

COREPER: Tasks and working method

Preparing the work of the Council

The Committee of the Permanent Representatives (Coreper), set up in 1958 within the framework of the Council's rules of procedure, is modelled on the Coordination Committee (Cocor) in the field of the ECSC Treaty. The two bodies were merged in 1967 by Article 4 of the Merger Treaty, which mentioned Coreper for the first time within the framework of the Treaties.

Coreper *"is responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council."* Within the scope of the 1974 summit conference and of the European Council (Dec. 1980), the heads of states and governments strengthened Coreper's role in the decision-taking process. The Permanent Representatives were given more leeway, so that the Council is free to focus on the major political problems.

Coreper is *"an auxiliary body of the Council, for which it carries out preparation and implementation work. Coreper's function of carrying out the tasks assigned to it by the Council does not give it the power to take decisions which belongs, under the Treaty, to the Council."* Coreper is neither an EU institution nor a decision-making body with its own competences. Therefore the guidelines worked out by Coreper may always be called into question by the Council.

Coreper is composed of two bodies (Rules of Procedure Art.19 para 2 sentence 1): Members of Coreper (part 2) are ambassadors of the member states in Brussels, while those of Coreper (part 1) are their deputies.

Coreper's main tasks are coordinating the work of the Council, giving detailed evaluations of the dossiers and suggesting options. Prior to submitting any text to the Council for adoption, Coreper attempts to achieve agreement at its level. As a rule, the Council will confirm this agreement.

Coreper carries out all preparatory work for the Council, which is legally a unit but meets in some twenty different configurations (e.g., Council on employment, internal market, energy), as well as for all fields falling within the Union's competence (including CFSP and JI). The coherence of the Council's work is ensured by the permanent presence of the Coreper members in Brussels with their resulting detailed knowledge.

Prior to a Council meeting, all items on the agenda are examined by Coreper, unless otherwise decided by the Council (unanimity) or Coreper itself (simple majority). Only the debates of the Council on agriculture have always been coordinated to a large extent by the special committee on agriculture.

Coreper I prepares a large number of special Council meetings (e.g., employment, internal market, industry, energy etc.), while the councils that discuss politically sensitive areas or institutional and general issues (e.g., General Affairs, ECOFIN, Justice and Home Affairs) fall within the competence of Coreper II.

Agenda

Coreper meetings take place on a weekly basis; as a rule, Coreper I meets Wednesdays and sometimes Fridays as well, while Coreper II meets Thursdays. In the weeks preceding the meetings of the Council for General Affairs and the ECOFIN Council, Coreper II meets Wednesdays. Meetings are convened by telex, possibly 4 days beforehand.

Items for the Coreper agenda are proposed by the chair or the General Secretariat of the Council, but need to be approved by the chair in any case. They are included at the time of convening.

As a rule, the provisional agenda should be fixed by the chairperson of each Coreper, which is usually done Thursday mornings for Coreper I and Thursday evenings for Coreper II.

Like the Council agenda, the Coreper agenda is subdivided into two parts. Part I (corresponds to part A of the Council agenda) comprises the items which were agreed on in the Council working group, which means that they can be approved by Coreper without any debate. However, the inclusion of items under part I does not, in the course of adoption of these items, preclude members of Coreper, the Council General Secretariat or of the Commission from delivering opinions, recording statements in the Council protocol or withdrawing the provisional agreement given by the delegation concerned. In the event of a delegation raising an objection, the item will be discussed under part II at the following meeting.

Items under part II (corresponds to part B of the Council agenda) must be examined by Coreper with regard to their subject matter. Moreover, the item "any other business" is used by applicants to submit notifications; however, a decision cannot be taken. If Coreper reaches an agreement on any item under part II, the latter becomes an 'A item' on the Council agenda. Upon completion of the discussions on an item under part II, the committee's conclusions and relevant further action are laid down.

Upon request of one or several delegations, a new item can be added during adoption of the final agenda at the beginning of the meeting, provided that Coreper has given its unanimous consent. However, this option is strictly limited to such cases where it is justified by extraordinary circumstances.

Items bearing the remark "as the case may be" may be deleted by the chair at short notice. This procedure complicates the scheduling of the discussions and the delegations' tasks, which is why it is only used in exceptional cases.

Preparation of Coreper / ANTICI Group / MERTENS Group

On the basis of the provisional agenda, the Council General Secretariat draws up reports or short memoranda on the items under part I for the delegations.

For part II, records on the status of the discussions and (confidential) speaking notes are prepared for the chair. In order to get the discussions going, the chair is informed about the details and the best procedure for examining the dossiers.

The chair must be in receipt of the dossier to be discussed not later than one day before the meeting. Where it is deemed expedient, the chair may submit its own specific contribution – generally in the form of a compromise – in order to reconcile the delegations' different interests ("package deal"). This contribution is prepared by the chair with the support of the Council General Secretariat, usually in cooperation with the European Commission.

The personal assistants of the Coreper members who meet on the day before the Coreper meetings under the name of the MERTENS Group (for Coreper I) and the ANTICI Group (for Coreper II) prepare the Coreper discussions. Any delegation proposals (e.g., items under "any other business") must be submitted to the chairperson of the respective group in a precise and detailed form. Each delegation in the MERTENS or ANTICI Group makes written notification of reservations which are then used by the General Secretariat to compile a list that is read out at the beginning of the Coreper meeting.

