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EUROPEAN COUNCIL CRISIS SIMULATION
20 April 2012



RULES

COUNCIL OF MINISTERS: GENERAL AFFAIRS AND FOREIGN RELATIONS COUNCIL

The EU Council of Ministers, when meeting at the ministerial level, may consider all issues permitted under the 2007 Lisbon Treaty. The Council of Ministers normally meets in Brussels, but may change venue temporarily upon procedural vote. As a meeting of foreign ministers and member state ambassadors, this session represents the General Affairs and Foreign Relations Council of the European Union.¹ The body is mandated to address issues including border security (the Schengen Rules), immigration policy and EU enlargement and foreign relations.

PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION

The Presidency of the Foreign Relations Council is the High Representative for Foreign Affairs, appointed for a two-and-a-half year term by the Council, under the 2007 Lisbon Treaty, Article 15.

The President has full agenda-setting powers, may recommend decisions, propose resolutions and try to facilitate agreement among EU member states. The President determines when consensus decision-making is impossible and Qualified Majority Voting is necessary.

BASIC PRINCIPLES OF DELIBERATION: Consensus and QMV

The Council of Ministers tries to emphasize consensus operations and decision-making. The Presidency has the ability to raise issues to the attention of the Council, to invite discussion, and request decisions. Members of the European Union also have the ability to raise issues to the attention of the Council, propose action and request decisions. Decisions can be based on consensus—no opposition—or Qualified Majority Voting (QMV).

DEBATE IN THE COUNCIL OF MINISTERS

Deliberations of the Council are guided by modified rules of parliament procedure, summarized in the *Rules Short Sheet*.

¹ The 2007 Lisbon Treaty divided foreign affairs and general affairs into separate bodies. They are presented here as a single body for the purposes of this simulation only.

The President initiates debate but speaks only on procedural matters, including requests to set topics, propose resolutions, request an end to debate and call votes. Debate is the right of Members of the Council.

The Presidential staff maintains a central speakers list established at the beginning and maintained through each session. The President sets parameters for speakers to insure fairness, sets speaking time, question limits and response time.

At any time during debate (except during voting procedures) a delegation may motion to request a *moderated caucus* (chaired by the President to allow brief statements to gauge country views on an issue) or an *unmoderated caucus* (suspending all formal procedures to permit informal discussion and deliberation).

In the Council of the European Union there is no change in rules between formal or informal debate.

VOTING IN THE COUNCIL OF MINISTERS

There are three types of vote depending on the Lisbon Treaty provisions for the subject being dealt with:

- *Simple Majority* of Member States, for procedural decisions,
- *Unanimous Voting* (consensus), used in for judicial and home affairs including counter-terrorism and law enforcement cooperation, and fiscal affairs such as spending and taxation policy, and normally for foreign and defence policy.
- *Qualified Majority Voting* (QMV), the weighted voting system based on the populations of Member States (*Table 1*); normally used for many decisions concerning the internal market. *In the AccessEU/ODU simulation*, QMV is permitted in foreign and security affairs, when unanimity is not possible.

In the absence of consensus, QMV is the Council's basic decision-making mechanism. All three of the following conditions apply to decisions under QMV, as agreed in the 2007 Lisbon Treaty. If all 27 Member States of the European Union are present, QMV means that a positive vote requires the following three conditions:

- A majority of EU member states, or at least 14 of 27 member states,,
- At least 74 percent of voting weights, or 255 of the total of 345 voting weights, and
- At least 62 percent of the represented population, or 311 of 450 million EU residents represented by the states that vote in favour.

The QMV formula is administered by the Council Presidency.

DECISIONS OF THE COUNCIL OF MINISTERS OF THE EUROPEAN UNION

The General Affairs Council operates within the basis set by the treaties of the European Union, including the Treaties of Maastricht (1991), Nice (2003) and Lisbon (2007), and under its *primary legislation*. The Council has the power to pass *secondary legislation* in the form of regulations, directives, and decisions:

- a. *Regulations* - a binding legislative act. It must be applied in its entirety across the EU. For example, when the EU wanted to protect the names of agricultural products coming from certain areas such as Champaign or Parma Ham, the Council adopted a regulation binding all member states.
- b. *Decisions* - binding on those to whom it is addressed (e.g. an individual EU member country or a company) and directly applicable. For example, when the Commission issued a decision fining software firm Microsoft for abusing its dominant market position, the decision applied to Microsoft only.
- c. *Directives* - legislative acts that sets goals for all EU member countries to achieve. Directives may specify Applicant States as well. A directive may specify a schedule for implementation. However, the implementation process is left to individual countries to decide themselves. This was the case with the Working Time Directive, which stipulates that too much overtime work is illegal. The directive sets minimum rest periods and maximum working hours, but asks each country to devise its own laws on implementing this.

There are two other types of legal acts by the Council of Ministers, Recommendations and Opinions. These are *not* binding. They may be addressed to EU Member States, Applicant States, or Non-Members:

- a. *Recommendations* - allows the institutions of the European Union to make their views known and suggest a line of action without imposing any legal obligation on those to whom it is addressed.
- b. *Opinions* allow European Union institutions to make a statement in a non-binding fashion, without imposing any legal obligation on those to whom it is addressed. An opinion is not binding. It can be issued by the main EU institutions (Commission, Council, Parliament), the Committee of the Regions and the European Economic and Social Committee. While laws are being made, the committees give opinions from their specific regional or economic and social viewpoint.

Table 1: Qualified Majority Voting Weights
Treaty of Lisbon 2007

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