

THE ROLE OF THE PRESIDENCY IN THE FUNCTIONING OF THE EUROPEAN UNION ROMANIAN PRESIDENCY OF THE EU COUNCIL - CHALLENGES AND OPPORTUNITIES

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Abstract

This year, for the first time in the history of its membership in the European Union, Romania exercises the rotating presidency of the Council of the European Union. As far as the Council is concerned, it is undoubtedly one of the most important decision-making factors, part of what the specialized doctrine calls the "bicameral legislative of the European Union". The manner of exercising the presidency, the role of the Presidency in the proper functioning of the Council, the challenges and opportunities related to it are, in our opinion, topics of interest for the Romanian public and their approach can bring more clarity to the debates held in this honorable, but the difficult period. That's exactly why the aforementioned subjects are the research topic of the research paper that we submit to your attention in the lines below.

Keywords: Romania, EU, Council, Presidency, role, opportunities, difficulties.

1. Introductory considerations.

As we said in the abstract of the research that we are now submitting to your attention, this year, Romania exercises, for the first time in the history of its membership of the European Union, the Presidency of the Council. This gives us the opportunity to analyze both the role of the Council in the institutional set-up of the European Union and the role of its Presidency, in two related research.

Thus, if in the previous study we analyzed the place and the role of the Council in the institutional structure of the EU and we noticed the multiple postures in which it can be found, in the present study we are going further in the same direction and, without repeating the above, making a step towards a detailed analysis of the role of the Council Presidency. To this end, unlike the previous study, we will focus especially on the provisions of the Council's Rules of Procedure and its Annex, complementing our statements with aspects underlined by the specialized doctrine.

Having said that, we will proceed to the analysis of the relevant provisions of the Rules in question.

2. The role of the Presidency in the functioning of the EU Council.

Thus, Article 2 of the Annex to the above-mentioned Rules of Procedure contains general aspects concerning the Council formations and the role of the General Affairs and Foreign Affairs formations. It deepens some of the provisions of the Treaties,

stipulating how the General Affairs Council "ensures the consistency of the work of the various Council configurations" and "prepares the meetings of the European Council and aims to implement the measures taken in cooperation with the President of the European Council and the Commission"¹. Apart from these aspects, the same rule reminds us that "its responsibilities include general policy coordination, institutional and administrative issues, horizontal dossiers affecting several Union policies, such as the multiannual financial framework and enlargement, as well as of any dossier entrusted to it by the European Council, taking into account the rules of operation of the economic and monetary union"².

All these duties are exercised, however, under the coordination of the rotating presidency of the institution concerned. This, as provided for in the Treaties, "provides for a period of 18 months pre-established groups of three Member States (...) formed on the basis of an equal rotation of the Member States, their diversity and the geographical balance of the Union"³. Regarding the balanced constitution of these groups of Member States, it seems useful to remember that the current group includes, besides Romania, two Member States from different geographical regions of Europe, such as Austria and Finland. Within these groups, "each member of a group ensures, for a six-month period, the rotating presidency of all Council configurations, except for the Foreign Affairs configuration"⁴ (this is always ensured by the High Representative for Foreign Affairs and Security Policy except for the situation in which he is "replaced, if necessary, by the member of that formation representing the Member State holding the six-month

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¹ Council Decision of 1 December 2009 adopting the Council's Rules of Procedure (2009/937/EU), OJ L 325, 11.12.2009, p.35, Annex (referred to, in the following, as Council's Rules of Procedure), art. 2 (2), own translation.

² Ibidem.

³ Council's Rules of procedure, art. 1(4), first paragraph.

