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A handbook
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The Council

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The Council
How the member states agree on Europe’s external policies

Uwe Puetter

Introduction

The Council is one of the core decision-making institutions of the European Union (EU) and plays a crucial role in the EU’s relations with the outside world. It is the key forum for the representation of national governments in EU policy-making. The Council is involved in nearly all aspects concerning the EU’s role in global governance. As the other contributions to this book provide reviews of the various different aspects of the EU’s role in global governance this chapter concentrates on the main governance mechanisms through which the Council becomes engaged in the external relations of the Union. To this end, three main roles of Council are distinguished. First, the Council enjoys legislative powers with regard to a number of the EU’s external policies. This means decisions adopted by the Council bind other EU institutions and all member states to comply with a set of policies. Its legislating capacities make the Council an exceptionally strong actor in global governance as they effectively ensure that both the relevant EU institutions and the member states behave like a unitary actor towards third countries or other regional and global governance organizations. The second role of the Council played in the EU’s external relations is derived from the fact that the legislative powers of the Union do not extend to all areas of external governance. Yet the Council exercises a policy co-ordination function in those fields of external EU activity in which it cannot impose a unitary and consistent policy stance on all member states through the mechanism of Community legislation. This governance mode also reflects the arrangement that in a number of areas of public policy member states retain their exclusive decision-making powers but have nevertheless agreed for the EU to play a greater role in these fields too. The most prominent example is the evolving field of common foreign and security policy. Third, the Council not only acts as the core forum for internal EU decision-making, but it also plays a representational role in the EU’s relations with the rest of the world. This implies that the Council directly consults and negotiates with governments of third countries and representatives of international organizations. The following section reviews each of these three roles of the Council in turn.
The Council’s political roles in the EU’s external relations—legislating, co-ordinating, representing

The Council is the organ through which national governments are represented in EU decision-making. The central role of the institution in the overall system of EU governance underpins the importance of national governments in the integration process. Because of this the Council is mainly seen as a negotiating forum in which member states try to reconcile diverging policy preferences and form a common position on EU policy. Therefore negotiations are often complex and cumbersome. The main principle of the Council is that it provides all member states with equal access to EU-level decision-making. Although there have been exceptions to this rule more recently this principle is carefully guarded by all member states. Through whatever mechanism the Council eventually decides and whatever character its decisions may have the main idea is that all member state governments are, through their representatives in the Council, fully involved in EU decision-making and have access to the relevant debates and negotiations. Besides the Commission, which represents the supranational level of decision-making in the EU’s system of governance, and the directly elected European Parliament (EP), which represents the Union’s citizens, the Council is therefore seen as the main forum for intergovernmental decision-making. Its formal institutional status and mandate as laid down in the Treaty endow the Council with considerable decision-making power. There are very few issues in EU governance that can be decided without the consent of the Council. The main exceptions apply in those areas in which the Commission has a mandate by the Treaty to act independently. However, only the Council can transfer decision-making powers onto the Commission and therefore can also withdraw them. At the same time, the Council’s capacity to act fully independently is limited too. This is most clearly the case with regard to the Commission’s prerogative of legislative initiative and the EP’s role as a co-legislator. In addition, the Council shares responsibilities with the European Council. With regard to the Council’s role in external affairs this is particularly true for the policy co-ordination function of the Council and the task of representing the Union in its relations to the rest of the world.

Law-making

Together with the EP the Council is the main legislating body of the EU. In some areas it enjoys exclusive law-making powers. Legislative decisions adopted by the Council are binding to the member states. Substantial aspects of the European integration process can be understood as being results of a process of integration through law. In the relevant policy areas the main instrument of integration has been the creation of Community legislation which overrules national law. The evolution of this principle is closely connected with the idea of market integration which involves both the removal of national barriers to inner-European trade as well as the establishment of EU-wide regulatory arrangements and market correcting policies. The process of integration through law, therefore, has had considerable repercussions for the notion of national sovereignty, as member states have effectively ceased to exercise the right to run independent national policies. This is also true for a number of external policies—the most prominent examples being customs and commercial policy.

Initially, the Council had been the sole legislating body of the Community. This privileged position symbolized the relevance of national governments in EU policy-making. Because of the supremacy of EU law, negotiations about legal acts in the Council are often a complex and cumbersome process as member states know that they can exercise little influence once decisions have been formalized. These dynamics also have consequences for actors outside the EU.
example, third countries being affected by a proposed legislative act to be decided by the Council might seek to lobby individual member state governments on a bilateral basis in order to influence the ultimate decisions of the Council. The Council’s legislative powers therefore imply that it is often seen by external actors both as an extremely powerful institution and, at the same time, as the weakest link in the EU’s internal decision-making.