The ANTICI Group (named after its first chairman) was set up in 1975 to review the agenda for Coreper II and settle technical and organisational details. This preparatory stage also provides an initial idea of the positions which the various delegations will adopt at the Coreper meeting.

The ANTICI Group consists of the personal assistants of the Permanent Representatives and one Commission representative. The Group meetings are also attended by one member of the General Secretariat Cabinet and one official from the Legal Service.

The Group is entrusted with setting the order of items on the agenda and preparing the resolutions on the items under part I of the agenda as well as Coreper and Council transparency discussions. Besides, it ensures that the summary records of the preceding Coreper meetings can be approved by the Permanent Representatives. At the respective meeting, the delegations also announce which motions they intend to file for inclusion of items under "any other business".

The MERTENS Group, set up in 1993, carries out the same functions for Coreper I.

Special committees

Under the Treaties, several special committees were set up for coordinating the Council activities in specific fields. However, in view of the uniform institutional framework provided by the TEC, Coreper's central function is not prejudiced by these committees, i.e., the committees focus on specific technical questions, while Coreper deals with more general political and institutional issues.

The **Economic and Financial Committee** keeps under review the monetary and financial situation and the payment transactions of the member states and regularly reports to the Council and the Commission. Moreover, the Committee reviews the situation concerning the monetary transactions and the freedom of capital movements at least once a year and notifies the Council of its findings.

The "Article 133" Committee (so-called **Committee 133**) was set up in the area of the Common Trade Policy. Upon authorisation by the Council, the Commission, in consultation with this Committee, conducts negotiations on the conclusion of an agreement between the Community and one or several states or international organisations within the scope of the Common Trade Policy.

The **Political Committee** is a body for consultation and conciliation that monitors and analyses the international situation and its development in the areas covered by the CFSP. It contributes to the definition of policies by delivering opinions. Besides, it supervises the implementation of agreed policies, all of which is without prejudice to the competences of the chair and the Commission.

Set up by Article 36 TEU, the coordinating committee for police and judicial cooperation in criminal matters (so-called **Article 36 Committee**), in addition to its coordinating activities, submits opinions to the Council and contributes to the preparation of Council work.

The **Special Committee on Agriculture** (SCA) prepares the issues dealt with by the Agriculture Council. The Committee therefore plays the same role in very technical agricultural areas as Coreper does in other areas. The items which it has examined are therefore included directly in the agendas for the Agriculture Council.

To help in preparing the Council's work, Coreper itself may set up committees or working groups by means of an appropriate mandate.

These groups are composed of delegates from all member states. Depending on the requirements in each case, their work can be scheduled on a more or less permanent basis.

Chairpersonship of these committees, as with the committees set up by the Treaties, is regulated by the Rules of Procedure, Article 19 para 3, third and last sentences respectively (in principle, they are chaired by the member state holding the EU presidency).

Conduct of meetings

Coreper is chaired by the Permanent Representative or the deputy of the Permanent Representative of the member state holding the chair in the Council.

The meeting begins with the adoption of the final agenda. The delegations file their motions for the inclusion of items under "any other business" and/or new items, and the chairperson determines the final order of the items on the agenda.

Afterwards the chairperson asks the members to confirm the results of the discussions of the ANTICI and MERTENS Groups and to adopt the items under part I

of the agenda. At this point, reservations and statements can be made. However, there are no actual discussions.

Coreper's work is basically scheduled analogously to the course of the Council meetings. As of right, final resolutions cannot be passed at Coreper (excepting resolutions on the institution of written proceedings or resolutions on procedural questions).

As a rule, Coreper does not carry out any comprehensive formulation work. If the formulation of a text must be improved to facilitate further discussions, the chair is instructed to redraft the text with the support of the Council General Secretariat.

Results

Upon completion of the discussions, the chairperson can declare the agreement of Coreper on an item and propose to include it as an 'A item' in the agenda for one of the following Council meetings.

If an agreement was reached on a number of questions pertaining to one item while differences of opinion remain in other fields, the Council must discuss how to resolve them. The item is included in the Council agenda under part B.

If some questions require closer examination at Coreper before being passed on to the Council, the item is put back on the agenda for one of the following meetings.

In the event of certain technical difficulties that cannot be adequately dealt with in the working group or that have emerged in the course of the Coreper meeting, the competent Council working group can be instructed to conduct a renewed examination of the dossier.

After the Coreper discussions, the Council General Secretariat draws up a short note to facilitate further discussions in the Council, a note for the chair, and a short memorandum on the discussions. If Coreper has reached an unanimous agreement, the General Secretariat will make an 'A item' note which contains the document numbers of the texts that are up for formal adoption by the Council, as well as any declarations.

Documents must be submitted to the Council not later than 14 days prior to the Council meeting (*cp. Council Rules of Procedure Article 3 (4): "... Only items in respect of which the documents have been sent to the members of the Council and to the Commission at the latest by the date on which the provisional agenda is sent may be placed on that agenda."* In practice, however, the Council sometimes agrees to hold discussions even if this deadline has not been met.