⁴ Council's Rules of procedure, art. 1(4), second paragraph.

presidency of the Council"⁵ or by another exception - by exception - representing the "the situation in which the Foreign Affairs Council is convened to deal with matters of common commercial policy and when its chairman can be replaced by the six-monthly presidency in accordance with Article 2 (5) second subparagraph)"⁶. In regard to the other members of the group, they "support the Presidency in fulfilling all its responsibilities on the basis of a joint program"⁷ and each of them, "at the request of the Presidency and acting in accordance with its instructions, replaces it, as if necessary, release certain tasks and ensure the continuity of the Council's work."⁸ In other words, the groups in question (or the troika, as sometimes called in the doctrine or in the public space) must, in my view, be regarded as a whole, that is the meaning we infer from the Rules of Procedure. In this way, instead of each Presidency of each state being a strictly individual exercise, by virtue of the fact that each state participates in virtually 3 rotating Presidencies of 6 months (one as the State to take over the Presidency, one in a state holding it and one as a state holding it), a link is made both between the member states of a group and between them and the following groups.

Also, the Rules of Procedure offer states a fairly high degree of flexibility in making mutual arrangements between members of a group, stipulating that they "can reach other understandings"⁹.

In a general look at the role of the Council Presidency, it can be said that the Presidency has an important role to play in the Council's debates, not only because the Presidents are calling for the meetings, but also that the states holding the presidency will be held responsible for the way in which the meetings of the Council are held during their term of office¹⁰. Therefore, the ministers whose states run the Presidency will have the task of preparing and leading the work of the Council. The practice so far has been to stress the role of the Council Presidency and, in particular, the Presidency of the General Affairs Council. It is responsible for establishing the main coordinates of the work of the Presidency, convening the Council and establishing its provisional program. In reality, however, depending on the main points of the program, it is possible that all ministers of the Romanian Government will be involved in the presidency of the EU Council.¹¹

But what, in fact, does the work of the member states of a group, of what we refer to? According to the Rules of Procedure, "for each period of 18 months, the predetermined group of the three Member States holding the Presidency of the Council during that period shall (...) draw up a program of Council activities for the period in question."¹² which is almost impossible to avoid), the program includes issues that interfere with the activities of the Foreign Affairs party, it must be drafted together with its President, in this case, with the High Representative. Also in all cases, the draft program "shall be drawn up in close cooperation with the Commission and the President of the European Council, following appropriate consultations (...), in the form of a single document, at least one month before the beginning of the period concerned, so that it can be approved by the General Affairs Council"¹³. We deduce from them that the program of 18 months of presidency is the work of the members of the group of 3 states that exercise it materially and formally but cannot be drawn up without consulting the representatives of the Commission and the Council European institutions, so these institutions also have a decisive contribution, and the program as a whole is approved by the General Affairs Council, so it must be mastered by all Member States. In other words, the program of a period of 18 months for the exercise of the Presidency must be the result of an interinstitutional collaboration and, consequently, of a broad consensus, without this expression being a cliché, a consensus of which each 3 states must take into account.

So, we described, in the aforementioned the elaboration of the program for a period of 18 months of exercising the Presidency. Naturally, the next step would be to analyze what role the program plays in the economy of the Presidency.

Thus, the Rules provide in this respect that "the Presidency which will carry out its mandate during that period shall draw up, after appropriate consultations, for each Council formation, draft agendas for the meetings of the Council scheduled for the following semester, legislative and operational decisions envisaged. These projects shall be drawn up at least one week before the start of the semester concerned, on the basis of the 18-month program, after consulting the Commission. Projects for all Council configurations are included in a single document. Where appropriate,

⁵ Council's Rules of procedure, art. 2(5), second paragraph.

⁶ Ibidem, (a) Declaration.

⁷ Council's Rules of procedure, art. 1(4), second paragraph.

⁸ Council's Rules of procedure, art. 20 (2).

⁹ Council's Rules of procedure, art 1(4), second paragraph.

¹⁰ Walter Cairns, *Introducere în legislația Uniunii Europene*, Universal Dalti Publishing House, 1997, p. 33, apud Augustin Fuerea, *The exercise of the presidency within the European Union* article published at the International Conference Current Issues of the Political and Legal Area of the EU, Third Edition, October 27, 2016, and published in *Suplimentul Revistei Române de Drept European*, October 27, 2016, pp. 67-75.