What matters in this regard is the way the Council performs its role as a legislator and forum for the representation of the interests of national governments. Given the long tradition of Council decision-making and the scope of EU legislation, negotiations within the Council are highly routinized. This is expressed through formalized decision-making procedures and a developed bureaucratic infrastructure as well as a web of pre-negotiation forums (see below). However, the work of the Council has an informal or social dimension, too. There is a general preparedness to compromise and to seek common solutions to the problem of potentially incompatible national positions. This attitude is reproduced over time as individual negotiators know that they negotiate on a wide range of policy issues both simultaneously and repeatedly over time. It would be, therefore, wrong to characterize the Council as an institution primarily obstructing or holding back common decisions over policy. The institution rather ‘should be presented as indispensable to a confederation such as the EU as it allows for interest mediation and aggregation among the member states and embodies the ‘interdependence between the EU tier and the nation states’ (Bulmer 1996: 38).

Whenever the Council acts as a legislator it does so almost always on the basis of a formal proposal from the Commission. This procedural requirement forces the Council to pay attention to the general interest of the Community—as represented by the Commission. Moreover, in most areas in which the EU has law-making competencies the EP is now an effective co-legislator. This implies that the Council is bound to a co-decision procedure. Neither the EP nor the Council can take a decision without the consent of the other institution. However, with regard to the EU’s customs and commercial policies—the most prominent external policy fields for which the Council enjoys law-making powers—the Council can still decide on its own. The EP is either only consulted or informed. Another major legislative prerogative still enjoyed exclusively by the Council is convening so-called Intergovernmental Conferences which are mandated to negotiate amendments to the Treaty—the EU’s quasi-constitutional basis. Intergovernmental Conferences are typically convened when member states are ready to widen the scope of EU activities and/or to transfer more decision-making powers to the Community level. It is through this mechanism that the Council has initiated the most profound changes in the EU’s external policy competences in recent years. The most prominent example is the establishment of the EU’s common foreign and security policy.

Policy co-ordination

The Council also exercises an important policy co-ordination function. This is a task that has become gradually more important with the widening of the integration process following the signing of the EU’s Maastricht Treaty in the early 1990s. By then the EU had identified a number of policy areas which up until then had played little or no role in European integration. These fields included economic and budgetary policy co-ordination in the context of Economic and Monetary Union (EMU), foreign and security policy co-ordination, as well as justice and home affairs including enhanced police co-operation and the co-ordination of asylum and immigration matters. All three areas are generally considered as representing core elements of national sovereignty. Therefore, member states were particularly reluctant to agree to an immediate transfer of formal decision-making competences to the EU level. However, they simultaneously
saw the need for closer integration as national policies became increasingly ineffective in dealing with prevailing policy challenges on a unilateral level. In response to this dilemma, member states committed themselves to a model of closer co-ordination of national policies within the Council. Policy-making in all three of the above-mentioned areas now greatly influences how the EU is perceived as an actor in global governance. What is crucial in this regard is that the Council’s role in the co-ordination of policies with relevance to the Union’s external relations often appears difficult to pin down—especially for external observers. The reason for this is that in the relevant policy fields the EU relies on collective policy action by the member states as it neither commands the resources for policy implementation itself nor can enforce a unitary and consistent policy through the means of EU legislation. This also frequently implies that the common policy stance defined by the Council is not or is only partially followed by individual member states. It is, therefore, not always possible to attribute specific policy actions carried out by national governments to common decision-making in the Council.

However, to characterize the Council’s role as a policy co-ordination forum as irrelevant or faltering would be wrong. In particular when compared with other international policy co-ordination contexts, co-ordination processes within the Council are highly institutionalized. Many of the core co-ordination procedures are defined through Treaty provisions. In addition, the European Council plays an important role in determining the overall direction and scope of the co-ordination process and regularly instructs the Council on it. The Council uses a number of co-ordination instruments to define general or specific policy orientations to be followed on by the individual member states and the other Community institutions. For example, it regularly adopts so-called policy guidelines and common strategies to express the medium-term and/or overall policy goals. In addition, the Council decides on policy recommendations, common positions and common actions to declare either the willingness of member states to act collectively in a specific way and/or to ask individual member states to adopt specific policies at the national level or to revise previous policy decisions in order to comply with the common objectives of the EU. Some co-ordination procedures also enable the Council to adopt formal reprimands directed to individual member states if it is of the opinion that national governments endanger EU policy objectives by their unilateral actions.

