



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 November 2009

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**POLGEN 191
INST 160**

"I/A" ITEM NOTE

from : Antici Group

to : Permanent Representatives Committee / Council

No. prev. doc.: 14852/09

Subject : Draft Council Decision laying down measures for the implementation of the European Council Decision on the exercise of the Presidency of the Council

1. Following discussions as part of the preparations in view of the entry into force of the Lisbon Treaty, the Antici Group had, on 18 November 2009, a final examination of the above text and reached agreement on it.
2. Coreper is therefore invited to recommend that the Council adopt the draft Council Decision laying down measures for the implementation of the European Council Decision on the exercise of the Presidency of the Council as set out in Annex in part « A » of the agenda for a forthcoming meeting.

DRAFT

COUNCIL DECISION

of 2009

laying down measures for the implementation of the European Council Decision
on the exercise of the Presidency of the Council
and on the chairmanship of preparatory bodies of the Council

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 16(9) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 236(b) thereof,

Having regard to the European Council Decision on the exercise of the Presidency of the Council, and in particular Article 2, third subparagraph, and Article 4 thereof,

Whereas:

- (1) Measures should be laid down for the implementation of the European Council Decision on the exercise of the Presidency of the Council (hereinafter referred to as "the European Council Decision").
- (2) Those measures include the order in which the pre-established groups of three Member States are to hold the Presidency in turn for consecutive periods of 18 months taking into account of the fact that there exist since 1 January 2007, in accordance with the Council's Rules of Procedure, a system of Council's 18-months programme agreed between the three Presidencies which hold office during the period concerned.
- (3) In accordance with Article 1 of the European Council Decision, the composition of the groups must take account of the diversity of the Member States and geographical balance within the Union.
- (4) The division of responsibilities among the Member States within each group is determined by Article 1(2) of the European Council Decision. In either of the situations provided for in Article 2(1) of the present Decision, the Member States within each group will by common accord determine the practical arrangements for their collaboration.
- (5) In addition, those implementing measures should include specific rules with regard to the chairing of preparatory bodies of the Foreign Affairs Council as provided for in Article 2, third subparagraph, of the European Council Decision.

- (6) Most of these preparatory bodies should be chaired by a representative of the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter "the High Representative"), for some of them after a transitional period, and the rest of these bodies should continue to be chaired by the six-monthly Presidency.
- (7) Preparatory bodies which are not chaired by the six-monthly Presidency should also be listed in the present Decision, as provided for in Article 2, third subparagraph, of the European Council Decision.
- (8) The chairmanship of preparatory bodies not listed in the present Decision will be chaired in accordance with Article 2 of the European Council Decision,

HAS DECIDED AS FOLLOWS:

Article 1

The order in which the Member States shall hold the Presidency of the Council as from 1 January 2007 is set out in Council Decision of 1 January 2007 determining the order in which the office of President of the Council shall be held.¹

The division of this order of Presidencies into groups of three Member States, in accordance with Article 1(1) of the European Council Decision, is set out in Annex I to the present Decision.

¹ OJ L 1, 4.1.2007, p. 11.

Article 2

1. Each member of a group as referred to in Article 1 shall in turn chair for a six-month period all configurations of the Council, with the exception of the Foreign Affairs configuration. The other members of the group shall assist the Chair in all its responsibilities on the basis of the Council's 18-months programme.
2. The members of a group as referred to in Article 1 may decide upon alternative arrangements among themselves.
3. In either of the situations provided for in paragraphs 1 and 2, the Member States within each group shall by common accord determine the practical arrangements for their collaboration.

Article 3

The order in which the Member States shall hold the Presidency as from 1 July 2020 shall be decided by the Council before 1 July 2017.

Article 4

The preparatory bodies of the Foreign Affairs Council shall be chaired in accordance with the rules set out in Annex II.

Article 5

The Council preparatory bodies listed in Annex III shall be chaired by fixed chairs as set out in that Annex.

Article 6

This Decision shall enter into force on the day of its adoption. It shall be published in the *Official Journal of the European Union*.

Done at _____, 2009

For the Council
The President

Germany	January-June	2007
Portugal	July-December	
Slovenia	January-June	2008

France	July-December	
Czech Republic	January-June	2009
Sweden	July-December	

Spain	January-June	2010
Belgium	July-December	
Hungary	January-June	2011

Poland	July-December	
Denmark	January-June	2012
Cyprus	July-December	

Ireland	January-June	2013
Lithuania	July-December	
Greece	January-June	2014

Italy	July-December	
Latvia	January-June	2015
Luxembourg	July-December	

Netherlands	January-June	2016
Slovakia	July-December	
Malta	January-June	2017

United Kingdom	July-December	
Estonia	January-June	2018
Bulgaria	July-December	

Austria	January-June	2019
Romania	July-December	
Finland	January-June	2020

CHAIRMANSHIP OF THE PREPARATORY BODIES OF THE FOREIGN AFFAIRS COUNCIL²

The chairmanship of the preparatory bodies of the Foreign Affairs Council referred to in categories 1 to 4 in the table below shall be organised as follows:

1) Category 1 (preparatory bodies in the area of trade and development):

The preparatory bodies shall be chaired by the six-monthly Presidency.