¹¹ Augustin Fuerea, *The exercise of the presidency within the European Union* article published at the International Conference Current Issues of the Political and Legal Area of the EU, Third Edition, October 27, 2016, and published in *Suplimentul Revistei Române de Drept European*, October 27, 2016, pp. 67-75.

¹² Council's Rules of procedure, art. 2(6).

¹³ Ibidem.

*additional Council meetings may be envisaged in addition to those previously planned. If, during one semester, any of the meetings planned during that period is no longer justified, the Presidency shall not convene that meeting again*¹⁴.

Further development is described in article 3(1) of the Annex to the Council's Rules of Procedure. Specifically, the provision in question states that *"in view of the Council's 18-month program, the chairperson shall draw up the provisional agenda for each meeting (which he / she) sends to the other members of the Council and the Commission at least 14 days before the beginning of the meeting (and, at the same time, national parliaments and Member States)*¹⁵. In other words, the cooperation referred to above expands, knowing also a dimension that we can call qualitative (regarding the nature of acts subjected to it) as well as quantitative (in its exercise a part of the institutions of the Union are involved and some of the components of democratic legitimacy at Union level, national parliaments).

The provisional agenda we have referred to *"contains the points for which the request for inclusion on the agenda submitted by a member of the Council or the Commission and any related documents were submitted to the General Secretariat at least 16 days before the start of that meeting [and] (...) shall indicate (...) by an asterisk the points on which the Presidency, a member of the Council or the Commission may request a vote. Such an indication shall be made after all the procedural requirements laid down by the Treaties have been met.*¹⁶

The way of exercising the above is also described in one of the footnotes (sic!) of the Annex, which refers to the statements relating to this article, which states that *"the President shall endeavor to ensure that in principle, the provisional agenda for each meeting of the Council devoted to the implementation of the provisions of the TFEU title on the area of freedom, security and justice and any documents relating to those items shall be forwarded to the members of the Council at least 21 days before the beginning of the meeting"*¹⁷.

*"The Presidency shall remove from the provisional agenda the items relating to draft legislative acts whose examination has not been finalized by Coreper by the end of the week preceding the week preceding that meeting, except where a different form of action is required urgency reasons"*¹⁸.

Once the agenda is transmitted, it is time to move our attention to the actual meetings of the Council. In this respect, the Rules stipulate that it *"votes at the*

initiative of the President". In other words, we have already identified one of the roles of the President, to put to the vote the adoption of the acts on the agenda of the Council meeting. But this action is not done in a discretionary manner. The same Rules provide that *"the President must initiate a voting procedure on the initiative of a member of the Council or of the Commission, provided that a majority of the Council members so decides"*¹⁹. *"The Council can vote only in the presence of the majority of the members of the Council entitled to vote in accordance with the treaties"*²⁰ (which, moreover, respects the general philosophy of the rules regarding the conditions under which they may decide the other institutions involved in the Union decision-making process). *When voting, the President, assisted by the Secretariat-General, shall verify that the quorum is met.*²¹

At this point, we must also refer to voting procedures within the Council so that we can become a less visible body, but where the presidency plays a role perhaps even more important than that of its own meetings - the Council said.

Thus, Article 12 of the Rules enshrine the existence of two types of procedures for the adoption of Council acts, written and tacit. The latter is also called the simplified written procedure.

In particular, *"Council acts on an urgent matter may be adopted by a vote in writing, if the Council or Coreper decides unanimously to use the said procedure. In special circumstances, the Chair may also propose the use of this procedure; in this case, the written vote may be used if all the members of the Council agree to this procedure. Where the written vote relates to a matter which the Commission has submitted to the Council, the Commission shall be required to accept the use of the written procedure."*²²

At the initiative of the Presidency, however, the Council may also use a simplified written procedure. It is used: *"for the purpose of adopting the text of a reply to a written question or, as the case may be, a question for oral answer to the Council by a Member of the European Parliament, after the draft reply has been examined by Coreper; for the purpose of appointing the members of the Economic and Social Committee and the members of the Committee of the Regions and their alternates after the draft decision has been examined by Coreper; for the purpose of making the decision to consult other institutions, bodies, offices or agencies, whenever consultation is required by the Treaties and for the purpose of implementing the common foreign and security policy through the << COREU >>*

¹⁴ Council's Rules of procedure, art. 2(7).

