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EUROPEAN COUNCIL
STRASBOURG, 21/22 JUNE

DRAFT OF A BRIEF ON EUROPEAN COUNCIL PROCEDURES

Brief by Foreign and Commonwealth Office

References: None

ORIGINS AND STATUS

1. The European Council is not an institution set up by the Treaties and its formal status is nowhere very clearly defined - partly in order to preserve its informality of procedures.
2. The European Council was established on a French initiative at the Paris Summit on 9 and 10 December 1974. The communiqué (text at Annex A) issued after that meeting said "The Heads of Government have therefore decided to meet, accompanied by the Ministers of Foreign Affairs, three times a year and whenever necessary, in the Council of the Communities and in the context of political co-operation".
3. The European Council is thus qualified to discuss both questions which fall under the Treaties and those that do not. It is theoretically possible for it to constitute itself as a Council of Ministers and take formal decisions on Community questions. But hitherto it has preferred to lay down "orientations" (guidelines) and leave execution to the appropriate Council.

ORGANISATION AND PROCEDURES

4. Under UK Presidency in June 1977 the European Council agreed on an internal document (text at Annex B) regarding its future organisation.
5. Succeeding Presidencies, in whose hands the preparations and conduct of European Councils essentially lies, have generally

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followed these guide-lines. The pattern of meetings has varied but has usually included:

- a) Initial luncheon meetings.
- b) Plenary sessions with simultaneous translation but no officials present except from the Council Secretariat and the Presidency (UKRep will provide a plan of the room at the table). The first such meeting generally remits for further work by officials the points that may appear in the final conclusions.
- c) Informal discussions over and after dinner, usually Heads of State and Government and the President of the Commission alone; and, separately, of Foreign Ministers and the other Commissioners alone, with "whispered" interpretation only. Private Secretaries are in attendance outside the dinners, sometimes plus one official.
- d) Working groups meet after dinner at official level to consider some or all of the draft final conclusions and/or press statements. Where officials are unable to agree, the passage goes forward to the Council in square brackets.
- e) A final plenary session (starting with a "family photograph") as at (b). The Presidency has been known to ask Heads of Government to work on a draft themselves without prior preparation by officials.
- f) A Press Conference by the Presidents of the Council and the Commission at which the general results of the Council are described and commented. The Prime Minister and Foreign and Commonwealth Secretary can call in a UK liaison officer at any stage if they want to send out a document for comment by UK experts or seek written advice from them. Up to two other officials can be brought into the room if needed but it is more usual for Ministers to consult them outside.

TACTICS

6. Experience has suggested that, although the informal discussions are well suited to high level meeting of minds and discussions of broad strategic concepts, very nimble procedural footwork is required in the more formal sessions, where the Presidency can vary the pace almost at will. In particular:

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- a) The order of the Agenda: unless an item is properly discussed on the first day it is extremely difficult to get agreement on a satisfactory decision by the end of the Council;
- b) The Council's conclusions: official working group drafts are supposed to reflect discussion in the Council. The Presidency Chairman gives his version of that discussion as a basis for drafting. The Prime Minister and Foreign and Commonwealth Secretary will wish to ensure that UK officials know our version.
- c) Follow-up Action: similarly it will not be possible to get any follow-up action taken on points not included in the written conclusions.

FOREIGN AND COMMONWEALTH OFFICE
7 JUNE 1979

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(EXTRACT)

ANNEX A

**THE EUROPEAN COMMUNITIES
TEXT OF THE COMMUNIQUE ISSUED BY THE HEADS OF
GOVERNMENT OF THE NINE STATES OF THE EUROPEAN
COMMUNITY AT THEIR MEETING IN PARIS ON
THE 9th AND 10th OF DECEMBER 1974**

1. The Heads of Government of the Nine States of the Community, the Ministers of Foreign Affairs and the President of the Commission, meeting in Paris at the invitation of the French President, examined the various problems confronting Europe. They took note of the reports drawn up by the Ministers of Foreign Affairs and recorded the agreement reached by these Ministers on various points raised in the reports.