2) Category 2 (geographic preparatory bodies)

The preparatory bodies shall be chaired by a representative of the High Representative.

3) Category 3 (horizontal preparatory bodies, mainly CFSP)

The preparatory bodies shall be chaired by a representative of the High Representative, except the following preparatory bodies, which shall be chaired by the six-monthly Presidency:

- Working Party of Foreign Relations Counsellors (RELEX);
- Working Party on Terrorism (International Aspects) (COTER);
- Working Party on the application of specific measures to combat terrorism (COCOP);
- Working Party on Consular Affairs (COCON);
- Working Party on Public International Law (COJUR); and
- Working Party on the Law of the Sea (COMAR).

² A review of the scope and organisation of the working structures in the area of foreign affairs should be conducted swiftly after 1 December 2009, in particular as concerns the area of development. The arrangements on the chairmanship of the working parties reviewed should, if needed, be adapted according to the general principles set out in this Annex.

4) Category 4 (ESDP related preparatory bodies)

The ESDP related preparatory bodies shall be chaired by a representative of the High Representative.³

The High Representative and the six-monthly Presidency shall closely cooperate in order to ensure coherence among all the preparatory bodies for the Foreign Affairs Council.

For categories 3 and 4, the six-monthly Presidency shall continue to chair the preparatory bodies during a transitional period of up to 6 months after the adoption of the Council Decision on the organisation and functioning of the European External Action Service (EEAS). For category 2 this transitional period shall last up to 12 months.

Modalities for appointment of chairs

Where the European Council Decision or the present Decision stipulates that a preparatory body (PSC and relevant working parties) shall be chaired by a representative of the High Representative, the responsibility for appointing the chair shall belong to the High Representative. These appointments shall be made on the basis of competence, while ensuring adequate geographical balance and transparency. The High Representative shall ensure that the person he or she intends to appoint as chairperson will enjoy the confidence of Member States. If that person is not yet a member of the EEAS, he or she shall become one in accordance with the EEAS recruitment procedures, at least for the time of the appointment. An evaluation of the functioning of this arrangement shall be made in the framework of the status report on the EEAS foreseen for 2012.

³ The Military Committee (EUMC) and the Military Committee Working Group (EUMCWG) shall continue to be chaired by an elected chair, as shown in Annex III, as was the case before the entry into force of the present Decision.

1. Preparatory bodies in the areas of trade and development	Article133 Committee
	ACP Working Party
	Working Party on Development Cooperation (DEVGEN)
	Working Party on EFTA
	Working Party on Dual-Use Goods
	Working Party on Trade Questions
	Working Party on Commodities
	Working Party on the Generalised System of Preferences
	Working Party on Preparation for International Development Conferences/UNCCD Desertification/UNCTAD
	Working Party on Humanitarian Aid and Food Aid
	Export Credits Group
2. Geographic preparatory bodies	Mashreq/Maghreb Working Party (COMAG /MaMa)
	Working Party on Eastern Europe and Central Asia (COEST)
	Working Party on the Western Balkans Region (COWEB)
	Middle East/Gulf Working Party (COMEM /MOG)
	Asia-Oceania Working Party (COASI)
	Working Party on Latin America (COLAT)
	Working Party on Transatlantic Relations (COTRA)
	Africa Working Party (COAFR)

3. Horizontal preparatory bodies (mostly CFSP)	Working Party of Foreign Relations Counsellors (RELEX)
	Nicolaidis Group
	Working Party on Global Disarmament and Arms Control (CODUN)
	Working Party on Non-Proliferation (CONOP)
	Working Party on Conventional Arms Export (COARM)
	Working Party on Human Rights (COHOM)
	Working Party on Terrorism (International Aspects) (COTER) ⁴
	Working Party on the application of specific measures to combat terrorism (COCOP) ⁴
	Working Party on OSCE and the Council of Europe (COSCE)
	United Nations Working Party (CONUN)
	Ad hoc Working Party on the Middle East Peace Process (COMEP)
	Working Party on Public International Law (COJUR, COJUR-ICC)
	Working Party on the Law of the Sea (COMAR)
	Working Party on Consular Affairs (COCON)
	Working Party on CFSP Administrative Affairs and Protocol (COADM)
4. ESDP-related preparatory bodies	Military Committee (EUMC)
	Military Committee Working Group (EUMCWG)
	Politico-Military Working Party (PMG)
	Committee for Civilian Aspects of Crisis Management (CIVCOM)
	Working Party on European Arms Policy

⁴ The question of the Working Party on Terrorism (International Aspects) (COTER) and of the Working Party on the application of specific measures to combat terrorism (COCOP) will also be dealt with in the framework of the discussion on the JHA working structures.

CHAIRPERSONS OF COUNCIL PREPARATORY BODIES WITH A FIXED CHAIR

Elected chairs

Economic and Financial Committee

Employment Committee

Social Protection Committee

Military Committee⁵

Economic Policy Committee

Financial Services Committee

Military Committee Working Group⁵

Code of Conduct Group (Business Taxation)

Chaired by the General Secretariat of the Council

Security Committee

Working Party on Information

Working Party on Legal Data Processing

Working Party on Electronic Communications

Working Party on Codification of Legislation

Working Party of Legal/Linguistic Experts

Working Party on New Buildings

⁵ See also Annex II.