¹⁵ Council's Rules of procedure, art. 3(1).

¹⁶ Council's Rules of procedure, art. 3(2).

¹⁷ Council's Rules of procedure, art. 3⁽³⁾.

¹⁸ Council's Rules of procedure, art. 3(5), second paragraph.

¹⁹ Council's Rules of procedure, art. 11(1), second paragraph.

²⁰ Council's Rules of procedure, art. 11(4).

²¹ Ibidem.

²² Council's Rules of procedure, art. 12(1)

network.²³ In cases where this procedure is used, "the relevant text shall be deemed adopted at the end of the period set by the Presidency, depending on the urgency of the matter, unless a member of the Council objects."²⁴

In turn, the Presidency plays an important role in the way in which Council meetings take place, for example in determining whether they are public or closed. It may decide that the Council's further deliberations on non-legislative proposals on "the adoption of rules that are legally binding in or for Member States through regulations, directives, framework decisions or decisions on the basis of the relevant provisions of the Treaties, with the exception of internal measures, administrative or budgetary acts, acts on interinstitutional or international relations or non-binding acts (such as conclusions, recommendations or resolutions)²⁵, which are initially public, to preserve this character unless the "Council or Coreper decides otherwise". Also, the Presidency, but also the Member States or the Commission, may propose "specific themes or topics for these debates, taking into account the importance of the issue and the interest it presents to citizens."²⁶

The Presidency is also responsible for complying with the Rules of Procedure and the smooth running of the Council's work, particularly with regard to its working arrangements.

In this regard, it may, "save where the Council decides otherwise, take all appropriate measures to ensure that the time available during meetings is as effective as possible, in particular: (a) to limit, for a particular debate point, the number of persons in each delegation present in the meeting room and decide whether or not to authorize the opening of an additional room; (b) establish the order in which the points and the duration of the debates are addressed; (c) organize the time allocated to the debate on a particular point, in particular by limiting the time for the participants to speak and setting the order of their interventions; (d) request delegations to submit their proposals in writing for the modification of a text under discussion before a certain date, accompanied, where appropriate, by a brief explanation; (e) request delegations having identical or similar positions on a specific point, text or part of a text to designate one of these delegations to express their common position at the meeting or in writing before the meeting."²⁷

In addition, for the smooth and operational conduct of the Council's work, "the Presidency shall

organize the Council's agendas by grouping the items on the agenda which are linked to each other in order to facilitate the participation of the national representatives concerned, especially if a specific Council formation a number of distinct topics need to be addressed."²⁸

Following the adoption of the acts, they must be signed by the "acting President at the time of their adoption and by the Secretary-General"²⁹ who may delegate the signature of the Directors-General of the Secretariat-General.

In the framework of mechanisms relating to the democratic functioning of the Union's institutions, "the Council shall be represented before the European Parliament or its committees by the Presidency or, with the latter's agreement, by a member of the pre-arranged group of three Member States (...), by the next Presidency or by the Secretary-General"³⁰. It may also be represented by senior officials of the General Secretariat, but they also act in accordance with the instructions of the Presidency. As a rule, these provisions do not apply to the Foreign Affairs Council, where representation of the Council before the EP rests with the High Representative, but as an exception, it "may be replaced by the member of that Council formation representing the Member State exercising half-year presidency of the Council"³¹.

We are now moving to another important role of the Presidency to note that it does not concern only Council formations, with the exception of the General Affairs group, but also the chairmanship of certain bodies coordinated by the Council or whose activities are closely related to it.

