

Policy Coherence for Development in the EU Council: Strategies for the Way Forward

Report prepared by the Centre for European Policy Studies

Executive Summary

Aid alone cannot meet the needs of the poor in developing countries. The European Union is increasingly aware that many of its policies outside of official development assistance have a decisive impact on those living in third world countries. In recognition of that fact, the EU has made policy coherence for development (PCD) a central pillar in its concerted effort to realise the UN Millennium Development Goals.

This study focuses on the policy-making processes in the Council of the EU (sometimes also referred to as Council of Ministers). Since EU policies are generally (co-)decided in the Council, this institution is of vital importance for ensuring policy coherence in general and PCD in particular. We analyse whether the policy-making processes in the EU Council allow for 'development-related' inputs and where these processes are found wanting, we put forth policy recommendations on how PCD could be strengthened. In addition, where appropriate, the role of other institutions, notably the European Commission, is examined.

Studies were conducted in each of the 12 thematic areas identified in the May 2005 Council Conclusions on PCD: trade, environment, climate change, security, agriculture, fisheries, social dimension of globalisation, employment and decent work, migration, research and innovation, information society, transport and energy. For each of these policy areas, a 'fiche' describes in detail the EU policy-making process and how – if at all – development-related inputs are introduced into this process, accompanied by an organigram that diagrams the process and the relationship of the principal players. In addition, six in-depth case studies were carried out in the areas of agriculture, fisheries, trade, climate change, migration and security. The fiches and case studies can be found in Part II of this report.

Key findings

General observations

1. It seems easier to ensure policy coherence in general, and by extension policy coherence for development, in the policy-making processes in the European Commission than in the Council. The main reason is that decisions are ultimately taken by the Commission as a whole, thereby allowing all interests to be represented and cleared at the central level, i.e. the college of Commissioners, whereas decision-making in the Council must navigate the nine sectorally-divided ministerial formations and numerous subordinate bodies, where the majority of decisions are taken.
2. PCD depends on many factors, including which DG in the European Commission assumes the lead in drafting proposals; which Council WP, Coreper and Council formation are in charge; and the extent to which the European Council, EU presidency and General Affairs and External Relations Council (GAERC) actively promote the consideration of development implications in the decision-making process.

Strengthening PCD in EU policy-making processes

A. Council of the European Union

3. *The European Council*, reinforced at times by the EU presidency, has played a significant role in promoting PCD. Of particular benefit to PCD is the fact that all ministerial Council formations can provide input to the preparatory groundwork for summits and the subsequent Presidency Conclusions. However, only a minority of issues are covered by the European Council.
4. Several *EU presidencies* have been instrumental in promoting PCD. The presidency sets the agenda of and chairs the Council meetings and represents the EU Council vis-à-vis the other EU institutions and externally.
5. The study has identified the importance of *single member states* or coalitions of member states to advance the case of PCD at the EU level.
6. The *GAERC* is another important advocate for PCD, although its performance on PCD has been uneven. The more intensively the GAERC deals with policy coherence for development, the more *CODEV* (Committee on Development Cooperation) as its preparatory body on these matters is obliged to concentrate on PCD matters.
7. *Coreper* is very important for PCD as the work of the various sectoral working parties for most policy files comes together in this body, before being channelled up to the relevant Council formations. Coreper is in a key position as it not only prepares the decisions for the Council but also can reach agreement itself by issuing ‘A points’, which are adopted at the ministerial level without further discussion. Nevertheless, our study indicates that Coreper has yet to realise its potential significance for policy coherence for development. Moreover, the division of labour between Coreper I and Coreper II poses further challenges in coordination with regard to policy coherence for development.