All of the above outlined co-ordination instruments are legally not binding for the member states concerned. Non-compliance cannot be sanctioned through infringement proceedings and/or other legal action by the Commission and the European Court of Justice as is the case in areas in which the Council acts as a legislator. In this context, instruments such as peer review mechanisms, therefore, exercise an important informal sanctioning function. Member state representatives and the Commission use Council meetings for exchanging frank statements on what they consider to be inappropriate policy approaches of other member states. The success of the co-ordination process is thus not a foregone conclusion and co-ordination failures have repeatedly challenged the EU’s claim to become a more powerful actor in global governance (Puetter and Wiener 2007). At the same time, the policy co-ordination capacities of the EU have been gradually extended and are underpinned by an increasingly powerful administrative machinery, thus enabling the Council to simultaneously monitor and co-ordinate the positions of national governments on a wide range of issues and fine-tune the activities of the relevant administrative branches of the national administrations.

The immediate outcome of Council deliberations on policy co-ordination is recorded and published through the conclusions of the Council presidency (see below), which in turn appear in official press statements and declarations of the presidency. Through these mechanisms the EU signals its common policy stance both to the outside world and its own member states. What is less visible to the external observer is how the Council monitors and follows up on
policy implementation at the member state level. However, the success or failure of some of the co-ordination processes becomes immediately visible if the EU requests an ad hoc pooling of member state resources with the aim of reaching a collective objective. This happens regularly in the case of the EU’s military operations in response to international crisis situations or in the context of the EU’s efforts to address pressing economic and financial crisis situations at the global level through co-ordinated positions in the G7, G8 or G20 context.

**External representation**

Finally, the Council also represents the EU in relation to the outside world in a number of policy areas. It shares this competence with the Commission. There are a number of policy areas in which the task of external representation is exclusively or primarily performed by the Commission. In these areas the involvement of the Council is limited to mandating the Commission to perform this role in a specific way. Examples of this are the areas of trade and development policy. However, in other areas the Council performs this task itself or represents the EU together with the Commission. The most prominent example is the field of foreign and security policy. In this field the Council is not only the central actor as it co-ordinates common policy positions and mandates potential EU action in the military and civilian field, but it is also the institution to which governments and non-governmental actors from outside the EU talk to. To enable the Council to perform this role more effectively the most senior civil servant of the institution—the Secretary-General of the Council Secretariat—acts also as the EU’s High Representative for the Common Foreign and Security Policy. The High Representative is a quasi foreign minister of the EU and speaks as well as negotiates on behalf of the Council with actors outside the EU. In addition, the Council might be represented in international negotiations or crisis mediation efforts through a foreign minister of a member state who has been mandated to perform this role. Besides foreign policy and security issues the Council plays also an important role in representing the EU on international economic and financial issues. Based on an agreement within the European Council the minister representing the EU is not the acting president of the Council formation dealing with this policy field—the ECOFIN Council—but the finance minister presiding over the Eurogroup. This arrangement reflects the incomplete implementation of the single European currency, which not all member states have adopted (yet). The president of the Eurogroup now participates in the finance minister meetings of the G7 and the G20 on a regular basis and also attends the annual spring meetings of the International Monetary Fund (IMF) and the World Bank. However, as in foreign policy, the Council shares its external representation function in this policy field with the Commission and—on some aspects of monetary policy—with the European Central Bank (ECB). The absence of an arrangement that would allow the EU to be represented by a single representative in international economic and financial affairs is seen as undermining its influence in the relevant negotiation forums (Bini Smaghi 2004; McNamara and Meunier 2002).

**Decision-making procedures and practices**

The Council gives all member states, regardless of their size, equal access to the decision-making process as it is based on a one seat per country rule. There are different decision-making procedures depending on about what the Council is deciding. Each of these procedures foresees the final adoption of decisions through a formal vote. The decision-making procedure most commonly applied in policy areas in which the EU enjoys decision-making competences is the one of qualified majority voting. This procedure implies that each member state commands a certain
share of the vote within the Council, which is specified in the Treaty. Voting shares are currently not proportional to the size of a country’s population, but also take into account balance of power considerations between smaller and bigger member states and potential voting coalitions. During the negotiations of the EU’s failed Constitutional Treaty and later in the process of negotiating the Lisbon Treaty a system of a ‘double majority’ has been established instead, which would require a winning majority to be constituted of at least 55% of the voting member states representing together at least 65% of the EU’s total population.9

