

The Core Institutions of the EU: the Council of Ministers

EU Integration after Lisbon

History and Functions

Structure

General Characteristics

COREPER and Committees

The Presidency and Voting

Summary



Justus Lipsius Building, Brussels

Introduction

- ▶ Second Chambers in Federal Systems
- ▶ The Federal Council in Germany
- ▶ Council is *not* a Second Chamber – why?
- ▶ European Council \neq Council of Ministers

Introduction

- ▶ Second Chambers in Federal Systems
 - ▶ The Federal Council in Germany
 - ▶ Council is *not* a Second Chamber – why?
 - ▶ European Council \neq Council of Ministers
1. Council of Europe (Conseil de l'Europe)
 2. Council of the European Union (Council of Ministers)
 3. European Council

History

- ▶ ECSC
 - ▶ Supranational High Authority vs.
 - ▶ Council of Ministers (for this domain)
 - ▶ Blueprint for EURATOM/EEC
- ▶ 1965-66 “Empty Chair Crisis” and “Luxembourg Compromise” → national veto
- ▶ SEU: QMV (+co-operation)
- ▶ Maastricht: extension of QMV
- ▶ Amsterdam, Nice, Lisbon: further extensions, “constructive abstention” and “flexibility”
- ▶ Much less room for national vetoes – still an intergovernmental institution?

Responsibilities and Powers

- ▶ Representation of members states at the ministerial level
- ▶ Different compositions (depending on the matter)
- ▶ Concludes on behalf of EU international agreements with other states/organisations
- ▶ Main legislative and decision-making body (with Commission and EP)
- ▶ Shares authority over budget with EP

15 November 2010 Last updated at 13:05 GMT

EU in crunch talks on 2011 budget

The EU's 2011 budget could be frozen at this year's level unless EU officials manage to reach a deal on Monday.

The "conciliation" talks were suspended last Thursday as no agreement was reached on the European Parliament's role in future budget discussions.

MEPs say they are willing to accept the EU government's figure of a 3.3% budget increase - lower than the 4% that the parliament had voted for.

But MEPs want their role in setting future EU budgets to be clarified.

French MEP Alain Lamassoule, the parliament's lead negotiator, said "we are proposing a political agreement on working together to avoid future budgetary crises and to ensure sustainable financing for future policies".

New MEP powers

MEPs argue that the Lisbon Treaty gives them an equal say in budget discussions with the member states' governments - collectively called the Council. But the procedure enshrining the parliament's new budgetary

EU 2010 2011 2012 2013 2014



Governments are lightning their bolts - and ward the EU's to the same.

Related stories

Battle begins over EU budget rise

EU group talks have run out of cash?

EU budget plans for 2011

Council viewed through different lenses

Roles:

- ▶ Club of governments (new challenges)
- ▶ Tandem with commission
- ▶ Competition between governments
- ▶ Arena for “networked governance”
- ▶ Forum for “transgovernmentalism” where EU lacks powers
- ▶ Part of EU legislature

Council: another hybrid institution

Represents 27 national governments

INTERGOVERNMENTAL



Legislation binding for all

SUPRANATIONAL

Council: another hybrid institution



Composition

- ▶ Consists of national ministers and/or their representatives
- ▶ Many different manifestations 20+ → 10
- ▶ Most important
 - ▶ General Affairs
 - ▶ **Foreign Affairs** (chaired by High Representative)
 - ▶ Agriculture + Fisheries
 - ▶ Economic and Financial Affairs (→ Eurogroup)



General Affairs Council, 26/07/2010

Agenda I

INFORMATION FOR THE PRESS

**Subject: Informal meeting of Heads of State and Government
Brussels, Friday 7 November 2008**

The French Presidency of the Council of the European Union has decided to convene an informal meeting of Heads of State and Government to prepare the international meeting on the financial crisis scheduled in Washington on 15 November. The meeting will take place on Friday 7 November and take the form of a working lunch at 13.00 at the Council's Justus Lipsius building, 175 rue de la Loi, Brussels.

A media programme will be published at a later date. Please note however that the press photo/TV opportunities will be limited because of the format of the meeting.

The press centre, specially equipped with facilities for the written press and audiovisual media, will also be in the Justus Lipsius building.

Media representatives will find attached details of the accreditation procedure and technical information on the facilities available.

Agenda II

Brussels, 23 October 2008
PRE 059/08 (Presse)

The 2900th session of the Council of the European Union - **AGRICULTURE and FISHERIES** - will take place on 27 October 2008 (10h00) and 28 October 2008 in the Conference Centre - FIL, 5, rue Carlo Hemmer, in Luxembourg, under the Presidency of Mr **Michel BARNIER, Minister for Agriculture and Fisheries of France**.

