



EUROPEAN COUNCIL

COVER NOTE

from : General Secretariat of the Council

to : Delegations

Subject : EUROPEAN COUNCIL

CONCLUSIONS

Delegations will find attached the conclusions of the European Council
(07/08 May 2010).



The Commission and the European Citizens' Initiatives (ECI)

1.

The preamble of the Lisbon Treaty mentions protection of the rights of minorities. Furthermore, The Lisbon Treaty introduces in Art. 11 TEU a new form of public participation in European Union policy shaping, the European citizens' initiative, which enables one million citizens who are nationals of a significant number of Member States to call directly on the European Commission to bring forward an initiative of interest to them in an area of EU competence.

2.

This new provision is a significant step forward in the democratic life of the Union. It provides a singular opportunity to bring the Union closer to the citizens and to foster greater cross-border debate about EU policy issues, by bringing citizens from a range of countries together in supporting one specific issue.

3.

However, in Art. 24 TFEU, the Treaty leaves it up to the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, to set out the procedures and conditions for how the citizens' initiative will function in practice.

4.

Given the importance of this new provision of the Treaty for citizens, civil society and stakeholders across the EU and considering the complexity of some of the issues to be addressed, the Commission launched a broad public consultation with the adoption of a Green Paper on 11 November 2009. The consultation elicited over 300 replies from a broad range of stakeholders, including individual citizens, organizations and public authorities. A public hearing was also held for all respondents to the Green Paper on 22 February 2010 in Brussels.

Ensuring that citizens' initiatives are representative of a Union interest

5.

The European Council agreed, that one third of the Member States shall be the minimum number of Member States from which citizens supporting an ECI must come. This draws on other provisions of the Treaty, according to which nine or one third of Member States is sufficient to ensure the representation of a Union interest. It is the threshold used in the provisions on "enhanced cooperation" which provide that "at least nine Member States" must participate. It is also used as the threshold needed to trigger the subsidiarity procedure provided for in Article 7 of the Protocol on the application of the principles of subsidiarity and proportionality, annexed to the Treaties. This threshold also reflects the outcome of the European Commission's public consultation.



Minimum number of citizens per Member State

6.

The European Council agrees with the proposal of the European Commission, which provides for a fixed threshold for each Member State, which is degressively proportional to the population of each State with a minimum threshold and a ceiling.

7.

In order to ensure that these thresholds are based on objective criteria, the Commission has based them on a multiple of the number of Members of the European Parliament for each Member State. The multiple chosen is 750 in order to reflect the demands of many stakeholders to set a threshold below 0.2% of the population, on the one hand, and to take account of concerns that the threshold in small Member States should not be too low, on the other. Indeed, by using a multiplication factor of 750, the threshold for over half of Member States would be lower or significantly lower than 0.2% of the population, whilst for the smaller Member States the threshold would be higher. This system will thus allow a proportionately lower number of signatories for large countries and a proportionately higher number for small countries.

Minimum age

8.

As stated in Art. 165 TEU, the European Union shall contribute to the development of quality education and encourage the development of youth exchanges and of exchanges of socio-educational instructors, as well as encourage the participation of young people in democratic life in Europe. In order to promote these aspects of the European Union mission, to strengthen the European Union interaction with the European Youth, and for the European Union to be able to recognize and carry to the needs and aspirations of the European Youth, the minimum age for participation shall be set to 16 years of age. However, in order to ensure, that the European Youth is able to take responsible decisions, there will be an education Initiative started by the European Commission, beginning in 2010 and lasting until 2012. Until this transition period ends, the minimum age will be 18 years.

Requirements for the collection and verification of statements of support

9.

The organizer of an initiative must submit a request to the Commission for a decision on the admissibility of the initiative after having collected 300.000 statements of support from signatories coming from a Member State.

Registration of proposed initiatives

10.

There shall be a mandatory system of registration of proposed initiatives on an online register made available by the Commission. This reflects the broad support



expressed for this option during the European Commission consultation. Registration will not imply an endorsement of the proposed citizens' initiative by the Commission.

Procedures and conditions for the collection of statements of support

11.