B. European Commission

8. When non-development DGs are in the lead, it can be a challenge to ensure that the development implications of a proposal are properly understood and taken into account.
9. Legitimate concerns expressed by civil society, developing countries or other stakeholders in the course of consultation have not always been incorporated in the final decisions.
10. Inter-service consultation and integrated impact assessments on policy proposals offer crucial tools whereby development concerns can be brought forward by DG Development, but to date these have been insufficiently employed.
11. Relevant cabinet members, supported by DG Development and notably the Commissioner for Development, have a particular responsibility to promote PCD.
12. As guardian of the Treaties, the Commission is obliged to ensure that policy proposals respect EU laws and policy priorities, including PCD. Accordingly, within Council negotiations, the European Commission has the ability to advance the case of PCD.

Six proposals for structural reform

This study outlines six concrete proposals for reinforcing PCD in the decision-making processes in the EU Council.

1. Strengthen the accountability of ministers in the Council formations, including their stance on PCD and how EU PCD objectives are incorporated in EU policy by more explicit reporting to the GAERC and more independent studies on development implications of decisions made.
2. Strengthen existing expert groups and create several new ones to focus on the link between a particular sectoral policy and development. These PCD expert groups would report to both the sector-specific working party and to CODEV.
3. Appoint independent PCD observers to take part in the meetings of the Senior Preparatory Committees, where sectoral interests are found to prevail the most. The PCD observers would report to CODEV and Coreper II, and if appropriate to the GAERC.
4. Require periodic and public reporting by the Council Secretariat and its Legal Service to Coreper and the GAERC on progress made in ensuring that relevant Conclusions and Decisions on PCD are respected, notably in non-development policies.
5. Significantly expand the capacity in DG Development and other DGs to ensure that development concerns can be fully taken into account and are made explicit in Commission proposals in such a way that is understandable to non-development specialists as well.
6. Notify DG Development (European Commission) and the PCD expert groups of all decisions by Comitology Committees¹ with external implications in the 12 policy areas that have been identified by the May 2005 Council Conclusions on PCD.

Specific Recommendations for improving the potential for PCD

Below we specify more specific recommendations, or courses of action. We distinguish between immediate and longer-term action, acknowledging that the latter will require more complex structural changes.

For immediate action

1. The EU presidency should use its power for assigning files to the appropriate Council formation, irrespective of where the file has been handled in the European Commission (the study has shown that it matters for PCD which Council formation is responsible).
2. When PCD issues of significant political weight are at stake, the presidency should consider establishing a 'Friends of the Presidency group' to handle a file in a genuinely cross-cutting way.
3. The GAERC should better utilise its coordination role within the Council with regard to PCD and be actively engaged in all the 12 policy areas listed in the Council Conclusions on PCD. It should particularly ensure that the bi-annual PCD Work Programme is of sufficient substance before adoption and ensure its implementation afterwards.
4. Council formations dealing with issues covered by the PCD Council Conclusions should report periodically and publicly to the GAERC on how PCD has been taken into account in relevant decisions. For instance, these reports should coincide with GAERC discussions on the PCD Work Programme.
5. Coreper should pay more attention to PCD and ensure that the work between its two formations is better coordinated, for instance by introducing PCD as a standing concern in the Mertens and Antici Groups that prepare the meetings of Coreper.

¹ Comitology committees oversee the implementation of EU legislation and are made up primarily of national officials and experts, and chaired by the European Commission.

6. In cases where Senior Council Preparatory Committees have resolved most of the substantive points on a file, Coreper should still be in a position to review the file in the light of PCD.
7. Special PCD Observers should be appointed to monitor the work of the Senior Preparatory Committees, which have a particularly strong focus on sectoral interests.
8. PCD Expert Groups should be created to advise the sector-specific working parties and CODEV on the links between non-development and development policies.² In instances where Expert Groups are insufficiently involved, CODEV should report to Coreper II and if necessary, the GAERC.
9. CODEV and DG Development should agree that the latter reports regularly (e.g. four times a year) to CODEV on policy proposals and draft negotiating mandates in the making that are relevant for PCD.
10. The Council Secretariat should regularly and publicly report to the GAERC on its efforts to ensure the coherence of Council Conclusions, and hence their consistency with the PCD Conclusions and other GAERC conclusions on the link between policies and development.
11. The European Commission should offer specific training courses on development implications to improve capacity and skills to deal with the development implications of policy proposals and existing EU legislation.
12. Decisions of Comitology Committees with external implications, including all decisions affecting conditions for exporting to the EU's internal market, should be notified to DG Development and CODEV (or to the newly created Expert Groups on PCD.)

