of exports to the other Member States and imports from those States
Article 100a(1)	measures regarding the approximation of national provisions which have as their object the establishment and functioning of the internal market
Article 100b(1), second paragraph	recognition that the provisions in force in the Member States are equivalent
Article 101, second paragraph	elimination of distortion of competition due to differences between the provisions of the Member States distorting the conditions of competition in the common market
Article 103(3)	giving effect to conjunctural policy measures decided on by the Council
Article 108(2)	granting mutual assistance in case of serious difficulties in a Member State's balance of payments
Article 108(3), second paragraph	revoking or changing the authorization given by the Commission to a Member State in difficulties to take protective measures
Article 109(3)	amending, suspending or abolishing the protective measures taken as a precaution by a Member State in the event of a sudden crisis in its balance of payments
Article 113(4) and Article 114	implementation of the common commercial policy
Article 116, first paragraph	scope and implementation of common action to be taken by the Member States within the framework of international organizations of an economic character in respect of matters of particular interest to the common market
Article 118a(2), first paragraph	directives laying down minimum requirements to improve the working environment
Article 126(a)	deciding to no longer grant certain European Social Fund assistance
Article 127	provisions concerning Social Fund activity
Article 130e, first paragraph	implementing decisions relating to the European Regional Development Fund
Article 130k (and Article 130q(2))	adoption of specific research programmes

Article 130l (and Article 130q(2))	adoption of supplementary research programmes
Article 130m (and Article 130q(2))	Community participation in research and development programmes undertaken by several Member States
Article 130n (and Article 130q(2))	cooperation in research with third countries or international organizations
Article 130p(1) (and Article 130q(2))	establishing the detailed arrangements for financing research programmes
Article 6 of the Merger Treaty ¹	salaries of Members of the Commission and Judges of the Court of Justice
Article 203(3), third paragraph, 203(5), first paragraph, 203(9), fifth paragraph	decisions in the framework of the budget procedure
Article 204, second paragraph	authorizing certain expenditure in excess of the provisional one-twelfth authorized if the budget has not been voted at the beginning of a financial year
Article 206(9)	conditions of employment and salaries of members of the Court of Auditors
Article 206b	Council recommendation on giving a discharge to the Commission in respect of the implementation of the budget
Article 24(1), second paragraph, of the Merger Treaty ²	adoption of the Staff Regulations of the officials of the European Communities

3. Unanimity³

Article 51	adoption of measures in the field of social security for migrant workers
Article 57(2), second sentence	directives on taking up and pursuing activities as self-employed persons, the implementation of which, in at least one Member State, involves amendment of the principles laid down by law ⁴
Article 70(1), last sentence	measures for the coordination of the exchange policies of Member States which constitute a step back as regards the liberalization of capital movements

¹ This Article replaces Article 154, repealed by Article 7 of the Merger Treaty.

² This Article replaces Article 212, repealed by Article 24(2) of the Merger Treaty.

³ See Article 148(3).

⁴ This provision applies to services (see Article 66).

Article 75(3)	provisions in the framework of the common transport policy seriously affecting the standard of living and employment in certain areas
Article 76	approval by the Council of measures taken by the Member States making their national provisions on transport less favourable with regard to carriers of other Member States
Article 84(2), second paragraph	application of the procedure in Article 75(3) to provisions on sea and air transport
Article 93(2), third paragraph	Council Decision stating that aid granted by a Member State is compatible with the common market
Article 99	harmonization of legislation on indirect taxation
Article 100, first paragraph	approximation of legislation directly affecting the establishment or functioning of the common market
Article 103(2) and (4)	conjunctural policy measures, including appropriate measures if any difficulty should arise in the supply of certain products
Article 121	tasks to be assigned to the Commission in the social field
Article 126(b)	decision to entrust new tasks to the Social Fund
Article 130d	amendments to the structure and operational rules of existing structural Funds
Article 130i(1) (and Article 130q(1))	adoption of multiannual framework programmes for research
Article 130o (and Article 130q(1))	setting up joint research undertakings
Article 130s, first paragraph	decisions on the action to be taken by the Community relating to the environment
Article 136, second paragraph	provisions on the association of the overseas countries and territories (OCTs)
Article 138(3), second paragraph	adoption of provisions concerning a uniform procedure for electing the European Parliament
Article 145	establishing the principles and rules governing the procedures which the Council may impose on the exercise of the implementing powers which it confers on the Commission
Article 10(1), second paragraph, of the Merger Treaty ¹	altering the number of Members of the Commission
Article 12, second paragraph, of the Merger Treaty ²	not replacing a Member of the Commission

¹ This Article replaces Article 157, repealed by Article 19 of the Merger Treaty.

² This Article replaces Article 159, repealed by Article 19 of the Merger Treaty.

