

The origin and development of the General Secretariat of the Council

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The origin and development of the General Secretariat of the Council

The Council is assisted by a General Secretariat that, since its establishment, has provided logistical and language support, legal advice and the administration of the infrastructure needed by the Council and by its preparatory bodies in their activities.

The 1951 Treaty establishing the ECSC made no provision for the establishment of a secretariat for the Special Council of Ministers. The Council's first Rules of Procedure, however, adopted at its inaugural meeting on 9 September 1952, established that a secretariat was to be created to assist the Council. The Rules also stated that the Council would decide on how the secretariat was to be organised and on the appointment of the head of the secretariat, called the Secretary. On the initiative of the German Chancellor and President-in-Office of the Council, Konrad Adenauer, Christian Calmes, a Luxembourg, was immediately appointed as the first Secretary. According to the Rules of Procedure, he was responsible, under the President's responsibility and in accordance with his instructions, for administering the funds made available to the President. At the beginning, the small team of officials led by the Secretary in Luxembourg was essentially concerned with the physical organisation of Council meetings. In 1954, when the Secretariat's first Establishment Plan was produced, it was structured in four divisions, three of which were responsible for administrative, legal and general financial affairs, the fourth specialising in foreign trade policy. The title of 'Secretary-General' replaced that of 'Secretary'. The centralisation within the Secretariat of correspondence addressed to the Presidency foreshadowed the main role of the Secretariat as the permanent supporting body for the rotating Presidency, thereby ensuring continuity in the work of the Council.

The 1957 Treaties establishing the EEC and the EAEC, like the 1951 Treaty, made no provision for setting up a secretariat for the Councils of the two new Communities. At the first session of the EEC and EAEC Councils, on 25 January 1958, however, it was agreed that the secretariat of the Councils of the three Communities would be staffed by the same body of officials. This single secretariat for the three Councils was placed under the responsibility of the person who, being the Secretary-General of the Special Council of Ministers of the ECSC, subsequently headed the Secretariat of the Intergovernmental Committee established by the Messina Conference on the revival of European integration, the Secretariat of the Intergovernmental Conference on the Common Market and Euratom and the Secretariat of the Interim Committee set up to prepare for the entry into force of the Rome Treaties. The new Secretariat was established in Brussels, although it retained a section in Luxembourg until the executive bodies merged in 1967; it was governed by the EEC Council's Rules of Procedure dated 18 March 1958. These stated that the Council would be assisted by a secretariat under the direction of a Secretary-General. Appointed by the Council acting unanimously, the Secretary-General was to be responsible for administering the funds made available to the Council and for submitting the draft estimate of Council expenditure. In 1958, the Secretariat of the Councils numbered five divisions, one with responsibility for administrative and general financial affairs and four specialising in Community policies. The Secretariat was also to acquire its own legal service, as well as a small press office. It now had a staff of 238.

The General Secretariat of the Councils became the General Secretariat of the Council of the European Communities, once the Treaty on the merger of the executive bodies came into force in 1967.

At that time, the Secretariat's tasks were mainly administrative. For example, it performed the role of a registry, producing summary records of meetings of the preparatory bodies and Council session minutes and notifying decisions adopted by the Council to their addressees. However, as a result of its expertise, the Secretariat developed an important role as adviser to the Presidency. It monitored the progress of the matters before the Council, drafted executive summaries, suggested the procedure to be followed and took part in the drafting of various compromise options.

On 26 September 1980, in its decision on the appointment of Niels E. N. Ersbøll as the third Secretary-General, the Council strengthened the role of the Secretariat in order to promote the smoother running of the Council, particularly continuity in and the coordination of its work. For the first time, it spelled out the role of the Secretariat — assisting the Council in general and the Presidency in particular — and recognised the

importance of the Secretary-General's function. It was, moreover, when the Secretariat was headed by Niels E. N. Ersbøll that it assumed a major role in making preparations for European Councils and drafting their conclusions.

Following the entry into force of the Treaty on European Union in 1993, Article 151 of the Treaty establishing the European Community was supplemented by a paragraph on the General Secretariat of the Council, which now gained formal recognition in primary legislation. The Council's Rules of Procedure subsequently stated that the Secretary-General was to take all the necessary measures to ensure the smooth running of the General Secretariat.

The introduction of two intergovernmental cooperation policies, as the second and third pillars of the European Union [the common foreign and security policy (CFSP) and cooperation in the fields of justice and home affairs], substantially enhanced the role of the General Secretariat of the Council. In those domains, in which the Commission does not have its customary prerogatives of proposing legislation and in which the Member States must consult each other within the Council, it is, in practice, the Secretariat that ultimately takes the initiative in preparing a number of drafts for the Presidency. In 1993, at the time when the CFSP was established, the European Political Cooperation (EPC) Secretariat ceased to be an autonomous body (housed on the Council's premises since 1987) and merged with the General Secretariat.