In addition, the Council decides by unanimity rule on a range of issues that are considered to be especially sensitive to national sovereignty. The unanimity rule is also the standard decision-making procedure in the field of foreign and security policy. Originally, unanimity was used for a much wider range of policy issues. The transition towards qualified majority voting is generally seen as an expression of a higher degree of integration. Indeed, the introduction of qualified majority voting has helped to resolve deadlock in a few issue areas in which one or a smaller group of member states positioned themselves against the rest of the member states. Finally, on a number of procedural matters the Council decides by simple majority voting.10 Despite the political attention that has been devoted to the construction of the individual decision-making procedures, actual voting exercises are not typical for most of the decision-making in the Council. In fact, the Council takes most of its decisions by consensus. Sometimes individual member states decide to abstain but only rarely decide to formally vote against a tabled decision. This practice is another indication of the culture of consensual decision-making that prevails in the Council.

The Council’s internal organization

The work of the Council is organized according to different policy areas. For each of these areas a specific Council formation takes responsibility. This structure resembles, but does not fully match, the division of labour between different ministries within national administrations. Each member state is represented by the minister who has responsibility for the corresponding policy portfolio at home. There can be only one minister per country at a time unless the Council meets within an extended format. Each minister is accompanied by a small delegation. The Commission is always represented by its responsible Commissioner. With now 27 member states, Council meetings have become quite well populated. The overall number of different Council formations has been limited to ten. The most senior configurations are meeting typically once a month. Among them are the Foreign Affairs Council and the Economic and Financial Affairs Council (ECOFIN). Both formations are also those most involved in global governance issues.

Council meetings are chaired by the minister coming from the member state that holds the rotating EU presidency. The president of the Council—or more precisely the presidents of the different Council configurations—not only chair the meetings but are also responsible for agenda co-ordination. The respective ministers also represent the Council to the outside world, be it at the regular press conference after each meeting or whenever the Council is representing the EU on the international stage. The Foreign Affairs Council is chaired and represented by the High Representative.

Another feature of the Council’s internal organization is the dense web of pre-negotiation forums which are set up around the work of the different Council formations. Some of these committees are permanent and composed of senior civil servants and deputy ministers from the member state capitals as well as Brussels-based diplomats. Other committees and working groups are temporary arrangements and are created in order to deal with specific legislative initiatives or policy review. These groupings often assemble critical technical expertise. There are currently about 250 expert committees and working groups working in the context of the
Council.11 The Council’s committee system also greatly contributes to the cultivation of bilateral contacts between officials and experts at all levels of national administration and with their counterparts in the Commission, which is typically fully involved in the work of committees and working groups. This infrastructure, which is also referred to as comitology, enables the Council to mobilize political consensus around major decisions already in the policy formation phase. The Commission also uses the committee system to test planned legislative initiatives or co-ordination proposals before officially submitting them to the Council for final decision-making.

The most senior preparatory body is the Committee of Permanent Representatives (COREPER). It brings together the so-called Permanent Representatives of the member states. These are senior diplomats of ambassador rank with the authority to represent their respective governments at the EU and to negotiate on their behalf within the Council. COREPER, which itself sits in different formations, mirrors the full agenda of the Council and reviews all items prior to any discussion among ministers. Other high-ranking committees that are involved in the final preparation of the actual discussions in the Council are the Economic and Financial Committee (EFC) and the Political and Security Committee (PSC). These two committees are of particular relevance with regard to the Council’s co-ordination function. They also have the authority to decide on a number of technical, procedural and implementation issues when being instructed by the ministers to do so. They can also investigate and introduce topics on their own initiative. For example, the PSC oversees the EU’s foreign policy and security activities. It also has the capacity to implement ad hoc EU responses to a foreign policy crisis by mobilizing the diplomatic, military and civilian resources of the member states. Moreover, the PSC exercises political control over other committees and working groups focusing on technical implementation. Similarly, the EFC exercises a crucial co-ordination function between senior civil servants in the finance ministries and the central banks of the member states, the Commission and the ECB. It plays an important role in preparing common EU positions for the G7, G20 and the IMF. It also receives on a regular basis representatives of other international financial organizations—notably the IMF—and acts as a forum for policy dialogue between the EU and global governance structures.