Article 14, fourth paragraph, of the Merger Treaty ¹	amending the provisions concerning Vice-Presidents of the Commission
Article 165, fourth paragraph	increasing the number of Judges of the Court of Justice
Article 166, third paragraph	increasing the number of Advocates-General
Article 168a(2)	composition of the Court of First Instance and amendments to the Statute of the Court of Justice made necessary by the creation of the Court of First Instance
Article 168a(4)	approving the Rules of Procedure of the Court of First Instance
Article 188, second paragraph	amending Title III of the Statute of the Court of Justice
Article 188, third paragraph	approval of the Rules of Procedure of the Court of Justice
Article 194, second paragraph	appointing the members of the Economic and Social Committee
Article 196, second paragraph	approving the Economic and Social Committee's Rules of Procedure
Article 201, third paragraph	provisions on own resources
Article 206(4), first paragraph	appointing the members of the Court of Auditors
Article 209, (a), (b) and (c)	Financial Regulations
Article 217	rules governing languages
Article 223(2) and (3)	drawing up a list of war material products and making changes to it
Article 227(2), second paragraph	application of the provisions of the Treaty to the French overseas departments (FODs)
Article 235	action required to attain an objective of the Community for which the Treaty has not provided the powers
Article 237, first paragraph	decisions on the accession of a European State to the Community
Article 238, second paragraph	conclusion of Association Agreements

¹ This Article replaces Article 161, repealed by Article 19 of the Merger Treaty.

Association Agreements and Cooperation Agreements with non-member countries of the Mediterranean basin

1. Association Agreements

- *Turkey*: the Agreement, signed in Ankara on 12 September 1963 and which entered into force on 1 September 1964, is implemented by an Association Council which has power to take decisions as laid down in the Agreement and in the Additional Protocol signed in Brussels on 23 November 1970.
- *Malta*: the Agreement, signed in Valetta on 5 December 1970 and which entered into force on 1 April 1971, is administered by an Association Council which has power to take decisions as laid down in the Agreement.
- *Cyprus*: the Agreement, signed in Brussels on 19 December 1972 and which entered into force on 1 June 1973, is administered by an Association Council which has power to take decisions as laid down in the Agreement.

2. Cooperation Agreements

- *Algeria*: the Agreement was signed in Algiers on 26 April 1976 and entered into force on 1 November 1978.
- *Egypt*: the Agreement was signed in Brussels on 18 January 1977 and entered into force on 1 November 1978.
- *Israel*: the Agreement was signed in Brussels on 11 May 1975, supplemented by the Additional Protocol signed in Brussels on 8 February 1977, and entered into force on 1 November 1978.
- *Jordan*: the Agreement was signed in Brussels on 18 January 1977 and entered into force on 1 November 1978.
- *Lebanon*: the Agreement was signed in Brussels on 3 May 1977 and entered into force on 1 November 1978.
- *Morocco*: the Agreement was signed in Rabat on 27 April 1976 and entered into force on 1 November 1978. It followed the Association Agreement signed on 28 March 1969, which it replaced.
- *Syria*: the Agreement was signed in Brussels on 18 January 1977 and entered into force on 1 November 1978.
- *Tunisia*: the Agreement was signed in Tunis on 25 April 1976 and entered into force on 1 November 1978. It followed the Association Agreement of March 1969 which it replaced.
- *Yugoslavia*: the Agreement was signed in Belgrade on 2 April 1980 and entered into force on 1 April 1983.

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- Select bibliography on the Council and the Permanent Representations. — About 40 pp.
Updated twice-yearly.
- ... Review of the Council's work. — Annual. — About 220 pp.
Presents the Council's proceedings for the period 1 January to 31 December.
- The European Council. — 11 pp. — Appearing mid-1991.
Introductory booklet.
- Guide to the Council of the European Communities. — Annual. — About 160 pp.
Publishes, *inter alia*, the organizational chart of the Permanent Representations and the General Secretariat of the Council.
- Compilation of texts: Association of the overseas countries and territories. French overseas departments. — Annual. — About 50 pp.
Contains the acts concerning the association of the OCTs with the EEC, and those concerning the French overseas departments.
- Compilation of texts: Association. — Annual. — About 400 pp.
Contains all the acts concerning the association agreements between the EEC and Cyprus, Malta and Turkey for the period 1 January to 31 December.
Starting with the reference year 1989, it will be published in a joint volume with the *Compilation of texts: Cooperation*.
- Compilation of texts: Cooperation. — Annual. — About 700 pp.
Contains all the acts concerning the cooperation agreements between the EEC and, respectively, Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Syria, Tunisia and Yugoslavia for the period 1 January to 31 December.
Starting with the reference year 1989, it will be published in a joint volume with the *Compilation of texts: Association*.
- Protocols to the EEC-... Cooperation Agreement and other basic texts. — About 210 pp.
Supplements the previous publication with a volume for each country concerned, bringing together the texts following on from the Cooperation Agreements.
As of 30 October 1990, the volumes for Algeria, Jordan and Tunisia have been published.
Re-issued according to requirements.
- Rules of Procedure of the Council of 24 July 1979 as amended on 20 July 1987. — 1987. — 9 pp.

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Text: Jean-Pierre Sabsoub

Luxembourg: Office for Official Publications of the European Communities

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