

SUNY GUIDE TO THE MODEL EUROPEAN UNION
12th Edition



Laurie Buonanno, Kathleen Dowley, and Neill Nugent

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SUNYMEU 2016 in Brussels – hosted by Vesalius University



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Table 1 List of Abbreviations

AFSJ	Area of Freedom, Security and Justice (see JHA)
BREXIT	UK withdrawal from the EU
CAP	Common Agricultural Policy
CEAS	Common European Asylum System
CFSP	Common Foreign and Security Policy
CoR	Committee of the Regions
COREPER	Committee of Permanent Representatives
CSDP	Common Security and Defence Policy
DG	Directorate General
EAA	European Agency for Asylum
EASO	European Asylum Support Organization
EBCGA	European Border and Coast Guard Agency
EC	European Community
ECB	European Central Bank
ECJ	European Court of Justice
Ecofin	Council of Economic and Finance Ministers
ECSC	European Coal and Steel Community
EDA	European Defence Agency
EEA	European Economic Area
EEC	European Economic Community
EESC	European Economic and Social Committee
EMU	Economic and Monetary Union
ENP	European Neighbourhood Policy
EP	European Parliament
ESDP	European Security and Defence Policy (now CSDP)
Europol	European Police Office
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (replaced in 2016 by EBCGA)
GNI	Gross National Income
IMF	International Monetary Fund
JHA	Justice and Home Affairs
MFF	Multiannual Financial Framework
NATO	North Atlantic Treaty Organization
NTB	Non-tariff barrier
OECD	Organization of Economic Co-operation and Development
OMC	Open Method of Coordination
OSCE	Organisation for Security and Cooperation in Europe
QMV	Qualified Majority Voting
SEA	Single European Act
SEM	Single European Market
SGP	Stability and Growth Pact
SPS	Sanitary and Phytosanitary

TEFU	Treaty on the Functioning of the European Union
TEC	Treaty establishing the European Community
TEU	Treaty on European Union
TTIP	Transatlantic Trade and Investment Partnership
UNHCR	United Nations High Commissioner for Refugees
VAT	Value-added tax
WTO	World Trade Organization

SUNY and the Model European Union

The [SUNY Model European Union](#) (SUNYMEU) is a program sponsored by the Institute for European Union Studies at SUNY (IEUSS), SUNY New Paltz, and the SUNYMEU Council. IEUSS is a unit of the [SUNY Office of Global Affairs](#) (SUNY System Administration).

The SUNY Global Center, located in New York City, hosts SUNYMEU in either March or April of odd years, while Versaluis College in Brussels hosts SUNYMEU in early January of even years.

SUNYMEU will take place **Thursday, January 11 through Saturday, January 13 at Vesalius College**. (An optional tour of EU Institutions in Brussels takes place on Wednesday, January 10.) Please telephone Professor Kathleen Dowley at (845) 257-3558 or email dowleyk@newpaltz.edu with any questions about fielding a delegation.

Students and faculty advisors are also directed to the SUNYMEU website, located at http://www.newpaltz.edu/polisci_intlrela/meu.html for online registration and informational updates.



Students and faculty advisors are required to sign up for a group site housed on Facebook where announcements and documents will be posted. (Search under “SUNY Model European Union” to locate this group.)

About the Model European Union

The SUNY Model European Union was founded in 1987 by the State University of New York (SUNY) as an adaptation of the popular Model United Nations (MUN), but differs in its conception, organization, roles, and outcomes. The MUN is, by and large, a simulation for students of diplomacy and foreign affairs, while the Model EU (MEU) simulates policymaking at the ministerial and head of government levels in the European Union. While the UN is an international organization, most scholars regard the EU as being more than this, though the terms they use to describe it, vary. Some, for example, view it as a rather special type of international organization (IO). Some emphasize that it has state-like properties. And some suggest it is a quasi-federal system. Thus, the MEU offers students the opportunities to hone their skills both in diplomacy and governance.

SUNYMEU simulates a summit of the European Council. The summits that signal the end of an EU presidency take place each year in June and December, but with the EU facing a succession of crises in recent years “special” summits of European Councils occur much more often now. The European Council meets on average seven times per year and since March 2017 at the [Europa Building](#) in Brussels.

SUNYMEU is reported on and documented by The **SUNYMEU Press Corps** through various media (e.g. newspapers and video) prior to and during the event. Sample SUNYMEU Press Corps work can be accessed at <https://sunymeus.wordpress.com>. This site contains the pre-simulation and daily newspaper (SUNYMEUS), photo galleries, commentary, and video, which should provide this year's participants with some flavor of the simulation.¹

Using this Manual

This is the 12th Edition of the SUNYMEU Manual. European Union scholars, SUNYMEU faculty, and program coordinators have written this manual to assist students and faculty advisors to prepare for SUNYMEU 2018, which is a simulation of the March 2018 European Council summit. The manual is written with both American and European readers in mind. Therefore, when deemed helpful, comparisons are made between the US and EU governing systems.

SUNYMEU 2018 will be chaired by the European Council President, working in close cooperation with the **Bulgarian Presidency** of the Council (formerly called the “Council of Ministers”). The final outcome of the simulation will take the form of “Conclusions of the European Council,” which will consist of a document of approximately 10-15 pages. These Conclusions will be posted to the SUNYMEU Facebook page, to enable all participants to download and print to include in their dossiers and files.

This manual is divided into four parts.

Parts I & II are written by scholars of the European Union who have served as SUNYMEU faculty and program directors. This part covers aspects of the European Union's history, institutions, and treaties that are relevant to the conduct of SUNYMEU. Each of the editions addresses a current challenge (or set of challenges) which is (are) affecting the EU (Part II – The EU in Crisis.)

Part III is written as a guideline to the European Council simulation, including the roles and meetings to be simulated. This part also includes tips for making the most of one's participation, including chairing meetings and best practices in negotiation.

Part IV lays out the rules of procedures for SUNYMEU authored and agreed by the SUNYMEU Council.²

The Appendices contain various useful documents, including the required template for submission of agenda items. We encourage students and faculty to print out a hard copy of this manual, but also to utilize the e-copy, which contains a dynamic table of contents, embedded links to tables and figures, and many hyperlinks to internet sources.

¹ The 2010 SUNYMEUs and video of SUNYMEU Limerick are housed at <http://www.thesunymeus.blogspot.com/>.

² The SUNYMEU Council is comprised of faculty advisers.

PART I: BRIEF INTRODUCTION TO THE EUROPEAN UNION³

By Laurie Buonanno, Kathleen Dowley, and Neill Nugent

This section provides an overview of the European Union and is not intended as a substitute for the many excellent general texts. The following topics are considered: Member States, Treaties, Institutions, and EU Policies.

EU Member States & the EU's Neighbors

There are 28 members of the European Union. The European Union was established as the European Economic Community (EEC) with the Treaty of Rome (1957). The six founding states were: Belgium, Netherlands, Luxembourg, France, Italy, and West Germany (now Germany). States that wish to be considered for EU membership must be European and satisfy the Copenhagen Criteria.⁴

Membership of the EU is preceded by lengthy accession negotiations. As noted in Table 2 there have been several “enlargement rounds” in the European Community’s/EU’s history, which has resulted in states joining the EU in the following years:

Table 2 Enlargement Rounds

1973	Denmark, Ireland, the U.K.
1981	Greece
1986	Portugal and Spain
1995	Austria, Finland, and Sweden
2004	Poland, Czech Republic, Hungary, Slovakia, Lithuania, Latvia, Slovenia, Estonia, Cyprus, Malta
2007	Bulgaria and Romania
2013	Croatia

Membership in the European Union is formally recognized in **accession treaties**. There are currently seven countries seeking EU membership, as listed in Box 1 Candidates Seeking EU Membership:⁵

³ The principal sources for this section are Nugent, Neill. 2017. *Government and Politics of the European Union*. Eighth Edition. (Palgrave Macmillan) and Buonanno, Laurie and Neill Nugent (2013). *Policies and Policy Processes of the European Union* (Basingstoke: Palgrave Macmillan).

⁴ Applicants must: have market economies; have democracies maintaining the highest standards for civil rights and civil liberties; and, be capable of applying EU laws and policies (the *acquis*).

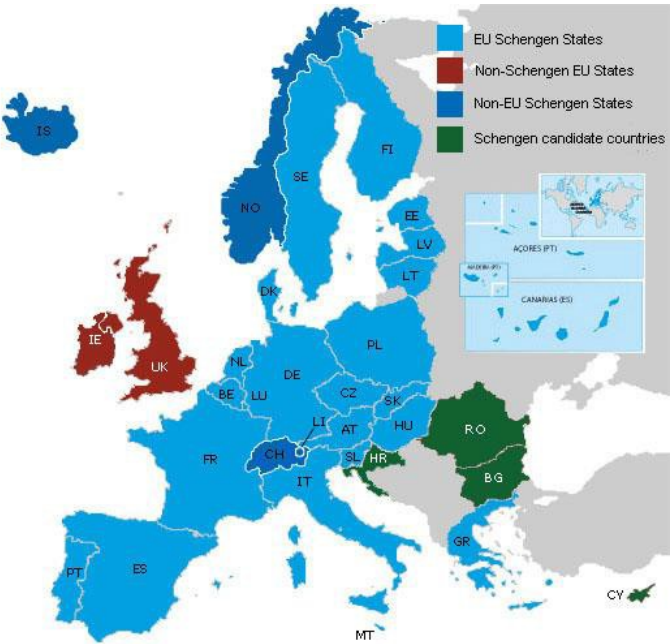
Box 1 Candidates Seeking EU Membership

- Albania (negotiations have not started)
- Bosnia and Herzegovina (negotiations have not started)
- The Former Yugoslav Republic of Macedonia (negotiations have not started)
- Kosovo (negotiations have not started)
- Montenegro (negotiations opened in 2015)
- Serbia (negotiations opened in 2015)
- Turkey (negotiations opened in 2005)

Three other European countries—Iceland, Norway, and Switzerland—are not EU members, although they clearly qualify for membership.

Most EU member states are linked to some neighboring European states by what is known as the **Schengen Convention**, which provides for passport-free travel between the 26 signatory states. (See Figure 1 Schengen Members.)

Figure 1 Schengen Members



Source: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/index_en.htm (status as of September 2017).

Not all EU members have agreed to take part in the Schengen Agreement, but only certain countries that belonged to the EU prior to 2004 have the right to “opt-out” of Schengen. (Similar arrangements apply in respect of the adoption of the Euro, a subject to be covered under ‘policies’.) The UK and Ireland, although not members of the passport-free zone, participate in some of the judicial and police aspects of the Schengen area. Three non-EU

states are permitted to participate in the Schengen area—namely, Iceland, Norway, and Switzerland. Bulgaria, Croatia, Cyprus, and Romania have not yet implemented Schengen, but are expected to do so once they have modernized border policing.