Coreper is mainly responsible for preparing the work of the Council. Coreper is also empowered to adopt procedural decisions in the cases provided for in the Council's Rules of Procedure. Although it does not have the power to decide on the merits, in practice, Coreper has become a genuine decision maker.³²

Or, as the doctrine emphasizes, based on the provisions of the Council's Rules of Procedure, "Coreper is responsible for preparing the work of the Council and for carrying out the mandates entrusted to it by the Council. In all cases, it ensures the consistency of the policies and actions of the European Union and ensures that the (...) principles of subsidiarity, proportionality (...), justification of acts, rules (s) for determining the competences of institutions, bodies and

²³ Council's Rules of procedure, art. 12(2)(a).

²⁴ Council's Rules of procedure, art. 12(2).

²⁵ Council's Rules of procedure, art. 8(1).

²⁶ Council's Rules of procedure, art. 8(2), second paragraph.

²⁷ Council's Rules of procedure, art. 20(1), second paragraph.

²⁸ Council's Rules of procedure, Annex I, third paragraph ⁽⁷⁾.

²⁹ Council's Rules of procedure, art. 15.

³⁰ Council's Rules of procedure, art. 26, first paragraph.

³¹ Council's Rules of procedure, art. 26, second paragraph.

³² Paul Craig, Grainne de Burca, Dreptul Uniunii Europene: comentarii, jurisprudență și doctrină, Ediția a VI-a, Editura Hamangiu, București, 2017, p. 47.

agencies Union, budgetary provisions, rules (procedure), transparency and quality of drafting".³³

Coreper brings together senior civil servants (from Member States) and operates on two levels: Coreper II, consisting of permanent representatives of the ambassadorial rank, with competence in sensitive or controversial affairs, such as economic and financial affairs or external relations, and liaises with national governments, and Coreper I, consisting of permanent deputy representatives, responsible for issues such as the social affairs, the internal market and transport.³⁴

The role of Coreper in the internal decision-making process, the Council, and the Union as a whole is, in our view, more important than the primary or secondary law provisions could refer to.

"Coreper shall examine all items on the agenda of a Council meeting, unless the latter decides otherwise. (He) makes every effort to reach an agreement at its level, which is submitted to the Council for adoption. It shall ensure that the dossier is adequately submitted by the Council and, where appropriate, provides guidance, options or suggestions for solutions. In the event of an emergency, the Council, acting unanimously, may decide to deliberate without this prior examination to take place."³⁵

In particular, Coreper examines the legislative proposals that emanate from the Commission and helps set the agenda for Council meetings. This agenda consists of Parts A and B. The first part (List A) covers the subjects on which Coreper has agreed that they can be adopted by the Council without debate, while the second part (list B) contains the themes on which they are additional debates are needed. In the specialized doctrine it is estimated that approximately 70-80% of Council decisions prepared by Coreper and / or working groups are then only formally passed through the Council as points A. "Coreper's decision-making process tends to be a consensus, and in cases where voting rules make it necessary for a qualified majority³⁶, which contributes both to facilitating this process and to greater legitimacy and acceptance of adopted acts.

For its part, Coreper is supported by about 150 working groups, composed of national experts, examining the Commission's proposals, and can also receive information from specialized committees set up by the Treaties or secondary legislation.³⁷

Article 19 of the Rules of Procedure lists, more specifically, part of the tasks of Coreper. It may "*adopt the following procedural decisions, provided that the items relating to them have been included on the*

provisional agenda at least three working days before the meeting. A unanimous decision shall be taken within Coreper for any derogation from that period: (a) the decision to hold a Council meeting in a place other than Brussels or Luxembourg; (b) the authorization to make a copy or extract of a Council document for use in legal proceedings; (c) the decision to hold a public debate in the Council or not to hold a specific deliberation of the Council in public; (d) the decision to make public the results of the votes and the statements entered in the minutes of the Council (...); (e) the decision to use the written procedure; (f) the approval or amendment of Council Minutes (...); the decision to publish or not to publish a text or an act in the Official Journal (...); (h) the decision to consult an institution or body whenever such consultation is required by the Treaties; (i) the decision to establish or extend a deadline for consultation of an institution or body; (j) the decision to extend the deadlines laid down in Article 294 (14) TFEU; and (k) the approval of the wording of a letter to be sent to an institution or body."³⁸

