

The Council of the European Union

The Council is the EU's main decision-making body. Like the European Parliament, the Council was set up by the founding treaties in the 1950s. It represents the member states, and its meetings are attended by one minister from each of the EU's national governments.

Which ministers attend which meeting depends on what subjects are on the agenda. If, for example, the Council is to discuss environmental issues, the meeting will be attended by the Environment Minister from each EU country and it will be known as the 'Environment Council'.

The EU's relations with the rest of the world are dealt with by the 'General Affairs and External Relations Council'. But this Council configuration also has wider responsibility for general policy issues, so its meetings are attended by whichever Minister or State Secretary each government chooses.

Altogether there are nine different Council configurations:

- General Affairs and External Relations
- Economic and Financial Affairs (ECOFIN)
- Justice and Home Affairs (JHA)
- Employment, Social Policy, Health and Consumer Affairs
- Competitiveness
- Transport, Telecommunications and Energy
- Agriculture and Fisheries
- Environment
- Education, Youth and Culture

Each minister in the Council is empowered to commit his or her government. In other words, the minister's signature is the signature of the whole government. Moreover, each minister in the Council is answerable to his or her national parliament and to the citizens that parliament represents. This ensures the democratic legitimacy of the Council's decisions.

Up to four times a year the presidents and/or prime ministers of the member states, together with the President of the European Commission, meet as the "European Council". These 'summit' meetings set overall EU policy and resolve issues that could not be settled at a lower level (i.e. by the ministers at normal Council meetings). Given the importance of European Council discussions, they often continue late into the night and attract a lot of media attention.

What does the Council do?

The Council has six key responsibilities:

1. To pass European laws – jointly with the European Parliament in many policy areas.
2. To co-ordinate the broad economic policies of the member states.
3. To conclude international agreements between the EU and other countries or international organisations.
4. To approve the EU's budget, jointly with the European Parliament.
5. To develop the EU's Common Foreign and Security Policy (CFSP), based on guidelines set by the European Council.
6. To co-ordinate co-operation between the national courts and police forces in criminal matters (see the Freedom, security and justice section).

Most of these responsibilities relate to the 'Community' domain – i.e. areas of action where the member states have decided to pool their sovereignty and delegate decision-making powers to the EU institutions. This domain is the 'first pillar' of the European Union. However, the last two responsibilities relate largely to areas in which the member

states have not delegated their powers but are simply working together. This is called ‘intergovernmental co-operation’ and it covers the second and third ‘pillars’ of the European Union.

The Council’s work is described in greater detail below.

1. Legislation

Much EU legislation is adopted jointly by the Council and Parliament (see the section on Decision-making in the European Union).

As a rule, the Council only acts on a proposal from the Commission, and the Commission normally has responsibility for ensuring that EU legislation, once adopted, is correctly applied.

2. Co-ordinating the policies of member states

The EU countries have decided that they want an overall economic policy based on close co-ordination between their national economic policies. This co-ordination is carried out by the economics and finance ministers, who collectively form the Economic and Financial Affairs (ECOFIN) Council.

They also want to create more jobs and to improve their education, health and social protection systems. Although each EU country is responsible for its own policy in these areas, they can agree on common goals and learn from each other’s experience of what works best. This process is called the ‘open method of coordination’, and it takes place within the Council.

3. Concluding international agreements

Each year the Council ‘concludes’ (i.e. officially signs) a number of agreements between the European Union and non-EU countries, as well as with international organisations. These agreements may cover broad areas such as trade, co-operation and development or they may deal with specific subjects such as textiles, fisheries, science and technology, transport etc.

In addition, the Council may conclude conventions between the EU member states in fields such as taxation, company law or consular protection. Conventions can also deal with co-operation on issues of freedom, security and justice.

4. Approving the EU budget

The EU's annual budget is decided jointly by the Council and the European Parliament.

5. Common Foreign and Security Policy

The member states of the EU are working to develop a Common Foreign and Security Policy (CFSP). But foreign policy, security and defence are matters over which the individual national governments retain independent control. They have not pooled their national sovereignty in these areas, so Parliament and the European Commission play only a limited role here. However, the EU countries have much to gain by working together on these issues, and the Council is the main forum in which this 'inter-governmental co-operation' takes place.