There shall be no restrictions as to how statements of support should be collected. The collection of statements of support shall be possible online provided that security features guaranteeing the authenticity of the collected statements are in place given the need to draw up detailed technical specifications in order to implement this provision, it is proposed that the Commission should lay down these specifications by means of implementing measures.

Time-limit for the collection of statements of support

12.

The Time-limit for the collection of statements of support should be 12 month, ensuring on the one hand that citizen's initiatives stay relevant, and on the other hand, that the collection period is sufficiently long so that the complexity of working throughout the European Union is taken into account.

Decision on the admissibility of proposed citizens' initiatives

13.

The Commission should have two months to assess and take a decision as to whether the initiative falls within the framework of its powers and concerns a matter for which a legal act of the Union can be adopted for the purpose of implementing the Treaties.

Requirements for the verification and authentication of statements of support

14.

Verification of Statements of Support shall be the responsibility of the Member States, in accordance with verification systems the use to verify statements of support for national citizens initiatives.

Examination of a citizens' initiative by the Commission

15.

The Commission should have a time-limit of 4 months to examine a citizens' initiative which has been formally submitted to the Commission in accordance with the provisions of the Regulation. Here, the most important factor is whether the given initiative falls within the framework of the Commission's scope of action. If admissible, the Commission should publish a Communication on what it thinks should be done



about the issue. Both the Parliament and the Council are to be kept informed of this process. Following this, a law proposal should be drafted.

16.

If the Commission refuses to address the proposed issue and has no legal power to initiate the proper legislation, then it should do two things: *first*, it should say who does have the power to address the particular problem; and *second*, it should also commit itself to monitoring how the process develops and then report on it. Should the Parliament, as the only EU institution with a direct mandate from European citizens, feel that the Commission did not do everything in its power to address the specific issue it should *reserve the right to call on a responsible Commissioner* to give an explanation to the Parliament.

External Action Service

1.

Article 27(3) TEU constitutes the legal basis for the Council decision on the organization and functioning of the EEAS.

“In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organization and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission.”

In the light of the above, the European Council agrees that:

SCOPE

2.

The scope of the EEAS should allow the HR to fully carry out his/her mandate as defined in the Treaty. To ensure the consistency and better coordination of the Union's external action, the EEAS should also assist the President of the European Council and the President as well as the Members of the Commission in their respective functions in the area of external relations as well as closely cooperate with the Member States.

Staffing

3.

The total numbers of staff of the EEAS contributed by the Member States will be 2070. EEAS staff will come from three sources: relevant departments of the General



Secretariat of the Council and of the Commission as well as staff from Members States.

4.

1/3 of the staff will be seconded by the member states

1/3 of the staff will be drawn from the European Commission

1/3 of the staff will be drawn from the European Councils General Secretariat

5.

All three categories of personnel should be equally treated, including as concerns eligibility to assume all positions under equivalent conditions. Staff from Member States should therefore have the status of temporary agents which, on the basis of Conditions of employment for other servants, grants them the same opportunities, rights and obligations (including functions, responsibilities, promotion, pay, leave and social benefits) as those of staff coming from the two other sources of origin.

6.

The working group on the proposed arrangement of staff of the European External Action Service came to the following conclusion:

National officials shall be appointed according to the allocation principle decided in the Nice Treaty which is used for the distribution of votes in the Council of Ministers.

According to this allocation the number of votes currently held in the Council will be multiplied by 6 for each member state to determine the respective number of appointed staff:

Italy, France, United Kingdom, Germany	174	
Poland, Spain	162	
Romania	84	
Netherlands	78	
Portugal, Hungary, Belgium, Czech Republic, Greece	72	
Austria, Sweden, Bulgaria	60	
Lithuania, Ireland, Finland, Denmark, Slovakia	42	
Luxemburg, Cyprus, Estonia, Slovenia, Latvia	24	
Malta	18	
27	2070	Total

All member states that initially vetoed the proposal agreed to it within the framework of the working group. The proposal is thus formerly adopted.

7.