Box 2 Key Information on EU Member States*

	Population (millions)	Surface Area (1000 sq.km)	Size of GDP** (billion euro)	Euro Member	Schengen Member
Germany	81.2	357	3,026	Yes	Yes
France	64.5	551	2,184	Yes	Yes
UK	63.2	249	2,569	No	No
Italy	60.8	302	1,636	Yes	Yes
Spain	46.4	506	1,081	Yes	Yes
Poland	38.0	312	428	No	Yes
Romania	19.9	238	160	No	No
Netherlands	16.9	42	679	Yes	Yes
Greece	11.1	130	176	Yes	Yes
Belgium	11.1	31	409	Yes	Yes
Portugal	10.6	92	179	Yes	Yes
Czech Rep	10.5	79	164	No	Yes
Hungary	9.9	93	108	No	Yes
Sweden	9.7	438	444	No	Yes
Austria	8.6	83	337	Yes	Yes
Bulgaria	7.2	110	44	No	No
Denmark	5.7	43	266	No	Yes
Slovakia	5.5	49	78	Yes	Yes
Finland	5.5	338	207	Yes	Yes
Ireland	4.6	70	214	Yes	No
Croatia	4.2	57	44	No	No
Lithuania	2.9	65	37	Yes	Yes
Latvia	2.2	64	24	Yes	Yes
Slovenia	2.1	20	39	No	Yes
Estonia	1.3	45	20	Yes	Yes
Cyprus	0.8	0.9	17	Yes	No
Luxembourg	0.6	0.3	52	Yes	Yes
Malta	0.4	0.3	9	Yes	Yes
Total	507	4,358	14,631		

Sources: Various, but mainly Nugent, Neill (2017) *Situation in autumn 2017;

**Figures for 2015

EU Treaties

The EU is governed by treaties (rather than a constitution). Nevertheless, the treaties are interpreted and enforced (e.g. the levying of fines to constituent units in breach of treaty obligations) in a similar fashion as that of a federal constitution in federal states. Unlike the “anarchic” international system, the EU takes the form of a quasi-federal political system (though not a quasi-federal state). Until recently, a new treaty was negotiated every four or five years. The treaties are not stand-alone treaties but rather are reforming treaties that amend and build on the existing treaties. The latest reforming treaty is the Lisbon Treaty that came into effect in December 2009. Because the Lisbon Treaty was very difficult to ratify in some member states, there is now no great enthusiasm for further treaty reforms, even though after the crises of recent years reforms are perhaps necessary.

Since the founding treaties of the 1950s, later treaties have thus consisted primarily of making amendments and additions to earlier treaties. Inevitably, as new treaty articles have been created and old treaty articles have been removed, the treaty system has become unwieldy, and virtually incomprehensible to the layperson. The key point to know is that there are **two main treaties: The Treaty on European Union and The Treaty on the Functioning of the European Union**. Together, the TEU and the TFEU form the legal basis for governance in the European Union. The TEU contains 55 articles and the TFEU 358.⁶

The broad distinction between the two treaties is that:

the [TEU](#) establishes the broad principles and operating structures of the European Union.

The [TFEU](#) deals mainly with the policies of the EU and with the details of how policies are made.

Integration Typology

The Hungarian economist, Bela Balassa (1962), was one of the earliest students of European integration. He wrote that the EU would need to pass through a number of stages before achieving the goal of political union that its founders (including Monnet, Adenauer, Schumann, DeGasperi) had envisaged. (See Table 3 Balassa's Theoretical Evolution of Political and Economic Integration.) And although Balassa constructed his paradigm in the early years of European integration, it continues to serve as a useful conceptual framework to examine policy integration and the evolution of European institutions.

Free Trade Area

A free trade area removes tariffs on goods among member countries. Current examples

⁶ Consolidated versions of the two treaties are available at:
<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2010:083:SOM:EN:HTML>

include the North American Free Trade Agreement (NAFTA), the Transatlantic Trade and Investment Partnership (under negotiation, but with an uncertain future), and the Canada-EU Comprehensive Economic and Trade (CETA) trade agreement. The six founding member states of the EEC agreed to a free trade area, but within the framework of a more integrative economic area – a customs union. However, the internal free trade aspect of the customs union has always been problematical, partly because of non-tariff barriers to free trade and partly because services have replaced manufactured goods as the major sector in which Europeans are employed. Should services—which must be delivered by people—be considered in the same category as "trade in goods"? The UK had originally wanted a preferential trade agreement (PTA) rather than a more integrated entity, a principal reason why the UK did not join the EEC at its founding.

Table 3 Balassa's Theoretical Evolution of Political and Economic Integration

Integration Type	Removal of Internal Tariffs	Common External Tariff	Free Flow of Capital & Labour	Harmonization of Social & Economic Policy	Single Currency	Political Integration
Free Trade Area	X					
Customs Union	X	X				
Common Market	X	X	X			
Economic Union	X	X	X	X		
Economic Federalism	X	X	X	X	X	
Political Union	X	X	X	X	X	X

Customs Union

In addition to removing internal tariffs, member states surround themselves with a tariff wall. In other words, a U.S. exporter faces the same tariff whether exporting an automobile part to the Czech Republic or the United Kingdom. Tariffs are set by a common authority, in this case, in Brussels. The EEC had largely completed its customs union by 1968, well within the guidelines established in the Treaty of Rome. Customs are collected by the member state, an administrative fee collected, and the balance remitted to Brussels. These customs duties comprise a portion of the EU's budgetary revenue.

Common Market

A common market extends free movement to capital and labour. The EU no longer uses the

term “common market.” Today, most frequently the term ‘**single market**’⁶ is used, although earlier terms—‘Single European Market’ (SEM) and ‘internal market’ are still widely used. The single market can be said to have accomplished the EU’s goals of the *Four Freedoms*: freedom of movement of goods, services, people, and capital. The extent to which the EU has satisfied adequately the criteria for a common market is debatable. Is Europe’s trade in goods and services and its movement of people and capital as free of restrictions as that of federal systems such as the United States or Canada? Do barriers to trade and the circulation of people and capital continue to impede European (economic) integration?

Economic Union

Integration deepens substantially in an economic union because the member states agree to harmonize their economic and social policies such as regional, environmental, and competitiveness. Nevertheless, most social policies remain under the jurisdiction of national governments. While Eurozone monetary policy is harmonized and the Treaty on Stability, Coordination and Governance (TSCG)⁷ constrains fiscal maneuverability, the EU lacks the central fiscal authority of a modern state. For instance (and this is a big “for instance”), the EU does not have the power over direct taxes (personal, corporate) and has no direct power over member states’ citizens. As a result of reforms associated with the eurozone banking and debt crises, the eurozone area has moved closer to fiscal federalism, but by no means to the extent found in a federal system.

Economic Federalism

Oddly enough, the 19 members of the Eurozone have accomplished this stage while not fully-completing the previous stages.⁸ Some observers would argue that by skipping ‘Economic Union’, the Eurozone members set themselves up for fiscal difficulties. The current financial and debt crisis, which as of late 2017 seems to have turned the corner toward recovery, was the first major test for the Eurozone and its governing body, the European Central Bank (located in Frankfurt, Germany).

Political Union

Political Union is quite simply a ‘United States of Europe’. Whilst no one suggests that the EU is a *federal state*, there is extensive debate amongst academics over the extent to which it displays characteristics of a federal *political system*. Most commentators suggest that to be *really* federal, the EU needs such features as stronger supranational institutions, a common immigration policy, a European army, a much larger EU-level budget, and a European Constitution.

⁷ Title III of the TSCG, an extra-EU treaty due to the UK’s refusal to sign on, contains a “Fiscal Compact.”

⁸ Interactive map of the Euro area: <http://www.ecb.int/euro/intro/html/map.en.html>

EU Institutions

Introduction

The EU is constituted quite differently than sovereign nation-states. In democratic nation-states one thinks in terms of governmental branches—legislative, executive, judicial. So, for instance, in the US there is a legislature (Congress), an executive (the president and the executive agencies), and an independent federal judiciary. Because the US is a federal system, this configuration is repeated in the 50 states. Similarly, in the UK there is a legislature (House of Commons and House of Lords), an executive (prime minister and cabinet), and an independent judiciary. While certainly there are differences between these two democracies – with, for example, the UK being a parliamentary system (the parliament elects the prime minister and he/she is himself/herself an MP) and the U.S. being a presidential system (where the president is elected by the people)⁹– the two systems appear very much alike in comparison to governance in the European Union. The following pages summarize the EU’s system of governance, with descriptions of the main EU institutions and their roles and responsibilities.

Commission¹⁰

The Commissioners form, in effect, the board of managers of the European Union. They are supposed to provide the motor force to drive the EU toward ever-closer union by taking policy initiatives and supervising policy implementation. According to TEU Article 17 (3) Commissioners ‘shall be chosen on the grounds of their general competence and European commitment from persons whose independence is beyond doubt’. They should “neither seek nor take instructions from any Government or other institution, body, office or entity.” Most Commissioners have been active in the politics of their countries, some very prominently so. Although the [President of the Commission](#) is one of 28 in a collegial body (its name is the [College of Commissioners](#)), he is more than *primus inter pares*. Depending upon the personality and skills of the occupant, this can be a very powerful position. Policy areas are divided into Directorates General (DGs), which are headed by a Commissioner, who is a member of the College of Commissioners.

There is no comparable institution to the European Commission in American politics, but in European parliamentary systems most governments have similar powers to the Commission

⁹ To be precise, in the U.S. system the president is indirectly-elected. The popular vote is cast for a presidential candidate represented by electors pledged to him/her. The winning slate of electors cast their votes in the Electoral College. The Electoral College is not a college at all, of course, but 50 slates voting in December of the election year in their respective state capitals. The votes are then sent to Washington, D.C. where they are opened in a joint session of Congress, with the winner announced by the sitting vice-president (who is also president of the U.S. Senate).

¹⁰ The Commission maintains excellent web pages, which are an important source for any student of the EU. Start at homepage: http://ec.europa.eu/index_en.htm. For a comprehensive treatment of the European Commission, see Nugent, N., & Rhinard, M. (2015). *The European Commission* (2nd ed.). London: Palgrave Macmillan; Kassim, H., Peterson, J., Bauer, M. W., Connolly, S., Dehousse, R., Hooghe, L., & Thompson, A. (2013). *The European Commission of the Twenty-First Century*. Oxford: Oxford University Press; Ban, C. (2013). *Management and Culture in an Enlarged European Commission: From Diversity to Unity?* Basingstoke: Palgrave Macmillan.

in that they too are normally expected to take policy leads (though a few European states, such as France, have a ‘hybrid’ form of the semi-presidential system). However, unlike the American system, in Europe the Prime Minister and Cabinet Members are normally simultaneously members of parliament.¹¹ This is expressly prohibited in the US. The framers of the US Constitution purposely constructed a system that would ensure independent branches. Europeans, however, have tended to believe that separation of powers is a recipe for incendiary politics, hardly conducive to the orderly conduct of business. Americans, on the other hand, argued that the separation of powers checks governmental power. It is not surprising, then, that the EU invests the Commission with writing legislation; in fact, the Commission has the power of sole initiation (akin to that of a state cabinet) in virtually all EU policy areas apart from foreign and defense policy.