Following the Treaty of Amsterdam reform and the partial communitarisation of the third pillar, the Secretariat's role of 'initiator' in the fields of justice and home affairs was restricted to police and judicial cooperation in criminal matters. At that point, the Schengen Secretariat was incorporated into the General Secretariat of the Council.

With regard to the second pillar, following the Amsterdam reform, the new Article 207 (formerly Article 151) gave the Secretary-General the additional function of High Representative for the CFSP. The Treaty now stated that the Secretariat was placed under his 'responsibility' and no longer under his 'direction', emphasising the political nature of the new function. Pursuant to Article 26 of the EU Treaty, the Secretary-General/High Representative for the CFSP (SG/HR) assists the Council for matters coming within the scope of the CFSP, in particular contributing to the formulation, preparation and implementation of policy decisions and, when appropriate and acting on behalf of the Council and at the request of the Presidency, through conducting political dialogue with third parties. According to the Rules of Procedure, the SG/HR is responsible for assisting the Council and Presidency for matters coming within the scope of the CFSP, including the coordination of the work of the special representatives.

As provided by Declaration No 6 annexed to the Final Act of the Treaty of Amsterdam, a policy planning and early warning unit (PPEWU), known as the Political Unit (PU), was set up in 1999 within the General Secretariat. It was placed under the responsibility of the SG/HR. Since 2001, the SG/HR has also been assisted by the European Union Military Staff (EUMS). Since 18 October 1999, the office of SG/HR has been held by Javier Solana. The former Secretary-General of NATO, he also holds in parallel the office of Secretary-General of Western European Union (WEU).

So that he may fully assume his new function, the Secretary-General of the Council is assisted by a Deputy Secretary-General responsible for the management of the General Secretariat. Like the Secretary-General, the Deputy Secretary-General was originally appointed by the Council acting unanimously. Following the Nice reform of 2001, both of them are appointed by the Council acting by a qualified majority. According to the Council's Rules of Procedure, the Secretary-General and Deputy Secretary-General are responsible for taking all the measures required to ensure the smooth running of the General Secretariat.

In March 1999, the report of the working party set up by the Secretary-General of the Council, *Operation of the Council with an enlarged Union in prospect*, known as the 'Trumpf-Piris report', noted the evolution in the duties of the Secretariat and argued for a further enhancement of its role. According to the report, it had moved on from its passive notary/registrar role to a more active role, assisting the Presidency not only in the application of procedures but also in preparations for substantive negotiations. Among the suggestions made by the report was that the General Secretariat should be more closely involved in the Presidency decisions

on the organisation of work, that it should have special responsibility for the coordination of work, that there should be recognition of its responsibility for the nature and drafting of documents and reports serving as the basis for negotiations and that it should assume a more active role in assisting the Presidency in its 'good offices' function and greater responsibility in searching for compromise solutions.

In December 1999, the Helsinki European Council concluded that the General Secretariat's supporting role as adviser to the Council and the Presidency should be strengthened by being continually and closely associated in programming, coordinating and ensuring the consistency of the Council's work. As a result, it should be encouraged to play a more active role, under the Presidency's responsibility and guidance, in assisting with its 'good offices' function and searching for compromise solutions. These conclusions were then taken up by the Council in its Rules of Procedure, which established that the General Secretariat should be closely and continually linked with the organisation, coordination and monitoring of the consistency of the Council's work, and that it should assist the Presidency in searching for solutions.

In 2005, the Secretariat staff numbered 2 885 people. The Secretary-General and the Deputy Secretary-General are assisted by a private office which includes the services directly associated with the SG/HR, such as the Political Unit and the Military Staff. The Secretariat also has eight Directorates-General (A, B, C, E, F, G, H and I). Directorate-General A is responsible for general administrative affairs, whereas F combines the press services, communication and protocol. The remaining six, with specific areas of responsibility, assist with the preparations for the meetings of the Council in its various configurations. Directorates-General D and J were abolished in 2002, when the number of Council configurations was reduced. Lastly, the Secretariat has its own Legal Service, whose particular function is to assist the Council in its task of monitoring the quality of the drafting of the legislative acts that it adopts. The Legal Service also assists the Council and its preparatory bodies with questions of procedure, competence and legal bases, representing the Council before the Court of Justice of the European Communities in cases to which the Council is a party.