Before returning to the role of the Presidency, we also need to emphasize the fundamental distinction between Coreper and the approximately 150 committees and working groups. Thus, in the specialized doctrine, it has been stressed how Coreper occupies a fundamental place in the Union's decision-making process (which I have described above), prepares the Council's work and executes the tasks assigned to it, and establishes and controls the Council's working groups, while committees and working groups only assist the Council (and Coreper) in preparing the work.³⁹

First of all, under the Rules, "*Coreper's Presidency is assured, depending on the items on the agenda, by the Permanent Representative or the Deputy Permanent Representative of the Member State holding the Presidency of the General Affairs Council.*"⁴⁰ "*The chair of the training groups shall be assisted by a delegate of the Member State holding the Presidency of that formation, except where the Council decides otherwise, by a qualified majority.*"⁴¹ Moreover, the Rules also provides that "*for the preparation of meetings of Council configurations meeting once a semester, where such meetings take place during the first half of the semester, meetings of committees other than Coreper and those of working parties the course of the preceding semester shall be chaired by the Member State delegate who shall chair*

³³ Augustin Fuerea, *Manualul Uniunii Europene*, Ediția a VI-a revizuită și adăugită, Editura Universul Juridic, București, 2016, p.114.

³⁴ Ibidem, p. 47.

³⁵ Augustin Fuerea, *Manualul Uniunii Europene*, Ediția a VI-a revizuită și adăugită, Editura Universul Juridic, București, 2016, p.114.

³⁶ Ibidem, p. 47.

³⁷ Ibidem, p. 48.

³⁸ *Council's Rules of procedure*, art. 19.

³⁹ Augustina Dumitrașcu, Roxana-Mariana Popescu, *Dreptul Uniunii Europene: sinteze și aplicații*, Ediția a 2-a, revizuită și adăugită, Editura Universul Juridic, București, 2015, pp. 65-66.

⁴⁰ *Council's Rules of procedure*, art. 19(4).

⁴¹ ibidem.

the meetings of the said Council." ⁴²Also, assuming that we are not in the presence of an exception, and subject to an agreement between the Presidencies concerned, "if a case is mainly dealt with during a semester, a delegate of the Member State holding the Presidency during that semester may, during the previous semester, chair meetings of the committees, with the exception of Coreper, and of the working groups, when they debate the dossier." ⁴³

An exception is also the situation of the examination of the Union budget for a given financial year, in which case "the meetings of the Council's preparatory bodies other than Coreper, which are responsible for preparing the items on the Council's agenda for the examination of the budget, are chaired by a delegate of the Member State holding the Presidency of the Council in the second half of the year preceding the financial year in question (which happens, with the agreement of the other Presidency) and when discussing the above-mentioned budget items. The Presidencies concerned shall consult on practical arrangements." ⁴⁴

As far as committees and working groups are concerned, the Presidency "organizes their meetings so that their reports are available before the Coreper meetings at which they are to be considered." ⁴⁵

She "ensures that working groups or committees transmit their files to Coreper only when there is a concrete prospect of advancing or clarifying positions at this level. Conversely, files are returned to working groups or committees only when necessary and in any case only for the purpose of resolving precise and well-defined issues." ⁴⁶

It is also up to the presidency to ensure that work progresses between meetings. In doing so, it may, with the agreement of the working group or the committee concerned, carry out "the most effective consultations on specific issues with a view to reporting possible solutions to the working group or committee concerned [and] written consultations requesting delegations to respond in writing to a proposal before the next meeting of the working group or the committee." ⁴⁷

For the smooth running of the preparatory work of the Council, "the Presidency shall, as soon as possible, present to Delegations, in preparation for Coreper, all necessary information to enable Coreper to carry out a thorough preparation, including information on the objective which the Presidency is trying to achieve following the discussion of each item

on the agenda. To the contrary, the Presidency, if necessary, encourages delegations to inform the other delegations, in preparing Coreper work, on the positions they will adopt in Coreper. In this context, the Presidency finalizes Coreper's agenda. If the circumstances so require, the Presidency may convene more frequently the preparatory work groups for Coreper." ⁴⁸

For reasons of efficiency, "the Presidency avoids the inclusion on Coreper's agenda of purely informative points, (...), [such as] the outcome of meetings in other fora, with a third State or another institution, the problems of procedure or organization, etc. [which must be] transmitted to delegations in the preparation of Coreper, in writing, whenever possible, and shall not be repeated during the Coreper meetings" ⁴⁹.