The High Representative/Vice President of the Commission and the EEAS

In effect, the HR/VP is the ‘Union Minister for Foreign Affairs’, but this “symbolically charged” title (in the failed Constitutional Treaty) was dropped and replaced with the more cumbersome title of High Representative of the Union for Foreign Affairs and Security Policy.¹²

The HR’s institutional position is complex, with the incumbent having a base in both the Commission and the Council. In the Commission she is the Commissioner for External Relations. In the Council she chairs the Foreign Affairs Council (FAC) – more on the FAC, below. The HR also heads the European External Action Service (EEAS), the EU’s diplomatic corps created in the Maastricht treaty (in a responsibility that parallels the foreign minister’s management function in national governments).

The HR’s roles are established in the TEU as being ones of proposer, promoter, facilitator, and implementer. The HR is not a major independent decision-maker: the making of key policy decisions is left to the European Council and the Council of Ministers.

It was hoped by many observers that the HR would be able to give the Common Foreign and Security Policy (CFSP) a significant external boost, not least by giving it a “human face.” But the TEU built in uncertainty in this regard with Article 15, which covers the responsibilities of the European Council President: ‘The President of the European Council shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of High Representative of the Union for Foreign Affairs and Security Policy’.

¹¹ There are exceptions to this fusion of powers found in Westminster parliamentary systems. In the Dutch parliamentary system, for example, members of the cabinet must vacate their seats in parliament.

¹² See Nugent (2017), pp. 407-09.

Council of the European Union

(commonly referred to just as the Council)

Ministers

Members of the Council represent their national governments in making the main decisions for the European Union. The Council meets in ten configurations, with ministers from each of the 28 member states represented on each of the councils, below:¹³

General Affairs¹⁴

Foreign Affairs

Economic and Financial Affairs (Ecofin) Justice and Home Affairs

Employment, Social Policy, Health and Consumer Affairs

Competitiveness (Internal Market, Industry, Research) Transport,

Telecommunications and Energy

Agriculture and Fisheries Environment

Education, Youth and Culture

Council Presidency

The Council Presidency rotates between states on a six-monthly basis (See Table 4.) **BULGARIA HOLDS THE PRESIDENCY DURING SUNYMEU 2018.** The Presidency chairs all Council meetings except meetings of the Foreign Affairs Council, which are chaired by the “High Representative of the Union for Foreign Affairs and Security Policy” (discussed in detail, below). The Council Presidency is a key device for organizing and carrying out the work of the Council over the six-month period. While member states bring one or two priorities that they hope will leave a positive legacy—‘during the Swedish Presidency the EU achieved...’—real world (unexpected) events can sometimes derail proposed plans. Nevertheless, Council Presidencies do work from 18-month programmes developed as ‘trios’: every 18 months, the three Presidencies due to hold office prepare, in close cooperation with the Commission, and after appropriate consultations, a draft programme of Council activities for that period.

The current trio (July 2017- December 2018) is made up of the presidencies of Estonia, Bulgaria, and Austria . The Council 18-month Programme can be found at <http://data.consilium.europa.eu/doc/document/ST-9934-2017-INIT/en/pdf>. **It should be read by all SUNYMEU participants.**

¹³See <http://www.consilium.europa.eu/en/council-eu/configurations/> for links to each Council configuration. While the Council sits in ten different configurations, its decisions are made in the name of “the Council.” The Council’s seat is in Brussels with some meetings taking place in Luxembourg.

¹⁴ The General Affairs Council (GAC) deals with policies that cut across several policy areas such as enlargement and preparation of the EU’s Multiannual Financial Framework (MFF). The GAC also coordinates the preparation and follow-up of European Council meetings. Its members can be foreign ministers, permanent representatives, European Affairs ministers—the choice of representative depends upon the policy area under consideration and the judgment of the member state.

Table 4 Council Presidency Rotation 2017-2018

COUNCIL PRESIDENCY		
COUNTRY	TERM	YEAR
Estonia	June-December	2017
Bulgaria	January-June	2018
Austria	June-December	2018

Council Secretariat

The Council Secretariat is headed by the Secretary-General. The Secretary-General is assisted by the Deputy Secretary-General. The Council Secretariat services the Council and assists the Council presidency.

Council Secretariat prepares draft agendas, keeps records, provides legal advice, processes and circulates decisions and documentation, and monitors policy developments to provide continuity and coordination in Council proceedings.

The students playing the Council Secretariat at SUNYMEU take meeting minutes, keep close and accurate track of agreements, and ensure those documents developed in the Council and Coreper meetings are promptly shared with the European Council. They also serve as final arbiters of disputes involving parliamentary procedure.

COREPER

Each member state has a national delegation in Brussels, called a permanent representation, which is best thought of as an embassy to the European Union. Each permanent representation is headed by a senior diplomat, known as the permanent representative. The Committee of Permanent Representatives (COREPER) is a key EU body. According to the TFEU, COREPER is ‘responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the Council’.

The ministers come and go from their nation's capital to Brussels and Luxembourg, while the permanent representatives remain in Brussels to carry out the day-to-day activities of the Council. The work of these permanent delegations is divided into COREPER 1 and COREPER 2.

COREPER 1, headed by the deputy permanent representatives, deals mainly with routine business, while COREPER 2 deals with more high-profile matters and works for the most prominent Councils: General Affairs, Foreign Affairs, and Ecofin. Reflecting its importance, COREPER 2, is composed of the permanent representatives.

Council committees and working groups prepare the work needed by COREPER in order to advise the Council.

SUNYMEU simulates COREPER 2.

Council Voting

The Council utilizes three different types of voting procedures, as shown in Box 3.

Box 3 Council Decision-making

Decision-making in the Council

Ministers may take decisions in one of three ways:

By *unanimity*. Although rounds of treaty reform have greatly reduced the number of decisions that require unanimity, it still applies to many types of decision – including all major decisions in such key policy areas as foreign, defence, enlargement, and taxation.

By *qualified majority*. This consists of a double majority system in which majorities require the approval of at least 55% of the member states (72% if the proposal does not come from the Commission) representing at least 65% of the EU’s population. To safeguard against the possibility of three of the largest states joining together to limit a proposal, a blocking minority must consist of at least four states.

For 2018, the population threshold is approximately 315 million people out of a total EU population of 507 million.

By *simple majority*. This applies only to relatively minor and procedural matters.

In practice, there is always a preference for consensus whatever procedure applies.

Unanimity is required in virtually all policy recommendations to the European Council. Thus, unanimity is required in SUNYMEU because all Council deliberations will be transmitted to the European Council as policy recommendations.

European Council

The European Council is a (normally) two-day gathering of “the big shots” of the European Union, i.e. the Heads of State or Government of the 28 Member States. (The term “Heads of State *or* Government” is used because in semi-presidential systems, e.g. Cyprus, France, Poland, and Romania, the Head of State is also the Head of Government.)

Under the Lisbon Treaty, only Heads of State or Government, the European Council President, and the Commission President are European Council members, although the latter two cannot vote. The European Council thus has a membership of 30. The 30 may be accompanied to formal summit sessions by one minister – without Foreign Ministers being prioritized. The High Representative also attends for external affairs agenda items. Virtually all European Council decisions are taken by unanimous agreement of the member states. (The European Council President and the President of the Commission do not have a vote, and

nor does the High Representative.)

Beyond these people, the only others who are permitted into meetings are a few Council Secretariat and Commission officials, who undertake advisory and administrative tasks.

The European Council is required by treaty to meet at least four times per year.

The European Council is chaired by the European Council President. The President is elected by the European Council for a 2½ year term. Whilst occupying the position, the President cannot hold a national office. The first occupant of the post was Herman Van Rompuy, who was the Belgian Prime Minister at the time of his appointment as European Council President. The second and present President is Donald Tusk, who was the Polish Prime Minister at the time of his appointment.

European Council meetings are usually focused on between eight and ten agenda items, with discussions and negotiations being directed to getting agreed statements on these items. Everything that is agreed is included in a final document that is formally called "Conclusions of the European Council meeting of....."

These Conclusions usually provide **broad policy outlines**, with details and arrangements for their implementation being left to the Council (of Ministers) and the European Commission. The contents of the Conclusions are extremely important, with few major policy matters of concern to the EU not requiring to be at least passed through the European Council. In some policy areas, such as enlargement and treaty reform, the European Council takes **final decisions**. In many other policy areas – from the identification of major foreign policy goals to considering which Member States should be permitted to join the euro system – the European Council sets out policy statements that act as guidelines other EU institutions must then follow.

There is no doubt that the European Council has been vital in shepherding the European integration process. But it has been at its best when it has focused on big picture issues than when it has sought, or has been obliged, as has been occasionally the case, to become involved in policy details. The spotlight is too intense when the European Council meets: negotiations on the intricacies of policy are best left to the closed door meetings of the Council and the Commission where the different interests can negotiate without fear of initial positions leaking to the press and creating uproar among opponents in their respective Member States.

European Parliament

The Members of the European Parliament (MEPs) are the only EU representatives who are elected directly by the EU polity through universal suffrage. EP elections are, mainly, contests between national rather than European-wide political parties.¹⁵ In the EP, most

¹⁵ See <http://www.europarl.europa.eu/aboutparliament/en/007f2537e0/Political-groups.html> for information about EP Political Groups. EP elections are held every five years. The results of the 2014

MEPs decide their policy positions on a partisan more than a national basis. The EP began as a strictly advisory body but, by treaty revisions and practice, it has become substantially involved in policy making. Although it still has little influence in some highly sensitive areas – including foreign affairs and taxation – it is now a co-decision maker with the Council in respect of most EU legislation.

The EP does not directly feature in SUNYMEU.

Table 5 EU Institutions

Institution	Number of	Who are they?	Role
European Commission	28 (one per Member State)	Most are former national ministers	Several duties, including drafting legislation and overseeing policy implementation
Council (of Ministers)	28 (but with member states having different voting strengths)	At the most senior level they are national ministers	Final decision-maker (increasingly with the EP) of most policies
European Parliament	751	Direct election (MEPs elected by country allotment)	Consultative & legislative powers depending upon “pillar”
European Council	30	Heads of government + the President of the Commission and the European Council President.	Sets agenda/priorities. Makes some final (political, not legal) decisions.
European Court of Justice	28 (one appointee per Member State)	One appointee per member state	Interprets the laws and treaties
Economic and Social Committee	353	Interest groups	Consultative
Committee of the Regions	353	Reps of local and regional governments	Consultative
Court of Auditors	28 (one per member state)	One per member state	Examine EU revenues and expenses
European Ombudsman	1	Elected by European Parliament	Uncovers "maladministration"
Decentralized Agencies (approx. 30) – independent legal entities under EU public law		See http://europa.eu/about-eu/agencies/index_en.htm	Specialized policy areas such as food safety, environment, fisheries, energy regulators, banking
Defence Agencies (3)			Defense, police & judicial cooperation
Financial Bodies (2)			European Central Bank European Investment Bank

elections can be found at: <http://www.results-elections2014.eu/en/election-results-2014.html>.