The HR will be the appointing authority. Recruitment should be undertaken through a transparent procedure based on merit with the objective of securing the services of staff of the highest standard of ability, efficiency and integrity while ensuring adequate geographical balance, a need for a meaningful presence of nationals from all EU Member States in the EEAS and aiming towards gender balance⁴. A recruitment procedure would be established associating representatives of Member States, Commission and GSC.



8.

The EEAS will have nine senior posts:

One secretary general, running the EEAS day to day administration but acting as a primus inter pares with the deputy secretary generals. The secretary general will not be able to stand in for the High Representative. Candidates for secretary general will have to be interviewed by the European Parliament.

One deputy secretary general responsible for administrative matters. One deputy secretary general serving as a stand in for the High Representative. Candidates for deputy secretary generals will have to be interviewed by the European Parliament.

Six director generals, each one managing a directorate. Candidates for director general will have to be interviewed by the European Parliament.

If appointees to senior EEAS posts and strategically important political positions on the ground are to be heard by the relevant parliamentary committee before taking up their duties, expert of the relevant Commission DGs should have the right to be represented in this committee.

- According to the Presidency report to the European Council on the EEAS a first status report should be drawn in 2012 followed by a review on the scope of the EEAS in 2014. The responsibility for the report and the review shall be with the High Representative in his function as vice-president of the European commission. The report will present proposals for improvement which shall be submitted to the EP, the Commission and the European Council.

The secretary general and his two deputies should be sought among the staff of the Council and the Commission rather than among national diplomatic services. This is in order to guarantee the necessary independence of the EEAS and the expertise on EU affairs. This way, it will also be avoided that one member state influences on the structure of the EEAS and therefore that struggles among member states occur.

The British government suggests that the competences formerly under the control of the Secretary General, shall be distributed evenly among the established college including the Secretary General and the Deputy Generals. Thus the Secretary General will be in charge of the administrative supervision, he shall represent the High Representative in case of absence of the latter. One deputy General shall be in charge of Staffing and Budget. The second Deputy General shall be in charge of Security, Communication and Information

9.

Appointments to Senior Posts will be merit based, but at the same time, equal representation has to be kept in mind. Therefore, each senior officer will be national of a different member state.



Single desks

10.

The EEAS should be composed of single geographical (covering all regions and countries) and thematic desks which would continue to perform, under the authority of the HR, the tasks currently executed by the relevant parts of the Commission and the Council Secretariat.

11.

While the EEAS will have geographical desks dealing with the candidate countries from the overall foreign policy perspective, enlargement will remain the responsibility of the Commission.

12.

Trade and the development policy as defined by the Treaty, should remain the responsibility of relevant Commissioners and DGs of the Commission.

Throughout the whole cycle of planning and implementation of these instruments, which remain under the authority of the Commission, the High Representative and the EEAS shall work in consultation with the relevant members and services of the Commission. The EEAS shall in particular have responsibility for preparing the Commission decisions on the strategic, multi-annual steps within the programming cycle. Given their portfolio responsibilities in the Commission, the proposals and programming documents pertaining to the European Development Fund, the Development Cooperation Instrument and the European Neighbourhood and Partnership Instrument, shall be prepared by the relevant services in the EEAS and the Commission under the direct supervision and guidance of the Commissioners for Development and Neighbourhood respectively, and then jointly submitted with the High Representative for decision by the Commission.

ESDP and crisis management structures

13.

In order to enable the High Representative to conduct the European Security and Defense Policy (ESDP), the Crisis Management and Planning Directorate (CMPD), the Civilian Planning and Conduct Capability (CPCC) and the Military Staff (EUMS) should be part of the EEAS as defined in paragraph 16 while taking full account of the specificities of these structures and preserving their particular functions, procedures and staffing conditions. The Situation Centre (SitCen) should be part of the EEAS, while putting in place the necessary arrangements to continue to provide other relevant services to the European Council, Council and the Commission. These structures will form an entity placed under the direct authority and responsibility of the High Representative in his/her capacity of High Representative for Foreign Affairs and Security Policy. This arrangement will fully respect Declaration n° 14 annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon.



14.