Once the Coreper meeting is opened, the presidency provides all the necessary additional information on the deployment and particularly indicates the time it intends to allocate to each point, avoiding "long introductions and repeating information already made available to delegations" ⁵⁰.

If need be, and if urgency does not require the adoption of another mode of action, "the Presidency shall postpone for a subsequent meeting of Coreper the points relating to legislative acts on which the committee or working group has not completed its work for at least five days working before the Coreper meeting" ⁵¹.

In the course of deliberations on substantive issues, "the Presidency shall, subject to the type of debate required, provide the delegations with the maximum duration of their intervention [which ideally] shall not exceed two minutes." ⁵²

Surprisingly, it is in principle excluded that all participants take the floor, and this can only happen "in exceptional situations where specific issues arise, with the Presidency setting a time for each speech" ⁵³, and "the Presidency focuses as much as possible much more to the deliberations, especially by inviting delegations to respond to compromise texts or specific proposals" ⁵⁴. In the context of the almost tortious search for operability, in which the Presidency's main role is to speed up the pace of Coreper work, "during the meetings and the conclusion the presidency avoids long summaries of the debates and confines itself to concise conclusions on the (substantive and / or procedural)

⁴² Council's Rules of procedure, art.19(5).

⁴³ Council's Rules of procedure, art.19(6), first paragraph.

⁴⁴ Council's Rules of procedure, art.19(6), second paragraph.

⁴⁵ Council's Rules of procedure, art.21, first paragraph.

⁴⁶ Council's Rules of procedure, Annex V(1).

⁴⁷ Council's Rules of procedure, Annex V(2).

⁴⁸ Council's Rules of procedure, Annex V(5).

⁴⁹ Council's Rules of procedure, Annex V(7).

⁵⁰ Council's Rules of procedure, Annex V(8).

⁵¹ Council's Rules of procedure, art. 21, second paragraph.

⁵² Council's Rules of procedure, Annex V(9).

⁵³ Council's Rules of procedure, Annex V(10).

⁵⁴ Council's Rules of procedure, Annex V(11).

results obtained."⁵⁵ Finally, let us further point out that, unless the presidency states otherwise, "delegations do not speak when they agree to a particular proposal; in this case, silence is considered as a principle agreement"⁵⁶.

In a way, the Council Presidency is also linked to the work of other institutions. For example, the Rules of Procedure of the European Council provide that, at least four weeks before each ordinary meeting of the European Council (...), its President, in close cooperation with the member of the European Council representing the Member State holding the six-monthly Presidency of the Council and the President of the Commission, shall submit to the General Affairs Council an annotated draft agenda.⁵⁷

Conclusions.

At first glance, out of all the above, the role of the Council Presidency would appear to be a technical one, mainly linked to the most operative deployment of the works. This perspective, though it would provide a multitude of challenges, would not leave much room for opportunities for the Member State holding the Presidency. However, we are of the opinion that, in a direct relationship with the abilities of the representatives of a state, the Presidency's ability to streamline Council meetings offers appreciable opportunities for the closure of numerous dossiers, some of which are of particular interest to the State concerned, without neglecting the Union's overall interests. In fact, this is the opportunity that this period offers to Romania, but its actual capitalization is related to the capacity of our country's representatives to act as a balancing and dynamic factor in the general economy of the Council's work.

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⁵⁵ Council's Rules of procedure, Annex V(12).

⁵⁶ Council's Rules of procedure, Annex V(16).

⁵⁷ Council's Rules of procedure, art. 2(3)(a).