Beside the presentation of the French presidency programme in the field of Agriculture and Fisheries, the following points will be discussed at this session:

AGRICULTURE ITEMS

SCA Items

- Proposal for a Council Regulation amending Regulations (EC) No 1290/2005 on the financing of the common agricultural policy and (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) in order to set up a school fruit scheme
 - *Political debate*
- CAP health check
 - Proposal for a Council Regulation establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers
 - Proposal for a Council Regulation on modifications to the common agricultural policy by amending Regulations (EC) No 320/2006, (EC) No 1234/2007, (EC) No 3/2008 and

Agenda II

Coreper items

- Proposal for a Regulation of the European Parliament and of the Council establishing obligations for traders concerning the marketing of timber and timber products
 - *public deliberation*
 - *Presentation by the Commission*

FISHERIES ITEMS

- Proposal for a Council Regulation fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2009
 - *Political agreement*
- Proposal for a Council Regulation fixing for 2009 and 2010 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks
 - *Political agreement*
- Proposal for a Council Regulation fixing the fishing opportunities and the conditions relating thereto for certain fish stocks applicable in the Black Sea for 2009
 - *Political agreement*
- **Bilateral fisheries agreement with Norway**
 - *Exchange of views*
- 11. **Preparation for the 16th ICCAT annual meeting (Marrakesh (Morocco), 17 to 24 November 2008)**
 - Proposal for a Council Decision establishing the Community position in the International Commission for the Conservation of Atlantic Tunas
 - *Political agreement/adoption*

Council: a heterogeneous institution

An intergovernmental body? An undemocratic monster? A *single* institution?

- ▶ Secrecy and lack of transparency
- ▶ Variations in collegiality
- ▶ Number of meetings between 1 and 15
- ▶ 85 per cent of decisions made by COREPER/technical committees
- ▶ Diverging interests

“Clusters”

- ▶ Net payers/receivers (budget, social/regional funds)
- ▶ Small vs. medium/bigger states
- ▶ North vs. central vs. Med
- ▶ Old vs. new
- ▶ Various coalitions amongst big four (France, Germany, Italy, UK)
- ▶ **Informal talks/European Council**



COREPER

- ▶ Council of “Permanent Representatives”
- ▶ Ambassadors of member states to EU
- ▶ Prepare agenda for meetings of ministers
- ▶ I-points (information only), A-points (pre-agreed decision) vs. B-points (political discussion → decision)
- ▶ COREPER I
 - ▶ Deputies
 - ▶ Social and economic issues
- ▶ COREPER II
 - ▶ Heads
 - ▶ JHA, CFSP, General Affairs
- ▶ Oversees 250+ technical committees and working parties

COREPER: supranational or intergovernmental?

- ▶ Representatives of national interest but high degree of socialisation
- ▶ Potential to act collectively against national governments (principal/agent problem)
- ▶ Split loyalties
- ▶ Strong sense of being involved in iterated games (no single game of prisoners dilemma)

Technical Committees

- ▶ Prepare recommendations for COREPER
- ▶ Members usually judged by competence, not nationality
- ▶ Intensive interaction between Commission officials and national officials (“Comitology”)
- ▶ Clear distinction between national/Council officials and Commission officials gone
- ▶ Actually three tiers:
 1. Ministers
 2. COREPER I+II
 3. Committees

Political control?

Considerable leeway for COREPER/committees because ...

- ▶ Technical nature of matters
- ▶ Ministers too busy to monitor details
- ▶ Instructions loosely drawn, room for manoeuvre
- ▶ Permanent Representatives can influence national positions

Presidency

- ▶ National Presidency, rotates every six months, troika
- ▶ Prestigious and reasonably efficient, but problems
- ▶ Foreign affairs council chaired by High Representative
- ▶ Van Rompuy president of the *European Council* –

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- ▶ Foreign affairs council chaired by High Representative
- ▶ Van Rompuy president of the *European Council* – a glorified secretary
- ▶ Currently: Belgium
 - ▶ Successor: Hungary (Jan-June 2011)
 - ▶ Predecessor: Spain (Jan-June 2010)

QMV: general principles

- ▶ Aim: overcome deadlocks and smallest common denominator solutions
- ▶ To challenge Commission actions
- ▶ Number of votes reflects population of states but not proportional
- ▶ *Qualified*
 - ▶ Pass votes
 - ▶ Blocking minorities

Distribution of votes

Germany, France, Italy, United Kingdom	29
Spain, Poland	27
Romania	14
Netherlands	13
Belgium, Czech Republic, Greece, Hungary, Portugal	12
Austria, Sweden, Bulgaria	10
Denmark, Ireland, Lithuania, Slovakia, Finland	7
Cyprus, Estonia, Latvia, Luxembourg, Slovenia	4
Malta	3
TOTAL	345

Nice: Triple Majority

- ▶ Majority of ...
 - ▶ Countries (either 50% or 67%) **plus**
 - ▶ Votes (74%) **plus**
 - ▶ Population (62%)

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- ▶ Majority of ...
 - ▶ Countries (either 50% or 67%) **plus**
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 - ▶ Population (62%)
- ▶ But: in reality, often simple majority/no vote

Lisbon: double majority

- ▶ No more weighted voting
- ▶ Majority of ...
 - ▶ Countries (55%) **plus**
 - ▶ Population (65%)
- ▶ Complex calculations, but
 - ▶ Fewer and lower thresholds
 - ▶ Smaller states lose veto positions
- ▶ Polish problem, introduction delayed

Summary

- ▶ Another unusual and rather powerful institution
- ▶ Power *increased* with treaty reforms
- ▶ Council secretariat (\neq permanent/rotating presidency)
powerful actor of its own
- ▶ Transparency and voting still problematic

Class questions

- ▶ To what extent has the power of the Commission been eclipsed by the Council of Ministers in the decision making process of the EU?
- ▶ Is that a good or a bad thing?