To restrict the HR to fulfill her task in the crisis management area, preparations of actions related to the CFSP budget and the instrument of stability, a consultation with the ministers in charge of the crisis situation should take place. The decision making process will remain as today within the Council. The technical implementation of these instruments will be managed by the HR in consultation with the ministers. Considering the HR is the vice president of the Commission, the Commission is closely involved in this procedure.

Other

15.

Effective consultation procedures should be established between the EEAS and the services of the Commission with external responsibilities, including those in charge of internal policies with significant external dimensions.

16.

Once in office, the High Representative should regularly consult the European Parliament on the main aspects and the basic choices of the CFSP/CSDP. Close contacts with the EP will take place at working level. The EEAS should therefore contain functions responsible for relations with the EP.

LEGAL STATUS

17.

The EEAS should have an organizational status reflecting and supporting its unique role and functions in the EU system. The EEAS should be a service of a sui generis nature separate from the Commission and the Council Secretariat. It should have autonomy in terms of administrative budget and management of staff. The EEAS should be brought within the scope of Article 1 of the Financial Regulation. This would allow the HR to:

- propose a budget for the EEAS, which would be a separate section of the EU budget (under Heading V). The usual budgetary rules will apply.
- perform the duties of authorizing officer; implement the Service's administrative budget.
- act as appointing authority for EEAS staff.

The EEAS should have an organisational status reflecting and supporting its unique role and functions in the EU system. The EEAS should be a service of a sui generis nature separate from the Commission and the Council Secretariat. It should have autonomy in terms of management and Staff and budget as previously approved by the European parliament. Notwithstanding, it must regularly consult with the Commission and the European Parliament.



The High Representative

1.

S/he shall be chosen by the European Council, acting by a qualified majority, with the agreement of the President of the Commission and has to be approved by the European Parliament for five years with the possibility of reelection. The European Council may end his/her term of office by the same procedure. Together with this office HR is also the Vice-Presidents of the Commission. S/he shall represent the Union at the ministerial level or at international organizations with regard to CFSP matters, which means:

- conducting and developing the Union's common foreign and security policy,
- presiding over the Foreign Affairs Council, Secretary-General of the Western European Union and the European Defense Agency,
- heading the External Action Service and delegations, controlling over staffing and budgeting of the European External Action Service,
- ensuring the consistency of the Union's external action,
- being responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action, preparing reports and proposals of most decisions before they are presented to the Council,
- coordinating the Common Security and Defense Policy,
- consulting the European Parliament regularly on key issues related to the CFSP and ESDP and informing him about the development of these policies,
- ensuring the coordination of civilian and military aspects in case of carrying out missions of peacekeeping, conflict prevention and strengthening international security,
- in cases requiring a rapid decision may, within 48 hours to convene on its own initiative or at the request of a Member State, an extraordinary meeting of the Council. In case of a very urgent need for this can be achieved faster,
- looking for a solution when one of the members of the Council declares that for a reason of national policy intends to oppose the decision taken by qualified majority,
- responsibility over the European Union Special Representatives,
- representing the EU at international forums,
- chairing the board of the European Union Institute for Security Studies.

2.

The High Representative represents the Union in international negotiations in all areas of external policy without prejudice to Art. 18 TEU

In accordance with Art. 218 TFEU, international Treaties in the area of CFSP should be signed by the High Representative, all other Treaties should be signed by the respective presidency of the Council.

Whenever there is no need for a mandate the President of the European Council will represent the Union.

3.

The High Representative is obliged to inform the European Parliament about its activities stipulated in Art. 1.



4. In the event of resignation, compulsory retirement or death, the HR shall be replaced temporarily by the appropriate deputy of the HR, until a new person takes the office. This condition will ensure continuity of policy and not interfere significantly with other Institutions.

5.

If the President of the Commission has to step down or cannot continue his duty due to compulsory retirement, health issue or death, s/he shall be replaced by one of his/her vice president, except for the HR. The Replacement of the respective Vice-President is regulated in Art. 246 TFEU. The HR shall remain in office and continue to deal with current business of the Vice-President of the Commission, without loss of uniformity of any of the posts.

The President of the European Council

6.