Decision-making Procedures and Terms¹⁶

There are numerous procedures for the development and promulgation of EU policies and laws. In very broad terms, they can be dichotomized into two main forms: *supranational* (EU institutions are prominent and individual member states do not have a veto) and *intergovernmental* (member states determine the outcome and decisions are taken by unanimity). Given that the powers of the various political actors – notably the governments of the member states and the EU institutions – vary enormously according to the policy and decision-making procedure that is used, the factors that determine the use of particular procedures are clearly very important.

The single most important factor is treaty provision. That is to say, for most forms of policy and decision-making, the treaties stipulate what type of procedure must be used. So, for example, if an EU law concerning an aspect of market regulation is being proposed, then decisions are made using the *ordinary procedure*.

For the European Council, Article 15 TEU states: “Except where the Treaties provide otherwise, decisions of the European Council shall be decided by consensus.”

The Treaties do so provide otherwise only in a very few cases. **This means that for the purposes of SUNYMEU all European Council decisions must be taken by unanimity.**

So, formally all Member States have a veto on European Council decisions. However, it must be emphasized that such vetoes are rarely exercised, because:

- Member states usually want decisions to be made on agenda items.
- The working culture of European Council meetings is that all efforts will be made to find compromise solutions when differences exist.
- It is not usually in the interests of a member state to exercise a veto, because it will not want an agenda item it supports to be vetoed by another member state on a future occasion.
- It can be politically difficult for small states to veto matters on which the large states want a decision to be made.

¹⁶ See Nugent (2017), Part IV.

EU Policies

Having provided a brief overview of EU membership, treaties, and institutions, this section is written as an introduction to what the EU actually *does*—its policies.

With the large number of American participants in SUNYMEU, many of whom are new to EU studies, they will naturally compare the EU's policymaking reach to that of the US. Table 6 compares the EU and the US on the major policies. One can readily see, for example, that the US federal government has sole competence in foreign policy while in the EU foreign policy is shared between Brussels and the member states.

The Expanding Policy Portfolio

A central feature of the nature of the policy portfolio is that it has increasingly moved beyond its early focus on direct market issues. In the years immediately after the EEC Treaty came into operation in 1958 the main tasks were seen, as the EEC Treaty obliged them to be, the creation of a common market in goods – which was achieved in 1968 when most internal tariffs and quota restrictions had been removed and a common external tariff had been established – and the construction of the CAP. But once these early policy priorities had been attended to, decision-makers began to widen their policy horizons. It is a process of widening horizons that continues to the present day. Some of this widening has taken the form of identifying direct market-related policies that have needed to be developed to improve market performance.

Since the late 1960s this has resulted in much attention being given to the removal of non-tariff barriers to internal trade, since the early 1980s it has resulted in extensive policy activity directed at opening up the free movement of capital, services and labour and also the outlawing of anti-competitive practices, and since the early 2000s it has resulted in Lisbon Process (now called “Europe 2020”) policies which are designed in particular to encourage the growth of information-age industries. Some of the widening has taken the form of developing policies that, though certainly market-related, are less concerned with creating market efficiency *per se* and more concerned with managing undesirable market consequences and problems that the market is not seen as being able to handle satisfactorily. Examples of such policies include environmental policy, which first began to appear on the EC's policy agenda in the early 1970s, social policies, which were given a boost from the late 1980s by an increasing acceptance that the internal market should have “a social dimension,” and energy policy, which received increased attention beginning in the 2000s, in no small part because of concerns over supply problems. Some of the widening has taken the form of policy being developed in non-market policy areas that formerly were regarded as being national preserves. Until the late 1990s policy development in these areas – which consist essentially of foreign and security policy on the one hand and justice and home affairs policy on the other – was very slow because of the sensitivities involved, but since then the development has been both rapid and considerable.

Table 6 The Varying Depths of EU and US (national government) Policy Involvement

	Extensive EU/US Federal Involvement	Considerable EU/US Federal involvement	Policy responsibilities shared between the EU and the member states/US and states	Limited EU/US Federal involvement	Virtually no EU/US Federal policy involvement
EU	External trade Agriculture Fishing (exclusive economic zone) Monetary (for eurozone members)	Market regulation Competition/Antitrust Asylum	Regional/Cohesion Industry Foreign Development Environment Equal opportunity Working conditions Consumer protection Movement across external borders Macroeconomic (especially for euro members) Energy Cross-border crime Civil liberties (especially via the Charter of Fundamental Rights) Transport	Health Higher education Defense Social welfare Immigration	Housing Domestic crime Primary and secondary education
US	Defense Foreign Monetary Agriculture Fishing (exclusive economic zone) Movement across external borders Macroeconomic Crime (federal statutes and federal penitentiaries) Immigration & Asylum Cross-border crime	Market regulation (include Financial Services Regulation) Competition/ Antitrust	Environment Equal opportunity Working conditions Consumer protection Energy Interstate crime Civil liberties Health Social Welfare Transport Housing Industry Regional	Higher education (financial aid) Crime (local/state) Primary and secondary education (mainly involved through financial incentives offered to the states to implement federal education initiatives)	

Table from: Buonanno, Cugelşan, and Henderson (2015). *The New and Changing Transatlanticism: Politics and Policy Perspectives*. New York: Routledge.

The former UK Prime Minister, Margaret Thatcher, was broadly correct when she compared EU policy development to being like a ratchet: once a notch is turned on the ratchet it is all but impossible to turn it back. And over the years there have been many such turns of the ratchet. But the turns have not occurred at a uniform pace. Rather the pace of EU policy development has varied, both as regards general policy development and developments in particular policy areas.

As regards general policy development, the 1960s saw the rapid creation of the customs union and the CAP, but the next fifteen years or so, although certainly not – as is sometimes suggested – completely stagnant in policy development terms, witnessed a slow-down as the Luxembourg Compromise (the 1966 agreement between the member states that resulted in all major decision-making having to be based, in effect, on unanimous decision-making) took its toll. The launch of the Single European Market (SEM) programme in the mid-1980s then led to a flood of policy activity, much of it as part of the programme itself but some of it a consequence of programme overspill into related policy areas – as with the attention given to the social dimension and as also with the movement towards EMU. Since the completion of the SEM program in 1992, general policy advancement has continued, though at a slower pace. This has partly been because as the easier negative integration has increasingly been achieved, what has remained has been located in the most difficult and sensitive of policy areas.¹⁷ It has been partly also because of the emphasis that has been given since the early 1990s to the principle of subsidiarity. In essence, subsidiarity means that policy actions should be taken at the level that is closest to the citizens as possible. So, the EU should not be engaging in policy activity unless it can be demonstrated that the objectives of the proposed activity cannot be sufficiently achieved at national levels. The subsidiarity principle is given bite by an obligation on the Commission to justify new policy proposals in terms of subsidiarity and by the application of the principle being subject to judicial proceedings.

Unquestionably, the EU policy portfolio has never ceased developing in an ever-expanding direction. A key question thus arising is whether it will continue doing so. The underdeveloped and only partially-developed nature of many policy areas certainly indicates that there is no shortage of areas where further policy development could occur. Moreover, the strong pressures from some policy actors for the further development of EU policies—in such policy areas as macroeconomic coordination, the Area of Freedom, Security and Justice (AFSJ), Common European Asylum System (CEAS), the Common Foreign and Security Policy (CFSP), and the Common Security and Defence Policy (CSDP)—suggest that in some areas it will occur, albeit in some cases on a differentiated basis. But, such development is likely mainly to take the form of incremental advances and to be confined to policy areas where a significant EU presence has already been established.

¹⁷ Jan Tinbergen saw achieving the Four Freedoms as a process of negative integration: eliminating or reducing artificial barriers which impede the single market became the first priority of the common market project. Positive integration involves adopting common policies to promote integration. Tinbergen, J. (1954). *International Economic Integration*. Amsterdam: Elsevier.

Economic and Monetary Union (EMU)

The EMU project has always been controversial. At the center of the controversy have been different views, among both policy practitioners and observers, as to whether a stable European currency system can exist when:

- there are great economic differences – in terms of both levels of economic development and the nature of economic structures – between the states participating in the system;
- the single currency is not underpinned by extensive economic integration; and
- the EMU system is accompanied by only weak political integration, with no strong central body with the authority to move significant economic and financial resources around the system or to impose necessary policies on states within the system.

Nineteen EU Member States use the euro as their currency. The member states participating in the euro are Belgium, Estonia, Germany, Greece, Spain, France, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Austria, Portugal, Slovakia, Slovenia, Finland, Cyprus and Malta. The non-participants are Bulgaria, Czech Republic, Denmark, Hungary, Poland, Romania, Sweden and the United Kingdom.¹⁸ Countries that joined the EU in 2004 or later must, by the terms of their accession treaties, eventually adopt the euro. The Ecofin and the European Commission make recommendations as to the preparedness of Member States to join the Eurozone. Denmark, the UK and Sweden have chosen not to adopt the euro, even though all three meet the accession criteria. Denmark and the UK are given formal opt-outs under the TEU.¹⁹ The economic and financial crisis, with its damaging consequences for public deficits and debts has, of course, meant that most of the CEECs that have not yet joined the eurozone have become far-distanced from meeting the entry requirements (but, then, so too have most eurozone members!).

There are two components of a full economic and monetary union: fiscal policy and monetary policy. The Maastricht Treaty laid down the basis for a ‘monetary’ or ‘currency’ union, with a single currency managed by a central bank. It did not, however, lay any such basis for a ‘fiscal union’, which would have needed at its core an EU Finance Ministry or similar entity with strong fiscal (that is, revenue raising and spending) powers.

In the debate as to the proper sequencing of fiscal and monetary policy in the context of EMU, those who argued that monetary policy could precede fiscal policy gained the upper hand. As Michele Chang²⁰, a leading scholar of the EMU observed, the debate was “won” by a brand of monetarists who argued that convergence between the economies would naturally result from monetary integration, thus there was no pressing need to coordinate and harmonize economic and monetary policies in advance of monetary union.

The eurozone debt crisis was really comprised of two interrelated crises: a sovereign debt crisis and a banking crisis. The eurozone has enacted several reforms since 2010 that are

¹⁸ <http://www.eurozone.europa.eu/euro-area/euro-area-member-states/>.

¹⁹ Technically, Sweden did not qualify for an opt-out because the TEU was adopted prior to Sweden’s accession. Nevertheless, Sweden obtained a derogation from this obligation.

²⁰ Chang, M. (2016). *Economic and Monetary Union*. Basingstoke: Palgrave Macmillan.

designed to stabilize it. The three most important are: (i) the establishment of a permanent rescue (bailout) fund, called the European Stability Mechanism (ESM) that operates along the same lines as IMF funds loaned to countries on the verge of fiscal default; (ii) the strengthening of the Stability and Growth Pact (SGP) via a range of voluntary, legislative and (non EU-wide) treaty measures, and (iii) a banking union with the European Central Bank (ECB) as the supervising authority.

Financing the EU²¹

One key to understanding the EU is to study its budget, which reveals complex balance of power between the EU's institutions as well as its member states.