The work of the Council is supported by the Council Secretariat, which is a large-scale administration of its own. Its staff consists of EU-level civil servants and exists separately from the staff of the Commission. The Secretariat plays an important role with regard to the practical organization of the work of the Council. It ensures co-ordination of the various levels of national administrations that are involved in the Council work, and with the relevant EU-level institutions such as the Commission and the EP. With regard to the substantial policy work of the Council the Secretariat functions as an institutional memory. It monitors all Council activity and plays a crucial role in preparing the agenda of Council meetings. The most senior civil servants of the Secretariat are in charge of drafting and co-ordinating the agenda with the different capitals. At the same time they prepare and edit the ‘output’ of the Council’s negotiations: legal acts, communications, conclusions and press statements. With regard to agenda preparation, the Council Secretariat works closely with the presidency of the Council. A special branch of the Council Secretariat, the Council’s Legal Service, ensures consistency and compliance of all Council activity with EU law and other legal obligations relevant to the work of the Council.

Theorizing the work of the Council

Although the Council has been first alone and then together with the EP the key legislator within the EU’s system of governance and has been pivotal in determining the pace and direction of the integration process, it has for a long time received comparatively little attention.
This is true for a number of classical approaches in European integration theory. Even intergovernmentalists have focused on the ‘grand bargains’ (Moravcsik 1998) about treaty reform rather than on the day-to-day decision-making within the Council itself. Attempts to actually conceptualize the political role of the Council remained limited (a notable exception is Bulmer 1996). A first attempt to capture the full Council setting empirically and to show the interplay of Council formations, committees and administrative resources was presented by Martin Westlake in the mid-1990s, who was by that time a Commission official. This study appears now in its third edition and is co-authored with David Galloway, a high-ranking official in the Council Secretariat (Galloway and Westlake 2004). In the academic field the most authoritative account on the Council has emerged from the work of Fiona Hayes-Renshaw and Helen Wallace (Hayes-Renshaw and Wallace 2006). Their study, which first appeared in 1997, also seeks to provide a comprehensive account of the Council as a political and administrative institution and introduces key processes and a wide range of aspects of the Council’s work. Hayes-Renshaw and Wallace focus in particular on how key decision-making dynamics and practices within the Council have evolved over time and also situate their findings within the general academic research on the Council and within political debates on institutional reform. Another key study on the Council, which devotes greater attention to the conceptual challenges focusing political science and public policy research on the Council has been conducted by Philippa Sherrington (2000). In particular, Sherrington tries to theorize the Council’s role as a legislator more clearly and introduces approaches both from the field of policy analysis and negotiation theory to the discussion.

In addition to these studies and mainly since the second half of the 1990s a growing research literature has emerged covering specific aspects of Council decision-making and of the Council’s administrative structure. A stream of researches, which has been inspired by institutionalist and constructivist perspectives in European integration theory, has evolved around the question of what characterizes the Council as a polity, and how specific institutional contexts and established practices affect the overall decision-making process. Here, socialization dynamics among Council officials, diplomats and committee members have been found to be a crucial factor in injecting a consensus-oriented bias into the Council’s work, which is especially the case in the preparatory negotiation phase (Egeberg 1999; Lempp 2009; Lewis 1998). Moreover, the comitology phase of Council decision-making has been analysed as a crucial source of legitimacy of EU legislation seen from the perspective of member state governments. In particular, the reference to technical arguments and the collective process of policy formation commit national administrations to legislative processes at the EU level. This is crucial as the EU relies on its member states during the implementation phase. The Council’s practice of preparing legislation through a comitology process has therefore been conceptualized as a form of ‘deliberative supranationalism’ (Joerges and Neyer 1997; Joerges 2002). The idea that a central political function of Council procedures and institutional practices is to mobilize consensus and support on the part of national administrations has also been transferred to the non-legislative aspects of the Council’s work—the field of policy co-ordination. Here, successful consensus formation among the most senior representatives of national governments—the ministers—decides on the fate of common policy approaches as the EU has no legal means to sanction non-compliance and relies on the ministers as advocates of commonly agreed policy guidelines within their respective governments. The use of informal Council formats and the creation of specific informal groupings such as the Eurogroup have been found to be crucial in this regard. This practice in Council decision-making has therefore been characterized as ‘deliberative intergovernmentalism’ (Puetter 2003, 2006). In contrast to research focusing on the consensus-generation capacities of the Council, strategic interactionist perspectives have tried to conceptualize decision-making conflicts in the Council and have looked in particular at the implications of the Council’s complex
voting rules (Hosli 1996). Here, the focus is on conditions for deadlock in decision-making and the potential formation of voting coalitions in response to diverging national policy preferences.