2. Recognizing the need for an overall approach to the internal problems involved in achieving European unity and the external problems facing Europe, the Heads of Government consider it essential to ensure progress and overall consistency in the activities of the Communities and in the work on political co-operation.

3. The Heads of Government have therefore decided to meet, accompanied by the Ministers of Foreign Affairs, three times a year and whenever necessary, in the Council of the Communities and in the context of political co-operation.

The administrative secretariat will be provided for in an appropriate manner with due regard for existing practices and procedures.

In order to ensure consistency in Community activities and continuity of work, the Ministers of Foreign Affairs, meeting in the Council of the Community, will act as initiators and co-ordinators. They may hold political co-operation meetings at the same time.

These arrangements do not in any way affect the rules and procedures laid down in the Treaties or the provisions on political co-operation in the Luxembourg and Copenhagen reports. At the various meetings referred to in the preceding paragraphs the Commission will exercise the power vested in it and play the part assigned to it by the above texts.

4. With a view to progress towards European unity, the Heads of Government reaffirm their determination gradually to adopt common positions and co-ordinate their diplomatic action in all areas of international affairs which affect the interests of the European Community. The President in office will be the spokesman for the Nine and will set out their views in international diplomacy. He will ensure that the necessary concertation always takes place in good time.

In view of the increasing role of political co-operation in the construction of Europe, the European Assembly must be more closely associated with this work, for example through replies to questions on political co-operation put to the President in office by its members.

5. The Heads of Government consider it necessary to increase the solidarity of the Nine both by improving Community procedures and by

ORGANISATION OF EUROPEAN COUNCIL MEETINGS

1. Prior to the European Council meeting in Rome at the end of March, the Presidency circulated a paper (COREU NO. CPE/MUL/EEB 1160 of 23 March 1977) which sought to establish points of agreement which had emerged from the correspondence between Heads of Government about the ways in which the organisation of European Council meetings might be improved. In the light of the discussion at that meeting, which was followed up by Foreign Ministers on 5 April, the following points are understood to represent a generally acceptable framework for the organisation of future meetings:

(A) TYPES OF DISCUSSION

There is general agreement that the European Council should have both:

- (i) Informal exchanges of view of a wide-ranging nature held in the greatest privacy and not designed to lead to formal decisions or public statements.
- (ii) Discussions which are designed to produce decisions, settle guidelines for future action or lead to the issue of public statements expressing the agreed view of the European Council.

It is also recognised that the European Council will sometimes need to fulfil a third function, namely to settle issues outstanding from discussions at a lower level. In dealing with matters of Community competence the European Council will conform to the appropriate procedures laid down in the Community Treaties and other agreements.

(B) ADVANCE PREPARATION OF THE AGENDA

For informal exchanges of view, it is generally agreed that little preparation is necessary, although some limited prior clarification of the questions is not to be excluded if it would facilitate discussion. Heads of Government should inform each other or the Presidency, a few days beforehand, of the subjects which they will wish to discuss. There is general agreement that there should be adequate preparation of those discussions which are aimed at reaching decisions or issuing statements. Foreign Ministers should have responsibility for such preparation, which could take place in the

Council or the Political Cooperation machinery as appropriate, and will wish to meet at an appropriate time, and if necessary to hold a special meeting before the European Council, for this purpose.

(C) THE ISSUING OF STATEMENTS

It is generally agreed that the European Council will wish to make public its decisions on some subjects or sometimes to issue a statement registering a concerted Community opinion on a topic of international concern. Such statements should not, other than in exceptional circumstances, be issued without advance preparation. A list of the subjects on which it is proposed statements should be issued should be drawn up 2-3 weeks in advance.

(D) THE RECORDING OF CONCLUSIONS

There should be no record of the informal exchanges of view between Heads of Government. For the discussions aimed at reaching decisions or issuing statements there should be a written record of conclusions, which should be issued on the authority of the Presidency.

(E) ATTENDANCE OF OFFICIALS

There is general agreement that the exchanges of views should be as intimate as possible and that attendance should be restricted as at present.

7 JUN 1979