The European Commission is responsible for proposing the EU budget. While a new budget is agreed each year, the overall framework of revenues and expenses is laid out in Multiannual Financial Frameworks (MFFs) in which the EU institutions responsible for the budget (Council and the European Parliament) agree to seven-year budget programmes, which are then altered only slightly in each year of the MFF. This system has worked well in achieving its principal goal of containing institution-crippling disputes to once every few years rather than with each annual budgetary cycle, but has 'crippled' the ability of the EU to deal with emerging priorities (Cipriani, 2018, p. 152). It has also become useful as an exercise in which stakeholders and lawmakers debate the future of the EU in the run-up to the next MFF. The EU is currently operating under the 2014-2020 MFF.²² There are also special financing instruments outside of the MFF such as the European Development Fund and the European Globalisation Adjustment Fund.

The EU's budget is, in relative terms, very modest in size – accounting for only 0.98% of EU GNI and less than three per cent of total public expenditure in the EU.²³ But notwithstanding this relative modesty, the nature of the budget's revenues and expenditures and the behavior of the budget's decision-makers reveal much about the EU's policy priorities and policy-making processes. For, behind each revenue source are tugs-of-war between integrationists and intergovernmentalists and between 'getters' and 'spenders'. And beneath each expenditure item lie an array of – often sharply clashing – policy priorities and images of the EU's purpose. The 2014-2020 MFF uses the following headings:

1. Smart and Inclusive Growth

1a Competitiveness for growth and jobs;

1b Economic, social, and territorial cohesion;

²¹This section is based on Chapter 14 in Buonanno, L. and N. Nugent. 2013. *Policies and Policy Processes of the European Union*. Basingstoke: Palgrave Macmillan.

²² For complete budget information, including interactive graphs and tables, please visit:

http://ec.europa.eu/budget/mff/figures/index_en.cfm or

http://ec.europa.eu/budget/figures/interactive/index_en.cfm

²³The GNI ceiling is 1.23% for the current MFF.

2. Sustainable growth: natural resources;
3. Security and citizenship;
4. Global Europe;
5. Administrations;
6. Compensations

Budget expenditures are dominated by two policies: Item 1 of the budget (regional and social policy activities of a redistributive nature at 44.9%); and, Item 2 at 41.6%, which is mainly the Common Agricultural Policy (income support for farmers and for rural development).

The 2018 budget expenditure is projected to be 159 billion euros.

Revenues are derived from four sources: customs tariffs and agricultural levies, a VAT component, a Gross National Income (GNI)-based source, and a catch-all miscellaneous/other category.

Approximately 74% of the revenue of the EU budget is derived from the GNI-based resource, 12% from customs duties and sugar levies (which are often labeled “traditional own resources” in EU reporting), and 13% from the VAT. The remaining 1% “other” is from a combination of sources such as fines on companies that breach competition or other laws, taxes paid by EU employees, and unspent amounts from previous years.

The GNI resource takes the form of “contributions” to the budget from all member states based on their size and wealth. So, it is based on ability to pay. The resource was conceived of as a ‘top-up’ to bridge the gap between budgetary expenditure and income, and in effect is still treated as a budgetary balancing mechanism because budgetary expenditures are financed by traditional own resources, by the VAT resource, and with the GNI resource making up the shortfall. But though the resource’s original purpose may still be said to be in operation today, the relative importance of the resource has been totally transformed. For, as EU expenditure has grown and the revenue from the other budgetary resources has declined, then so has the relative importance of the GNI resource greatly increased. When introduced in 1988 it constituted just over 10 per cent of total revenues but now, as is reported in the figures above, it has far outstripped the other revenue sources. Naturally, the larger and richer member states are the main contributors.

The debate on revenue sources

As has been implied in the above account of revenue sources, the existing system is unsatisfactory in several respects. Amongst its defects are its complexity, its lack of transparency, and its appearance of not being an own resources system at all but rather a system based on national contributions. This latter defect has been seen by many as being especially problematical because of its highlighting of the lack of financial independence of the EU and its encouragement of a *juste retour* attitude amongst national governments in budgetary negotiations. As the Commission stated in its mid-term review of the 2007- 13 MFF: ‘Budget negotiations have recently been heavily influenced by Member States’ focus

on the notion of net positions with the consequence of favouring instruments with geographically pre-allocated financial envelopes, rather than those with the greatest added-value' (European Commission, 2010, p. 25).

As a result of these perceived weaknesses, many proposals have been made over the years for a fundamental revision of the revenue raising system. Most of the proposals have focused on eliminating, or at least reducing, the GNI revenue source and replacing it with an EU tax or charge of some sort. So, for example, in its mid-term review the Commission identified the following as being amongst the possibilities: a financial sector tax; revenues from auctioning under the greenhouse gas Emissions Trading System; a charge related to air transport; a revised VAT; an energy tax; and a corporate income tax²⁴ (European Commission, 2010, p. 27).²⁵ A personal income tax, however, would simply never be contemplated in the EU not least because it undermines an essential power of the member states.²⁶

However, a central problem with proposals for EU taxes or charges is that they have always faced a major obstacle: the governments of some member states – most notably the UK, but it has not been alone – have consistently opposed the idea of the EU being given a more independent financial base resting on some sort of direct taxation system. Their opposition has been based partly on sovereignty concerns and partly on concerns that EU budgetary processes should not become more independent.

In an attempt to accommodate these national governmental concerns with its own long-standing ambition to make budgetary sources much more 'EU in character', the Commission proposed reform of the own resources system in its proposals for the 2014-20 MFF and suggested a new VAT resource that would replace the existing VAT regime and a new financial transactions tax. It was estimated that by 2020 the total of these two new revenue streams could eventually provide about 40 per cent of the EU's funding needs (European Commission, 2011, p. 7) and the GNI-based source could decrease by about one-third (European Liberal Democrats, 2011).²⁷ The Commission was not successful in this proposal, but the Commission and other pro-EU forces will continue their quest to increase the independence of the EU budget from the GNI-based source. Cipriani (2018, p. 152) argues that 'funding the EU budget with a visible fiscal source, levied directly on taxable transactions, would enhance the legitimacy of the decision-makers and their accountability to taxpayers without increasing their financial burden...'

²⁴ The rationale for supporters of a EU corporate tax rests with the single market. They argue that without the single market, which is a product of the EU, EU businesses would have lower revenues because sales would be depressed by both tariff and non-tariff barriers.

²⁵ See Begg, I. (2011). *An EU Tax: Overdue Reform or Federalist Fantasy?*: Friedrich-Ebert-Stiftung Retrieved from <http://library.fes.de/pdf-files/id/ipa/07819.pdf>.

²⁶ Note that the federal personal income tax was not permanently levied until World War I, over 100 years after the founding of the American republic. For a discussion of the EU budget, see Cipriani, G. (2018). The EU Budget. In N. Zahariadis & L. Buonanno (Eds.), *The Routledge Handbook of European Public Policy* (pp. 142-153). London: Routledge.

²⁷ See European Commission. (2012). *The Multiannual Financial Framework 2014-2020: A Budget for Europe 2020*. Retrieved from http://ec.europa.eu/bulgaria/documents/news/031011-ju_sofia_mff.pdf.

PART II: The EU IN CRISIS²⁸

By Laurie Buonanno and Neill Nugent

The EU has experienced a number of crises since its foundation in the 1950s, but none more so than those of recent years. These crises have been a direct result of decisions postponed, compromises made, and in general, a number of forces beyond the EU's control (especially globalization and demographics).

The recent crises can be divided into four categories: economic, political/governing, societal, and key policy failures. Neatly dividing these crises into economic, societal, political, and policy failures is a hazardous enterprise and the reader should be therefore aware that many of these crises are simultaneously political, economic, and social, and often are intertwined with other crises.

Economic and Financial Crises

Poor economic performance

After relatively high economic growth in the 1980s and 1990s, the economies of most Eurozone states have performed relatively poorly since the onset of the global financial crisis (2007), with Germany being the important exception.²⁹ European meetings, not least European Council meetings, of recent years have been much concerned with how to jumpstart the relatively poorly-performing economies of the EU member states.

Banking crisis

From 2007, member state governments bailed out national banks that had engaged in irresponsible lending prior to the burst of the housing bubble (inflated real estate prices). Former European Council President, Herman Van Rompuy, called the relationship between bank bailouts and sovereign debt problems a “vicious cycle.” Whether the banking reforms established since 2012 (with the European Central Bank now assuming a supervisory function and the central role in the “European Banking Union”) will permanently stabilize the eurozone's banking system still remains to be seen.

Sovereign debt crisis

²⁸ For readers wishing a more in-depth and comprehensive discussion, see “Chapter 1, Setting the Scene: The ‘Crises’, the Challenges and Their Implications for the Nature and Operation of the EU” in Nugent, N. (2017), *Government and Politics of the European Union*. 8th Edition. London: Palgrave Macmillan; Dinan, D., N. Nugent, and W. Patterson (eds) (2017), *The European Union in Crisis*. London: Palgrave Macmillan.

²⁹ Germany's unemployment rate of 6.5% (September 2015) was at a historic low, compared to the EU-28 unemployment rate of 9.5% in August 2015. In Greece, the June 2015 rate was 25.2% and 22.2% in Spain. The youth jobless rate in Italy was 44.2% (June 2015). (Sources: Eurostat; <http://www.theguardian.com/world/2015/aug/23/baby-crisis-europe-brink-depopulation-disaster>).

The banking crisis led to a sovereign debt crisis. It did so because some EU governments had to take on massive debt to bail out national banks. The governments of these troubled economies faced higher debt servicing (interest rates) on government bonds and because investors demanded higher payoffs as the balance sheets of national government became increasingly suspect – could Greece, Spain, Portugal, Ireland, and even Italy have the liquidity to pay government bondholders? Or would they default if they could not ‘grow’ themselves out of the debt trap?

Eurozone crisis

Each of the various aspects of the economic and financial crises are interrelated. But it is the Eurozone crisis that has received the most attention, not least because EMU is seen throughout the world as one of the EU’s most important policy achievements. The possibility that has existed since 2007-8 that one or more of the Eurozone’s members – and especially Greece – might have to exit the single currency system, and that the system itself might not be sustainable, has raised questions not only about the viability of the Eurozone, but also about the EU itself.

Can reforms that have been made since 2012 (European Banking Union, austerity measures required of borrowing countries, the European Financial Stability Facility, the Fiscal Compact, the European Semester, the Six-Pack, and the Two-Pack) bring order and permanent stability to the Eurozone economies? Or are these “band-aids,” that cannot sufficiently build the stability into a single currency system without fiscal federalism?

Missing elements of a fiscal union?

- Minimal tax revenue collected at central level (Brussels) – see discussion of EU’s budget, above.
- The EU’s annual outlays account for only one percent of the EU’s Gross National Income (GNI). This one percent should be compared to federal systems. In the US, 42% of its budget is derived from personal income taxes, 40% from social security taxes, and 9% from corporate taxes, with the remaining revenues derived from excise, estate, and gift taxes. US federal government outlays account for about 25% of US GDP.
- Social and defense is still a member state competence. (See Table 6 The Varying Depths of EU and US (national government) Policy Involvement.) EU spending is mainly for agriculture and rural development (42%) and cohesion – infrastructure projects and human resource development in the poorer EU member states (45%).