Conclusions: lessons for regional and global governance contexts beyond the EU

The Council setting is of particular interest to other regional and global governance contexts beyond the EU. As these contexts always emerge from an agreement among national governments to pool resources at a supranational level the intergovernmental dimension of such contexts is usually central to their functioning. Parallels could be drawn with the UN context in which the Security Council as well as the General Assembly share a number of characteristics with the Council of the EU. Also more informal and less institutionalized contexts such as the G7, G8 and G20 contexts could be compared to the Council, in particular with regard to their policy co-ordination function.

The most notable difference between the Council of the EU and other intergovernmental settings is the degree to which the work of the Council is routinized and institutionalized. The Council’s infrastructure, which integrates national bureaucracies at all levels of decision-making, the general culture of compromise and the long-term perspective of negotiators, are crucial in this regard. Similarly, the Council’s ability to deal with the challenge of policy co-ordination in areas in which the EU has limited or no law-making competencies is not conceivable without the Council’s long history as a negotiation forum and the high degree of routinization of the overall decision-making process. Even in areas in which policy preferences diverge, member states typically continue to exchange information and keep discussion channels open. A good example is the EU’s nascent foreign and security policy, which is operated against the background of different policy traditions and structural differences between smaller and bigger member states. Despite these obstacles, the Council has developed a complex co-ordination framework and institutionalized structures for information sharing and the pooling of national resources among member states.

A key issue for consideration when discussing the potential transferability of the Council experience to other contexts of regional and global governance is the one of how the Council is embedded in the EU’s wider institutional architecture. For example, the Council’s role in EU law-making is hardly conceivable without taking into account the role of the Commission as the initiator of the legislative process. Similarly, the importance of the EU’s own judiciary system headed by the Court of Justice cannot be ignored as it has structuring and cultivating effects on the overall legislative procedure. Finally, the emergence of the EP as an effective co-legislator implies that Council action in the legislative arena becomes more structured and constrained by procedural and external factors. Yet, on most external affairs issues the EP still lacks the capacity to exercise effective control over Council decision-making. Finally, policy areas that are subject to EU-wide policy co-ordination are a genuine domain of Council decision-making. However, the Council’s powers are limited in these fields, too. The European Council increasingly oversees the policy work of the Council and defines the main policy orientations. At the same time the role of the Commission is still highly important in these fields although it might often be less visible to the public.

Notes

1 The Council is also referred to as the Council of Ministers, as the members of the Council—the national governments—are typically represented at the level of ministers. In official EU language the Council is
called the Council of the European Union. It is therefore sometimes confused with the Council of Europe, which is, however, a separate international institution and thus not a part of the EU’s institutional framework.

2 In 1998 the informal Eurogroup was created. It brings together the finance ministers from all member states having already adopted the EU’s single currency—the euro. Although it does not have formal decision-making powers it de facto exercises some of the Council functions in this specific policy domain.

3 Strictly speaking the Council’s role in EU decision-making is laid down by two Treaties governing the EU—the Treaty establishing the European Community (TEC) and the Treaty on European Union (TEU). The former Treaty contains the general institutional provisions on the institutional role and status of the Council as well as specific definitions relating to the role of the Council in most of the areas of EU activity. The TEU is relevant to the work of the Council in the way that it specifies a number of general features of the EU as a political union. At a policy level the TEU provisions on common foreign and security policy are of particular relevance as they empower the Council to act as the central decision-making institution in this policy field.

4 For a very good introduction into the complex process of co-decision see Shackleton (2002: 104–9).

5 For an encompassing account of the process of Treaty change which highlights the interrelatedness of administrative procedures and resources normally employed by the Council and Intergovernmental Conferences, see Christiansen and Reh (2009).

6 Since then many EU activities in the field of justice and home affairs have become regulated by formal EU legislation as member states have agreed to new transfers of decision-making powers.

7 The specific terminology used for each instrument depends on the policy field. The above examples refer to the most common instruments used in the common foreign and security policy and in economic policy co-ordination.

8 For an introduction to the EU’s role as an actor in world politics and a detailed account on how the EU’s external representation is performed by different community institutions—notably the Commission and the Council—depending on which policy aspects are concerned, see Bretherton and Vogler (2006).


10 One of the best and most comprehensive accounts on formal decision-making within the Council as well as the historic development of core procedures and practices is provided by Hayes-Renshaw and Wallace (2006: 259–320).

11 This figure is provided by the EU. See www.consilium.europa.eu/showPage.aspx?id=426&lang=en.