

Niels Ersbøll, The General Secretariat of the Council (5 October 1998)

Caption: In 1998, Niels E. N. Ersbøll, General Secretary of the Council of the European Communities from 1980 to 1994, analyses the role of the Secretariat and describes the development of his relations with the Presidency since the year of his taking office.

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The General Secretariat of the Council

Since 1980 the role of the General Secretariat has become increasingly important. The clearest formal indication of this development is the recognition of the Secretariat in the Treaty. But preceding that was the Council's decision to transform the post of the Secretary General, emphasising his role as adviser to the Council. The original idea, which was presented by Germany's Claus von Dohnanyi was even more ambitious. In his view there was a need for what he called an "alter ego" of the President of the Council, someone to be his closest collaborator in Council affairs and who could stand in for him in absence, for instance in contacts with representatives of third countries. At the time this was too much for a number of Member States, fearing a weakening of the Commission. The Council's eventual decision was nonetheless recognition of a very real need to strengthen the Secretariat. The decision undoubtedly accelerated a development which was inevitable.

This development is closely related to the ever growing importance of the Council Presidency. Even today it is probably not fully recognised by all Member States that the support structure of the Presidency must correspond to the nature of the Presidency: a duty shared by all Member States to serve the common interest, rather than an opportunity to promote a national agenda. A successful presidency is one that subordinates its narrower national interests to the interests of the Union. The Member State holding the Presidency continues to be represented in the Council and the national support structure continues to serve the national representation. It has — and can only have — a much more limited role in the activities of the Presidency. If the Presidency is to receive optimal support, it must make full use of the services of the Council Secretariat. The basic secret of a successful Presidency is intimate knowledge of and understanding for the views, problems and interests of the other Member States, the Commission — and increasingly the European Parliament. No national administration can hope to compete with the Secretariat in these respects.

An efficient Secretariat needs a clearly defined "identity". It must combine high professional competence, considerable independence, objectivity and modesty. It serves, not so much the individual Presidency, but the Council and in a general sense the interest of the development of the Union in accordance with the Treaties and the "acquis communautaire". Although ultimate responsibility lies with the Presidency, it is the duty of the Secretariat to provide independent and objective advice to the Presidency, in other words to act like any responsible administration — national or international.

My own experience with the relations between Secretariat and Member States got a flying start with a deep crisis caused by a dispute over the salaries of the civil service of the Communities, which was well under way when I joined the Secretariat in the autumn of 1980. There seemed to be no possible basis for dialogue between the two, their relationship being too unequal. The Member States seemed to me dominated by the view that the Secretariat's basic role was to do as it was told and to "know its place" in the order of things. "Knowing its place" meant being efficient and largely invisible — like any good old-fashioned servant. Even in 1980 it seemed to me a hopelessly outdated concept for relations between the central Community institution and its administrative support structure. The creation of the "Conciliation Committee" — at my suggestion and with the Secretary General of the Council as Chairman — was at least as important as a symbol of a basic change of attitude as it was as an instrument for dialogue in preference to social conflict.

The Council is no exception from the general experience that success begets success. The first years of the eighties provide the foundations for the golden years between 1984 and 1991. The Council Secretariat played an important role in that development. Two factors are of particular interest in this context: the close relationship of the Secretariat with successive Presidencies and the contributions of the Secretariat to the development of the special and unique procedures and working methods of the European Council.

A cursory description of the before and after situations of the European Council will illustrate the point:

Before

After

- A committee of national officials working in parallel with the meeting of Heads of State or Government attempted to put into words what the European Council agreed. There was not necessarily any concordance between the actual debate of the European Council and the texts submitted by the officials
- The notes of the Secretariat, taken during the meeting of the European Council, serve as the basis — the only basis — for draft conclusions submitted to the European Council in time for detailed examination and approval by Heads of State or Government

- The “Presidency Conclusions” from meetings had little authority, and were as often as not ignored subsequently at the Council or even subordinate levels
- Because of the detailed examination and explicit approval of the draft conclusions, the final conclusions have acquired the authority that was to be described by President Delors before the European Parliament as equivalent to that of the Treaties

- Preparation of the meetings of the European Council was ad hoc — sometimes fairly thorough as in the case of the Schmidt/Giscard/Jenkins efforts to create the European Exchange Rate System — but more often purely formal and consisting in the Council of General Affairs taking note of the agenda proposed by the Presidency
- Direct personal preparation by the President with the other members of the European Council based on very detailed ideas and proposals generally resulting from close consultation between the President, the President of the Commission and the Secretary General of the Council, who as a rule prepared an outline draft to serve as basis for consultations