To enable it to respond more effectively to international crises, the European Union has created a 'Rapid Reaction Force'. This is not a European army: the personnel remain members of their national armed forces and under national command, and their role is limited to carrying out humanitarian, rescue, peacekeeping and other crisis management tasks. In 2003, for example, the EU conducted a military operation (code name Artemis) in the Democratic Republic of Congo, and in 2004 it began a peacekeeping operation (code name Althea) in Bosnia and Herzegovina.

The Council is assisted in such operations by:

- the Political and Security Committee (PSC);
- the European Union Military Committee (EUMC);
- and the European Union Military Staff (EUMS), composed of military experts seconded to the Council Secretariat by the member states.

6. Freedom, security and justice

EU citizens are free to live and work in whichever EU country they choose, so they should have equal access to civil justice everywhere in the European Union. National

courts therefore need to work together to ensure, for example, that a court judgement delivered in one EU country in a divorce or child custody case is recognised in all other EU countries.

Freedom of movement within the EU is of great benefit to law-abiding citizens, but it is also exploited by international criminals and terrorists. To tackle cross-border crime requires cross-border co-operation between the national courts, police forces, customs officers and immigration services of all EU countries.

They have to ensure, for example:

- that the EU's external borders are effectively policed;
- that customs officers and police exchange information on the movements of suspected drugs traffickers or people smugglers;
- that asylum seekers are assessed and treated in the same way throughout the EU, so as to prevent 'asylum shopping'.

Issues such as these are dealt with by the Justice and Home Affairs Council – i.e. the Ministers for Justice and of the Interior. The aim is to create a single 'area of freedom, security and justice' within the EU's borders.

How is the Council's work organised?

COREPER

In Brussels, each EU member state has a permanent team ('representation') that represents it and defends its national interest at EU level. The head of each representation is, in effect, his or her country's ambassador to the EU.

These ambassadors (known as 'permanent representatives') meet weekly within the Permanent Representatives Committee (COREPER). The role of this committee is to prepare the work of the Council, with the exception of most agricultural issues, which are handled by the Special Committee on Agriculture. COREPER is assisted by a number of working groups, made up of officials from the national administrations.

The Council Presidency

The Presidency of the Council rotates every six months. In other words, each EU country in turn takes charge of the Council agenda and chairs all the meetings for a six-month period, promoting legislative and political decisions and brokering compromises between the member states.

If, for example, the Environment Council is scheduled to meet during the second half of 2006 it will be chaired by the Finnish Minister for the Environment, since Finland holds the Council Presidency at that time.

The General Secretariat

The Presidency is assisted by the General Secretariat, which prepares and ensures the smooth functioning of the Council's work at all levels.

In 2004, Mr Javier Solana was re-appointed Secretary-General of the Council. He is also High Representative for the Common Foreign and Security Policy (CFSP), and in this capacity he helps coordinate the EU's action on the world stage. Under the new constitutional treaty, the High Representative would be replaced by an EU Foreign Affairs Minister.

The Secretary-General is assisted by a Deputy Secretary-General in charge of managing the General Secretariat.

How many votes per country?

Decisions in the Council are taken by vote. The bigger the country's population, the more votes it has, but the numbers are weighted in favour of the less populous countries:

Germany, France, Italy and the United Kingdom	29
Spain and Poland	27
Netherlands	13
Belgium, Czech Republic, Greece, Hungary and Portugal	12
Austria and Sweden	10
Denmark, Ireland, Lithuania, Slovakia and Finland	7

Cyprus, Estonia, Latvia, Luxembourg and Slovenia	4
Malta	3
TOTAL	321

"Qualified majority voting"

In some particularly sensitive areas such as Common Foreign and Security Policy, taxation, asylum and immigration policy, Council decisions have to be unanimous. In other words, each member state has the power of veto in these areas.

On most issues, however, the Council takes decisions by 'qualified majority voting' (QMV).

A qualified majority is reached

- if a majority of member states (in some cases a two-thirds majority) approve
AND
- if a minimum of 232 votes is cast in favour – which is 72.3% of the total.

In addition, a member state may ask for confirmation that the votes in favour represent at least 62% of the total population of the Union. If this is found not to be the case, the decision will not be adopted.