The implication is that when one Eurozone member state experiences financial difficulties (as Ireland, Portugal, Spain and especially Greece have all done) Brussels does not have the funding transfer mechanism (needs-based programs such as unemployment) for distressed areas of the Eurozone. Any relief for unemployed citizens must come from already financially-strained member state budgets. Furthermore, labour mobility is low in the EU compared to unitary and federal states. It is difficult for unemployed Europeans to move and find employment in other EU states (language barriers, cultural differences, lack of

family/friends for help).³⁰

The Stability and Growth Pact reduces the ability of a Eurozone member state to spend its way out of recession.

Competitive currency devaluations³¹ are no longer a policy option for Eurozone members.

Political Crises

Notwithstanding the Lisbon Treaty (in effect since 2009) changes, important aspects of the EU's political and governmental arrangements have been seriously challenged in recent times.

BREXIT

The UK has long been the EU's most Eurosceptic member state, with popular support for the integration process usually having been significantly lower than in other member states and with the UK's governing elites usually dragging their feet in respect of new integrationist advances. These popular and elite positions had long resulted in the UK being widely viewed within the EU as 'an awkward partner'.

A frequent mechanism used to cater for the UK's 'awkwardness' was to give it 'opt outs' from policies it did not wish to be involved in. So, for example, the UK never joined the single currency, the Schengen system, or many aspects of justice and home affairs policies. However, these 'special' conditions of membership never fully satisfied domestic Eurosceptics, who wanted to see the UK withdraw altogether from EU membership. Their case was given a strong political edge by: 1) the growth of Euroscepticism within the parliamentary ranks of Prime Minister David Cameron's Conservative Party after 2010; and, 2) increasing electoral support for the United Kingdom Independence Party (UKIP) (which wanted full withdrawal from the EU): indeed, it won more support than any other political party in the 2014 EP elections.

Faced with these pressures, Cameron promised in the 2015 general election campaign that, if his party gained an overall majority in Parliament he would call an In/Out referendum on the UK's continuing EU membership. Against most expectations, he did win such a majority, with the consequence that a BREXIT referendum (as UK withdrawal came to be

³⁰ Annual interstate mobility in the US is in the range of 2-2.5%, whereas it's about 0.1% (cross-border) in the EU. Also, only 1.5% of EU citizens live and work in a member state that is different from their country of origin. Source: http://www.iza.org/en/webcontent/publications/reports/report_pdfs/iza_report_19.pdf Geographic Mobility in the European Union: Optimising its Economic and Social Benefits. IZA Research Report No. 19. July 2008.

³¹ Greece and Italy routinely devalued their national currencies when experiencing economic hardships. Competitive currency devaluations increases the price of imports (including from EU member states), but decreases the price of exports. Thus export-dependent economies such as Greece and Italy would have a cost/price advantage. With Italy making many of the products sold by Germany (cars, consumer durables, machine tools), Germany did not like Italy's practice of competitive devaluations. Naturally, there are costs to such a strategy in higher prices for imported goods, which then imports inflation.

referred to) was held in June 2016. The Government campaigned to Remain, but the Leave campaign – which made much of ‘regaining sovereignty’ and ‘taking back control of our borders’ – was victorious by 52 % to 48%, on a 72% turnout.

The outcome of the referendum resulted in Cameron resigning and being replaced by Theresa May as Prime Minister. However, she delayed the invocation of Article 50 TEU – the means by which countries give notification of their intention to withdraw from EU – so as to give her government time to prepare for the BREXIT negotiations.

Article 50, which was eventually invoked in March 2017, means that exit negotiations must be completed in two years, unless all remaining 27 member states unanimously agree to the length of the negotiations being extended.

The significance of BREXIT for SUNYMEU 2018

- The UK remains a full EU member and as such continues with its membership and voting rights of all official EU bodies, including the European Council.
- The BREXIT negotiations will still be in their early stages at the time of SUNYMEU 2018.
- Although the detailed negotiations are undertaken by specialised teams of officials, all major decisions (such as on the size of the BREXIT ‘bill’ and the overall nature of future UK-EU relations) need political approval – which in the EU’s case means by the General Affairs Council or, on especially important matters, the European Council (with the UK not participating).
- Although the UK remains a full member of the European Council, the remaining 27 member states may decide at any time to meet informally - with the UK not present - to deliberate on what stances and decisions they wish to adopt in the BREXIT negotiations.

Leadership Deficit

As can be seen in reading Part I of this manual, the EU does not have a comparable system of leadership to sovereign states. Leadership resources in the EU are dispersed, with the consequence that so also is the exercise of leadership. Indeed, not only is leadership dispersed but it also shifts according to context.³² While in federal systems power is purposely dispersed, it has increasingly been recognized that to operate effectively and efficiently in both Europe and on the world stage, the EU needs stronger leadership structures and arrangements. This problem of dispersal of leadership is exacerbated by most of the EU’s many potential leaders becoming agitated when leadership initiatives are launched that do not include them. So, concerns about attempts to exercise leadership without including everyone have been expressed almost constantly since the onset of the global financial crisis and economic recession. Institutional actors with strong claims to exercise at least some leadership have included the European Council and its President, Euro Summits and their President, the Ecofin Council, the Eurogroup, the Commission and its President, and the European Central Bank. Non-institutional actors with leadership claims have included Eurozone states – most notably Germany and France. Uncertainty as to who is legitimately

³² Adapted from Buonanno and Nugent (2013). *Policies and Policies Processes of the European Union*, pp. 89-91 and Nugent (2017).

'in charge' has undermined the EU's ability to respond sufficiently quickly with appropriate policies to deal with the economic and financial crisis.

Increasing intergovernmentalism

The Lisbon Treaty was generally viewed as a step backwards for the European integration process because unlike in previous EU treaties (which moved incrementally – if not towards supranationalism, then away from intergovernmentalism), it strengthened the institutional position and capacity of the European Council. The economic and financial crises have further strengthened this intergovernmentalism because the major decisions that needed to be taken (e.g. bailouts, strengthening the ECB's regulatory authority over banks) were so politically charged, that heads of government needed to be involved. On the other hand, the implementing of these decisions is taken by supranational actors, particularly the European Commission. So, while supranationalism may not have declined, decisions are increasingly framed in an overarching intergovernmental context. Whether this is the new pattern for future European governance will continue to be an important discussion.

Increasing differentiation

Increased differentiation in EU policy adoption can be traced to the Maastricht Treaty (1992), where those countries opposed to taking the next steps towards economic and political union (represented by the UK) set the stage for 'multi-speed' Europe. At the time, euphemistically called 'variable geometry', the less integrationist-minded countries set the stage for centrifugal forces that are now operating in the EU. The UK and Denmark negotiated an opt-out of EMU; Denmark negotiated an opt-out of European Security and Defense Policy (now called 'CSDP'); and, the UK and Ireland negotiated an opt-out of the Schengen System. More recently, the UK and the Czech Republic refused to agree to the Fiscal Compact Treaty (which therefore, was negotiated outside of the EU governance structure), and the Fiscal Compact does not fully apply to non-eurozone members. Unlike in federal systems, differentiation in the EU involves 'core system-wide matters': internal and external border controls, the currency, foreign policy, and most taxation issues. Does such differentiation weaken the EU's capacities and potential?

The increasing role and exercise of power by Germany

Germany has long been the most powerful EU member state in terms of the size and strength of its economy: population of 81.2 million compared with France's 66.4 million, the UK's 64.8 million, and Italy's 60.8 million.³³ The *de facto* leadership position taken by Germany during the economic and financial crises has contributed to the realignment of power relations within the EU. For some observers, it has done so in a potentially dangerous way in that federal or quasi-federal political systems depend for their effective functioning and internal stability on balanced power relationships between their constituent units. In the early years, the European integration process was in large part delivered by the containment of Germany. Once the EU became established, "the German problem" withered as Germany came to be seen as being – with France – at the very core of the system and the main potential rescuer of

³³ <http://ec.europa.eu/eurostat/web/population-demography-migration-projections/population-data>

it in times of crisis. Now, a “German problem” is widely seen as being back on the agenda.³⁴

Rising Euroscepticism

Euroscepticism is on the rise.³⁵ Radical parties of both the left and right scored unprecedented victories in the EP elections in May 2014 (doubling their number of MEPs to 100 out of 751 seats).

Leonard and Torreblanca (2013) explain it this way:

In a fully-functioning national political system, political parties would be able to voice these different perspectives – and hopefully act as a referee and find common ground between them. But that is precisely what the European political system cannot deliver: because it lacks true political parties, a proper government and a public sphere, the EU cannot compensate for the failures of national democracies. Instead of a battle of ideas, the EU has been marred by a vicious circle between anti-EU populism and technocratic agreements between member states that are afraid of their citizens.

Legitimacy/democracy challenge

There has been an ongoing debate since the 1990s (as the EU has slowly moved towards economic union and economic federalism (see Table 3 Balassa's Theoretical Evolution of Political and Economic Integration) as to the EU's democratic legitimacy. This unease has now become a central point of contention since EU-directed austerity measures have been imposed on Eurozone debtor countries. At the heart of the debate is concern that EU decision-makers are not publicly accountable – either because they are not elected (European Commission and President of the European Council) or because they are elected in national elections in which EU-wide matters rarely feature to any significant degree.³⁶

Societal

Identity

Jean Monnet famously said, ‘We unite people, not states’.’ In a play on the famous Italian comment after Risorgimento – (‘We have made Italy; now we must make Italians’.) – the EU faces a similar challenge: ‘Having made Europe, we must now make Europeans’.

The Eurozone crisis has opened wounds and exposed fissures that integrationists had thought closed. The rise of extreme right parties in many EU states (not all) champions nationalism over pan-Europeanism. Is ‘Europe’ at a crossroads? Has the EU failed to produce Europeans?

³⁴ See Nugent (2017), Chapter 1.

³⁵ See Leonard, M. and J. Torreblanca. (2013, April 24). “The remarkable rise of continental Euroscepticism,” *The Guardian*, at <http://www.theguardian.com/commentisfree/2013/apr/24/continental-euroscepticism-rise>; The Economist (2014, May 31). “The Eurosceptic Union” at <http://www.economist.com/news/europe/21603034-impact-rise-anti-establishment-parties-europe-and-abroad-eurosceptic-union>

³⁶ See Nugent (2017), Chapter 1.

If identity is tied to ‘utility’ – better in Europe than out – to what extent has ‘Europe’ brought more economic growth to the European (voting) working and middle classes?

Without a sense of ‘European identity’, how can Europeans be expected to help out another Eurozone member state without fiscal federalist measures in place? And what does the austerity imposed on Greece (VAT increases, pension cuts, privatization of government assets, and overall of Greece’s judicial sector) teach us about the long-run viability of a quasi-federal system? Is the EU integration “experiment” viable – should there (and can there be) less integration (the internal market without Brussels – the longstanding British position) or must the EU continue on the path of integration toward political union (United States of Europe)?