For the longer term

13. European Council Presidency conclusions should regularly reiterate the importance of PCD to give the concept sufficient political weight in EU decision-making. PCD should be discussed in the European Council at least once a year.
14. EU presidencies should give high priority to policy coherence in general, and PCD in particular. They must ensure that PCD has a prominent place in the multi-annual strategic programmes that are developed by subsequent presidencies, devote presidency workshops to PCD-related topics, include PCD concerns in their external representation activities and use their agenda-setting power to ensure that development implications are taken into consideration.
15. Coalitions of member states interested in PCD should develop initiatives to promote PCD in EU policies. These initiatives could include position papers, conferences, workshops, studies and support of development NGOs that are active at the European level.
16. The presidency should actively seek the involvement of the informal network on PCD to facilitate regular contact among development experts to discuss PCD.
17. The GAERC should actively promote PCD during European Council preparations by ensuring that development implications have been made explicit and that those implications are taken into account in the deliberations.

² For example, 12 of such groups could operate alongside the areas covered in the Council Conclusions. They already exist for trade (the trade and development expert group) and climate change (the developing countries expert group). For some areas, the groups could be combined, for instance alongside the Council formations. They could all be labelled as PCD expert groups to make their PCD function explicitly visible.

18. Development Ministers should be enlisted to provide more weight to PCD via their participation in more meetings of the GAERC, notably when trade and other external policies with development implications are concerned.
19. CODEV should devote sufficient time to PCD and actively emphasise the importance of PCD towards other Council bodies.
20. The Council Secretariat should give special attention to improving awareness and provide training for officials to deal with cross-cutting issues, such as PCD.
21. Regular rotation of staff in the Council Secretariat should also be motivated by increasing awareness and comprehension for policy coherence including PCD.
22. As accountability and stakeholder involvement can be expected to increase with scrutiny by the European Parliament, areas that are currently not subject to co-decision, such as agriculture and fisheries, should become so.
23. DG Development in the Commission should provide sufficient resources to monitor policy developments in non-development DGs and to strengthen input in development-relevant files where DG development is not in the lead.
24. DG Development in the Commission should pay particular attention to ensure that there are a sufficient number of officials with adequate skills and authority responsible for monitoring policy developments in non-development DGs and to participate in inter-service consultation and impact assessments.
25. DG Development in the Commission should be more assertive in promoting the interests of PCD during the inter-service consultation, and not shy away from blocking proposals that ignore the development side. Such assertiveness is important to raise the awareness of PCD within all levels of the Commission.
26. DG Development in the Commission should consider the Commission's Legal Service as an ally on PCD, in the context of its responsibility to verify the consistency of new proposals with existing EU legislation and the EU Treaties.
27. DG Development in the Commission should strive to make development aspects and possible impacts of all development-relevant policies more explicit in Commission proposals, and to do this in such a way that it is understandable to non-specialists as well.
28. The European Commission should also consider strengthening the capacity of non-development DGs to ensure that policy coherence and by extension PCD is taken into account. Capacity and awareness will depend on the number, the level and skills of the officials tasked with policy coherence or PCD.
29. The Commission should incorporate development criteria in the Extended Impact Assessments of development-relevant policy proposals as well as in other policy impact assessments and evaluations. DG Development should establish such criteria in close cooperation with other DGs.
30. The Commissioner for Development, supported by the Cabinet and DG Development, should emphasise the development aspects of proposals where DG Development has not been in the lead as these impacts are not always considered automatically by other Commissioners.
31. The Commission should promote PCD in a more pro-active manner in EU Council negotiations.