S/he shall be chosen by national leaders for two and a half years with the possibility of reelection and shall not hold a national office during his time in office. Holding an office means playing a political role. The President shall not be involved in the voting process to ensure his/hers impartiality. S/he also shall not have the power to conduct political negotiations in the Union's name. Moreover s/he may put a specific European Council's position on the High Representative.

7.

S/he shall represent the Union at the level of Head of State or Government, which means:

- bringing greater cohesion, consensus and consistency to the actions of the EU,
- ensuring the preparation and continuity of the work of the European Council in cooperation
- with the President of the Commission, and on the basis of the work of the General Affairs Council,
- convening the meetings,
- chairing summits of the European Council and driving forward its work,
- coordinating work of the European Council,
- presenting a report after each meeting of the European Council to the Parliament,
- promoting the EU agenda.

8.

The President signs the international treaties negotiated by the HR in the Area of CFSP.



The Office of the President of the European Council

1.

The Office of the President of the European Council shall have 150 members of staff, it shall:

- advise the President on all issues relating to his position,
- inform the President of all problems whether relating to internal or external affairs, the economy, society or culture,
- complete preparatory work for the President,
- carry out the instructions of the President,

- prepare the reports after each Council's meeting for the European Parliament.

2.

The duties of the Office of the President of the European Union are derived from the powers transferred upon the President by the Treaties.

3.

The Office of the President of the European Council shall be led by a Deputy to the President of the European Union.

4.

The Office of the President of the European Union shall be divided into four Directorate Generals, each consisting of several desks: A Central Directorate General, an Internal Affairs of the European Union Directorate General, an External Affairs of the European Union Directorate General and a Council preparatory Directorate General.

- The Internal Affairs Directorate General is responsible for all internal affairs of the European Union issues.
- The External Affairs Directorate General is responsible for all external issues, it will work in cooperation with the European External Action Service and the High Representative for Foreign Affairs of the European Union.
- The Central Directorate General is responsible for the administrative and technical running of the Office of the President.
- The Council preparatory Directorate General shall help the President in his tasks concerning the preparation and chairing of the European Council meetings and coordination the work of the European Council.



5.

The Office of the President of the European Union shall have a Public Relations Division. It shall maintain contact to the media and prepare interviews with the President of the European Union. It shall prepare and follow up work on the publicity for the President's appointments. It shall examine possibilities of cooperation and harmonization in the media field between the EU and its Member States, and shall help the President of the European Council in promoting the agenda and positive achievements of the Union.

6.

In the Office of the President of the European Council shall be working one Liaison Official from the EEAS, the General Secretariat of the Council and the European Commission respectively.

European Council President vis a vis the Council of Ministers

1.

There shall be enhanced cooperation between the President of the European Council and the General Affairs Council in the preparation of the Agenda of the European Council.

2.

The decision establishing the list of Council configurations, other than those of the General Affairs Council and of the Foreign Affairs Council, in accordance with Article 16(6) of the Treaty on European Union. The following list of Council configurations shall be established:

- General Affairs
- Foreign Affairs
- Economic and Financial Affairs
- Agriculture and Fisheries
- Justice and Home Affairs
- Employment, Social Policy, Health and Consumer Affairs
- Competitiveness
- Transport, Telecommunications and Energy
- Environment
- Education, Youth and Culture

3.

Development Cooperation will be added to the tasks of the Council for Foreign Affairs

Fiscal Coordination

1. A European Rescue Fund will be established as an instrument for secure investments. In the next Council Meeting there will be a set up of more detailed rules to introduce the Security Fund itself to be an asset security for further investments and to set up rules, when a country or a mis-investment will be able to use the money out of the fund



2. The EuroStat will be restructured into at least three sectors

a) EuroStat as an institution as it is today

b) A rating agency will have to be established, which will be working as the rating agencies in the business world (e.g. Fitch) BUT will be only delivering data to the European Institutions and not to any other international organization. This set up may only be changed in a unanimous voting of the European Council. This way there will be two SEPERATE and INDIVIDUAL point of views where investments can be measured on.

c) International consulting teams will be established, advising troubled member states in economic affairs

Reduction of the European Commission

The European Council agrees that the reduction of the European Commission is an urgent topic, which will be discussed at the next European Council Summit..