Demographics

It has long been recognized that Europeans are not having enough babies. The EU’s average birthrate is 1.55. Simply put: the EU’s population is aging through a combination of low birth rates and increased life expectancy – the share of the European population over 65 and over is projected to reach 30% by 2060, compared to 17% in 2008 (with the very old – aged 80 and above – accounting for 12% of the EU’s population by 2060).

Germany has the lowest birthrate in the world: Germany’s population will decline by 8% in the next several decades. Spain’s population has been shrinking since the financial crisis. Portugal’s population could drop from 10.5 million to 6.3 million by 2060. The 10 countries in the world expected to lose the most population between now and 2050, per capita, are all in Central and Eastern Europe, with Bulgaria in first place. Italy’s birthrate fell to 1.39 in 2013.³⁷ Naturally this ‘demographic’ crisis has implications for the ongoing migrant/refugee crisis. What can the EU do to stem the looming demographic crisis? Can it stem the tide of southern and eastern Europeans who are relocating to western and northern EU member states?

European Social Model

Can the European Social Model (ESM) survive with declining birth rates (who will pay for the safety net?), tight immigration rules, and fierce competition for global markets?

Recent Policy Failures?

The EU’s foreign policy role in the international system

³⁷ See <http://www.nytimes.com/2015/10/02/world/europe/despite-shrinking-populations-eastern-europe-resists-accepting-migrants.html?&moduleDetail=section-news-0&action=click&contentCollection=Europe®ion=Footer&module=MoreInSection&version=WhatsNext&contentID=WhatsNext&pgtype=article>. See also, “Europe needs many more babies to avert a population disaster,” The Guardian, 22 August 2015 at <http://www.theguardian.com/world/2015/aug/23/baby-crisis-europe-brink-depopulation-disaster>.

Despite many substantive reforms and a greatly increased ability of the EU member states to act together on foreign policy matters, the EU has continued to be dogged by accusations that it is a weak security actor. Specifically, it is often portrayed as being a “soft power,” in contrast to American ‘hard power’. Since the Cold War the EU has stepped up efforts to increase its credibility as a global and regional security actor. However, the morass in Ukraine and the Syrian civil war raise important questions about the ability of the EU to translate its economic power into real political power on the world stage.

The leadership deficit is most certainly a major cause of the EU’s perceived failure as a foreign policy leader. Almost inevitably, the multiplicity of voices – all with their own needs and preferences – can lead to political struggles that hinder the ability of the EU to exercise clear, strong, and effective decision-making.

Another reason for the weakness is the attention European leaders and EU institutional actors have had to pay to their internal house (especially the economic and financial crises), drawing much needed human resources from international issues.

Finally, while based on cumulative expenditures and capacities of member states, the EU should have a very powerful defense capability. There is often a lack of political will on the part of member states to work closely together on defense cooperation. Furthermore, resources are not pooled as effectively as they could be.

While CFSP and CSDP have advanced considerably, and this has been reflected in the Treaties, some observers think the world is changing too fast for an EU acting incrementally in cooperation on foreign and defense matters.

The migrant/refugee crisis

The EU’s migration ‘crisis’ seems to have become a permanent challenge to the EU’s ability to manage its external borders, raising the question whether it should be deemed a crisis at all, but rather considered a permanent feature of EU politics and governance. This section offers a brief background on the situation and attempts to cover the crisis as of the fall of 2017.

The European migration crisis is related to a number of governing crises – lack of a common foreign policy, lack of a common migration policy despite passport free internal borders, lack of a common external border control policy and enforcement, and a leadership deficit.

EU migration policy has four main goals: protection of migrations from persecution (granting political asylum); family reunification; filling gaps in the workforce; and, attracting highly-skilled workers. Immigration policy is decided and carried out by the member states, while asylum policy is derived from EU law.

The Common European Asylum System (CEAS), which has been considerably strengthened in recent years, requires asylum seekers to apply for migration where they enter the EU (Dublin Regulation). Naturally, with such a large wave of migrants, many entry states stopped enforcing the Dublin rule and allowed migrants to continue on to their intended destination (usually Northern Europe – particularly Germany and Sweden). (Under Dublin II regulation

asylum seekers must be returned to the country in which they entered the EU, where they are to be detained during the processing of their applications.)

While there is a common asylum policy, this should not be taken to mean that all entry conditions and legal hearings to determine asylum eligibility are identical across member states. Scoreboard reports indicate substantial progress in the transposition of asylum directives, but transposition is not the same as implementation, with some member states having neither allocated nor properly implemented EU asylum legislation.³⁸

There have been repeated complaints about the treatment of asylum seekers in entry countries, including a 2011 ruling by the European Court of Human Rights condemning Belgium for a ‘Dublin transfer’ to Greece of an asylum seeker from Afghanistan (who had entered Greece via Turkey, but sought asylum in Belgium). The ECHR ruled that in Greece the Afghan refugee was subjected to inhumane and degrading treatment and denied effective remedy (risk of expulsion without an adequate examination of the petitioner’s case).

Not just the sheer number of asylum seekers has changed in 2015 (since 2014 through early autumn of 2017, 1.7 million people from the Middle East and Africa have entered irregularly into the EU)³⁹, but it is that now landlocked countries were experiencing for the first time what Mediterranean countries have long dealt with – Syrians and Afghans traveling from Turkey and Greece through Macedonia and Serbia into Hungary – as well as migrants from Kosovo joining the trek through Hungary.

The European migrant crisis is a “mixed-migration” crisis: economic migrants and political asylum seekers alike are seeking entry into Europe. Syrians and Afghans travel from Turkey to Greece. Eritreans, Nigerians, and other migrants from sub-Saharan Africa use the Italian route (the Italian island of Lampedusa is about 113 kilometers from Tunisia – closer to North Africa than to Italy’s mainland) and the Italian Adriatic is used for migrants from the Balkans. (See Figure 2 Migrant Smuggling to and From the EU.) As Figure 2 indicates, when one route closes, migrant smugglers simply switch to another. As of the fall 2017 the main pressure is on the Central Mediterranean route (Italy), the Aegean route having been effectively closed by the EU-Turkey Joint Action Plan agreed November 2015.⁴⁰ Member states (particularly Italy) are increasingly turning to bilateral agreements with sending states to try to stem the number of irregular migrants.⁴¹

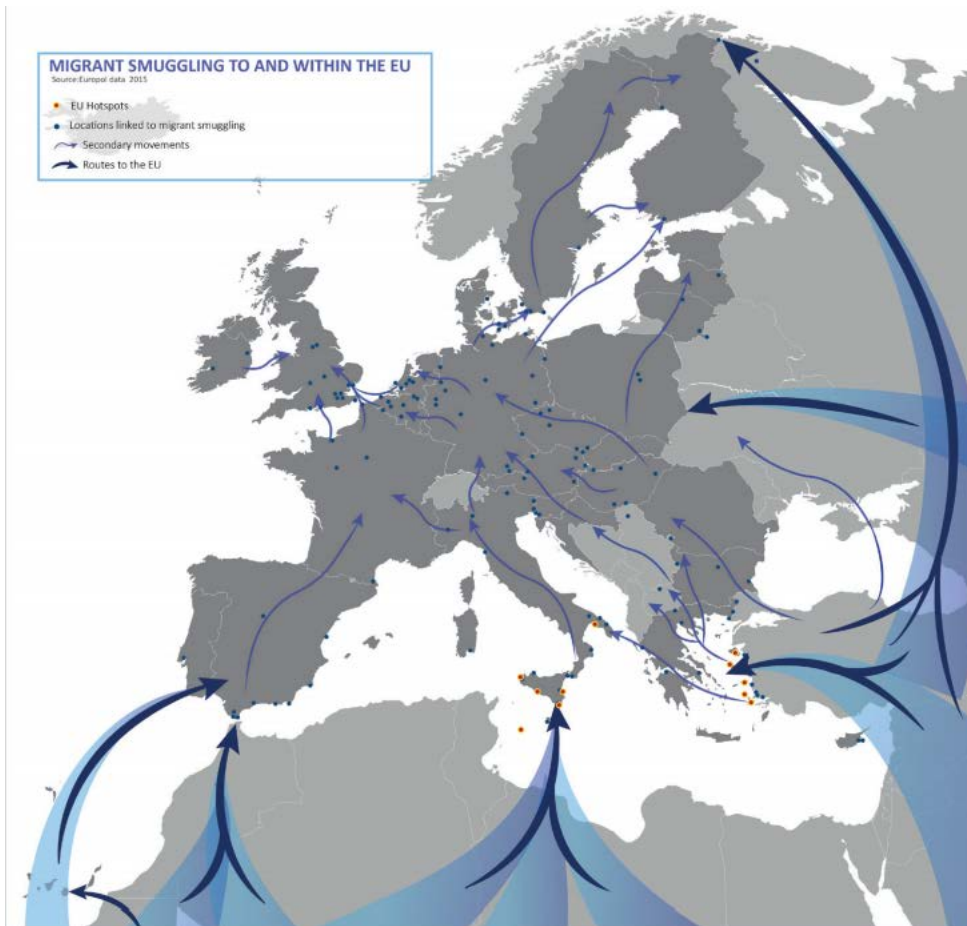
³⁸ See Buonanno and Nugent (2013), pp. 238-9; Buonanno, L. (2017). The European Migration Crisis. In D. Dinan, N. Nugent, & W. E. Patterson (Eds.), *The European Union in Crisis* (pp. 100-130). London: Palgrave Macmillan.

³⁹ See Rankin, J. (2017, September 6). “EU Court Dismisses Complaints by Hungary and Slovakia over Refugee Quotas,” in *The Guardian*. Retrieved from <https://www.theguardian.com/world/2017/sep/06/eu-court-dismisses-complaints-by-hungary-and-slovakia-over-refugees>.

⁴⁰ EU–Turkey Joint Action Plan and Turkey Facilitation (‘one in one out’ went into effect in March 2016); Turkey Refugee Facility – established in November 2015 at €3 billion, increased to €6 billion in March 2016 (will be paid until 2018).

⁴¹ See, for example, Jewkes, S. (2017). Italy's interior minister meets Libyan mayors over people smuggling. *Channel NewsAsia*. Retrieved from <http://www.channelnewsasia.com/news/world/italy-s-interior-minister-meets-libyan-mayors-over-people-smuggling-9160772>.

Figure 2 Migrant Smuggling to and From the EU



Eastern Mediterranean—Greece is a crossroads between the EU and the Caucasus, the Middle East and Turkey.

Central Mediterranean—The Italian island of Lampedusa—at about 113 kilometres from Tunisia—is closer to North Africa than to Italy’s mainland, while Adriatic Italy is easily reached by migrants from Eastern Europe and the Middle East.

Western Mediterranean - The route to Spain, which at its narrowest point to the African continent is just 14.5 kilometres—long a crossing point into Europe for drugs smugglers and human traffickers, and with ‘almost every’ coastal town having the unmarked graves of bodies washed ashore.

Eastern Entry - ‘Via Baltica’ entering the EU in one of the Member States on the Baltic Sea before travelling to destination countries via Poland.