- Absence of any careful planning of the use of the very limited time of a typical European Council meeting (two half days and a working dinner) resulting in insufficient time to deal with the agenda in an orderly fashion reflecting the relative importance of the individual points
- First — a carefully prepared Secretariat “scenario” providing in detail for the use of every minute of the meeting and second — intensive work by the staffs of the Presidency, Commission and Secretariat in the evening and night of the first day to provide a careful draft of conclusions ready for examination by Heads of State or Government early next morning

An important factor in the development of the Presidency/Secretariat relationship is the briefing notes of the Secretariat. Their general aim is to make the President the best-informed person in the meeting room. Best-informed as regards the views and interests of the Member States and the Commission, best-informed on the substance of the agenda, and prepared to make proposals for agreement. A President thus equipped can generally count on the full co-operation of the Council. The same is true of the meetings of Coreper and the expert groups.

A particularly important Secretariat contribution is that of the Legal Service of the Secretariat. The Community’s nature, a system based in law, inevitably creates a need for high-grade legal advice to the central decision and law-making body, and the Council Legal Service has demonstrated its capacity to meet this need. That capacity is closely dependent on the authority and credibility of the legal advice given, but also on the ability of the legal adviser to understand that his role is closer to that of the lawyer advising his client than to that of the judge settling an issue.

Advising the Council and the Presidency is, however important, not the only crucial task of the Secretariat. It is one of the world’s largest conference services and one of the most efficient. It has to deal with challenges that no other comparable service is facing. At the moment 11 official languages require written and oral translation. Community and Union activities have constantly expanded into areas requiring detailed new expertise often of a highly technical and complex nature.

The fact that the Council is made up of the representatives of Governments has made it politically necessary to provide for equitable distribution of posts in the Secretariat between the nationalities. At the same time the main asset of the Secretariat is continuity and memory. So far the Secretariat has managed these challenges admirably well: in spite of successive enlargement from 6 to 15 Member States, the Secretariat has retained its basic identity. It has obviously grown considerably in numbers, but it is still relatively small considering its innumerable tasks.

A constant issue in public debate about “Europe” is the level of salaries and privileges of the public service of the European Union. Salaries are undoubtedly high in absolute terms. Whether they are high relative to

the salaries of national representatives working in Brussels is not quite so clear. When the Secretariat had to recruit collaborators from Member States for the new Directorate General to deal with the common foreign and security policy, it was generally found that at comparable age and experience national diplomats expected higher levels of remuneration than those offered by the Secretariat.

What is clear is that the working conditions of the Secretariat staff differ starkly from those applying to most people in present-day national administrations: The Secretariat must regularly expect to work when other people sleep or enjoy life with their families. Community legislation on the maximum working week has little meaning for staff at the Secretariat. Working overtime is a feature, not an exception. Were it not, the size of the Secretariat would grow to monstrous proportions.

Compared to the Commission, career patterns are generally more stable and predictable in the Council Secretariat. I consider this to be a general advantage. To preserve its identity as an international body, and indeed its “esprit de corps”, which is crucial for its efficiency, it must remain free of national interference with recruitment except for a very small number of posts at the top, notably that of the Secretary General. Even at the level of Director General, Member States ought to interfere as little as possible with the choice of candidate as long as the so-called national balance is preserved. Indeed, the best service Member States can render to the efficiency of the Secretariat is to accept that qualifications should always precede other considerations including the “national balance”. During the next decades the Council will face challenges that surpass anything encountered in the past. A weakening of the quality of the Council staff at all levels is the last thing needed.

The challenges of the future enlargement will extend to the functioning of the Secretariat. The concept adopted in the Treaty of Amsterdam of the Secretary General as High Representative for the Common Foreign and Security Policy will pose some difficult problems. There will be a Deputy Secretary General. Yes, but the tasks of the Secretary General in his present role as an adviser to the Council in Community affairs are at least as important as the tasks of the “High Representative”. It is important to keep in mind that fusing Community policies with those in the areas of foreign and security affairs is a condition for the success of the latter.

Whatever practical solutions are adopted, care should be taken to avoid contributing to an artificial “differentiation” between Community and CFSP business.

Similarly it is important to preserve the administrative unity of the Secretariat, and therefore to avoid anything that differentiates between the situations of the existing Council Secretariat and the new Planning and Early Warning Unit as regards staff policy.

The Secretariat is an important asset of the European Union. The quality of its staff is high and compares well with the best of national administrations. It is dedicated to the progress of the Union and to the optimal functioning of the Council. Pride in belonging to a highly professional organisation is manifest at all levels of the staff. The fact that individuals of 15 different nationalities have managed to create a true sense of belonging to a team is a daily reminder of the transformation of Europe, which has happened over the last 50 years.

It is in the best interests of the Member States to keep it that way.