Northern-Leads migrants through Russia and into the EU through Finland or Norway. This route has been used by an increasing number of migrants since the end of 2015.⁴²

⁴² Map from Europol. (2016). *European Migrant Smuggling Centre Infographic*. Retrieved from https://www.europol.europa.eu/content/EMSC_launch, p. 6; Higgins, A. (2016, 2 April). E.U. Suspects Russian Agenda in Migrants' Shifting Arctic Route. *The New York Times*; Simons, M. (2004, 10 October). Under Pressure, Spain Tries to Close an Open Door. *The New York Times*.

The figures were staggering during the ‘height’ of the migration crisis. Contemporary Europe had never experienced the magnitude of inward migration as it did in 2015–16: there were 1.8 million irregular border crossings into the EU in 2015, an increase of 546 per cent compared to 2014.⁴³

But the EU had a migrant crisis on its hands before the mass exodus from Syria, with a crisis situation in some receiving countries since 2011. The migration crisis serves as a stark reminder that if Europeans expect to fully enjoy the economic advantages of the four freedoms, they cannot circumvent the political and security bases upon which they were established. Europe’s internal market and Schengen’s passport-free travel area are heralded as being among the EU’s crowning achievements, but they have been built and have operated while Europe’s neighbourhood has been quiet. But geography is destiny.⁴⁴ The fact is that by 2050 the EU’s population is projected to decrease by 8.3%, while the population of the African continent – an area already exerting enormous migrant pressure on Europe – is projected to increase by 103%. Migrants are coming from Albania and Kosovo, North Africa, the Middle East, and South Asia. And most of the migrants do not qualify for asylum – they are economic migrants.

The ‘soft underbelly’ of Europe – the Mediterranean countries – are the countries with the least financial capacity to absorb the waves of migrants. More than 90% of illegal border crossings into the EU take place in just four member states – Greece, Italy, Malta, and Spain. While measures have been taken to assist these countries in border control, these have been inadequate. The Commission recommended a system with a fairness mechanism to replace Dublin III that consisted of a quota system; however, several CEECs have refused to accept any burden sharing, with actions brought by Hungary and Slovakia against attempts at even temporary burden sharing. In September 2017, the CJEU ruled that these countries must accept their share of migrants.⁴⁵

While struggling with the migration crisis, the EU and its member states have been devising policies and taking decisions both to stem the tide and to accommodate refugees who have made their way to EU member states. Many of these were laid out in 2015 in the Commission’s road map ‘European Agenda on Migration’. The proposals and decisions

⁴³ See <http://www.nytimes.com/interactive/2015/09/10/world/europe/scale-of-migrant-crisis-in-europe.html> for up-to-date migration data. Also, see Council of Foreign Relations at <http://www.cfr.org/migration/europes-migration-crisis/p32874>.

⁴⁴ Buonanno, L. (2017). The European Migration Crisis. In D. Dinan, N. Nugent, & W. E. Patterson (Eds.), *The European Union in Crisis* (pp. 100-130). London: Palgrave Macmillan, p. 128.

⁴⁵ The European Council agreed to a temporary plan in 2015 under its “emergency powers” to relocate 120,000 asylum seekers from Greece and Italy. Hungary, the Czech Republic, Slovakia and Romania opposed agreeing to the relocation scheme for asylum seekers in 2015, but were outvoted. See, Wintour, P. (2017). “EU Takes Action Against Eastern states for Refusing to Take Refugees,” *The Guardian*, June 13. Retrieved from <https://www.theguardian.com/world/2017/jun/13/eu-takes-action-against-eastern-states-for-refusing-to-take-refugees>. The Commission was completely vindicated in a subsequent CJEU ruling. See Rankin, J. (2017, September 6). “EU Court Dismisses Complaints by Hungary and Slovakia over Refugee Quotas,” in *The Guardian*. Retrieved from <https://www.theguardian.com/world/2017/sep/06/eu-court-dismisses-complaints-by-hungary-and-slovakia-over-refugees>. As of this writing, neither Hungary nor Poland had relocated a single person.

reflect both the intergovernmental and the supranational space which AFSJ currently inhabits.

Can the EU member states work together to devise and implement the multi-pronged solution that will solve the migrant crisis?

PART III: GUIDELINES FOR SUNYMEU⁴⁶

By Laurie Buonanno, Kathleen Dowley, and Neill Nugent

Introduction

The overall purpose of SUNYMEU is to provide a framework for a partial simulation of the decision-making process of the European Union using a specific issue. The advance preparations and the simulation should give all participants a better understanding of the EU; of international and supranational organizations in general; of the EU Member States, their peoples, politics, and policies; and of major current issues of international relations. Also, the simulation should provide the participants with opportunities to develop their skills and techniques at negotiation and conflict resolution, public speaking, debate, expository writing, logic and reasoning, small-group dynamics, leadership, and problem-solving.

Purpose and Nature of the European Council Simulation

The purpose of the simulation is for the European Council to reach agreement on a minimum of three and a maximum of five agenda items. Country delegations and the Commission submit agenda items for consideration by the European Council President in the months prior to the simulation. The President is also likely to submit items.

Preparation

Students preparing to participate in SUNYMEU should concentrate their efforts on these activities:

Gaining an understanding of the structure and dynamics of the European Union, especially those institutions that are included in the particular simulation in which the student is participating.

Learning as much as possible about the policies currently of concern to the European Union and its Member States.⁴⁷

⁴⁶ The editors of this volume wish to acknowledge the work of William Andrews, the founder of SUNYMEU (then called “SUNYMEC”). Professor Andrews wrote the SUNYMEU Guidelines from 1988- 1996. L. Buonanno wrote the guidelines for SUNYMEC (then operating under the name “Eurosims,” from 2000-2005) and the first edition of the SUNYMEU Manual (2006). Because the guidelines have been re-vised each year, precise attribution of Professor Andrew’s original language has become impossible. The editors take full responsibility for any errors.

⁴⁷A good resource is Zeff, Eleanor and Ellen B. Pirro. 2015. *The European Union and the Member States*. 3rd Edition. Boulder, Colorado: Lynne Rienner Publishers.

Acquiring an understanding of the domestic and international concerns of the Member State to be represented.

Gaining a good, general knowledge of some current international area or issue. If each member of a delegation takes a different area or issue, collectively it should be well-informed.

Improving their skills at negotiating, conflict resolution, parliamentary procedure, parliamentary prose, public speaking, debate, and logic and reasoning.

Learning about the specific person to be represented, i.e., the alter ego of the student-participant.

Communication

Questions concerning logistics (e.g. lodging, payment, transportation) can be addressed to Kathleen Dowley at dowleyk@newpaltz.edu

Research Guide

The EU is widely studied and reported. There are a number of excellent journals devoted to publishing peer-reviewed articles about the EU including the *European Union Politics*, *Journal of Common Market Studies*, *Journal of European Integration*, and *Journal of European Public Policy*.⁴⁸ Similarly, there is no shortage of books on the subject. It is likely that most of your research will take place through the internet using news sources and **europe.eu**—the gateway website for the European Union.

Participants should also be well versed in the priorities of the trio presidency as well as familiar with the accomplishments of the previous presidency.

Recommended sources to check on a regular basis:

[*The Guardian*](#)

<http://www.politico.eu/>

[Euobserver](#)

[EurActiv](#)

Subscribe to: [Politico Brussels Playbook](#)

⁴⁸ These journals are devoted exclusively to the politics, government, and policy-making in the EU. For a list of journals devoted more broadly to the study of European governance and politics, see <http://www.uaces.org/resources/list-of-european-studies-journals>.

Alter Egos

A complete list of country delegation assignments will be sent to faculty advisors and posted to the SUNYMEU Facebook site. Students should begin conversing and caucusing using the student run SUNYMEU Facebook site—post to wall for public viewing and use messaging function for private correspondence (e.g. negotiations). Faculty advisors or student representative should include the name of the student, their email address, and their alter ego when sending delegation information to SUNY New Paltz SUNYMEU staff.

Each country will be represented by a head of government (prime minister, chancellor or president), who acts as head of his/her delegation, a foreign minister, an Economic and Finance (Ecofin) Minister, and a Permanent Representative (ambassador). The Council Presidency will have an additional member, Deputy Foreign Minister for Europe, who can float between meetings. Delegations reserve the right to add additional members such as a deputy prime minister or in the case of semi-presidential systems, the prime minister. The HOG of five-member delegations will determine which meetings the fifth delegate will attend. The European Commission will be comprised of the Commission President and commissioners holding policy portfolios relevant to the agenda items.

Commission

The Commissioners are the only participants in the simulation who have an exclusive obligation to the welfare of the EU. In the simulation they have two main roles. First, they will meet to make appropriate decisions on the matters at issue in the simulation. Second, at all other times, they will act as problem-solvers, facilitating the decision-making process in such a way as to maximize the supranationalism of the result. The real-life Commissioners distribute among themselves the policy areas of the EU, but the simulation assumes they are working under the leadership of their President on the particular issue at hand. The Commission works closely with the General Secretariat of the Council to ensure that the simulation proceeds on a smooth course.

Heads of Government

The Heads of Government (HOGS)⁴⁹ meet in the European Council (often called ‘EU summits’). At European Councils, key policy issues covering such matters as treaty reform, EU enlargement, membership of the eurozone, EU border controls, and pressing foreign policy matters are considered and negotiated. Sometimes, the HOGS have to step in at the last minute, when all other efforts have failed, to solve knotty problems by personal

⁴⁹ Participants should be mindful of the distinction between head of government and head of state. In the United Kingdom, for instance, David Cameron is head of government, while Queen Elizabeth II is head of state.

negotiation with peers. The European Council makes declarations, acting as a ‘board of directors,’ that it expects the Commission and/or Council to act on in the near future. So while the Commission drafts legislation and the Council and the European Parliament labour over the legislation, the European Council meets in summits to discuss longer-range issues and issue policy statements. It sets the overall direction of the EU in these policy statements, especially in its ‘Conclusions’. This means that its policies should be as clear as possible so that the institutions (Commission, Parliament, and Council) can draft the supporting legislation.

As is specified in Article 15 of the TEU and in the European Council’s Rules of Procedure (see The Rules of Procedure of the European Council, located in Appendix I) European Council meetings are prepared by the European Council President ‘in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council’.

European Council meetings are chaired by the European Council President.

SUNYMEU 2018 simulates (and anticipates) the **March 2018** meeting of the European Council. The end result of SUNYMEU 2018 is the drafting of the **Conclusions of the European Council Meeting**, which contain everything on which the summit has been able to agree. The Conclusions will be presented at the closing session (late Saturday afternoon) of SUNYMEU.

COREPER II

(Committee of Permanent Representatives)

The TEU defines the responsibility of COREPER as ‘preparing the work of the Council and...carrying out the tasks assigned to it by the Council’. Members of COREPER II are the ambassadors from their governments to the EU. They are high-level professional diplomats, heads of missions, specializing in the relations between their countries and the EU. Their main job is liaison between the decision-making institutions of the EU and their governments, keeping the EU informed of their governments’ views and helping their governments keep track of what is happening in the EU. They are coordinators, fixers, and troubleshooters.⁵⁰ While taking direction from their nation’s HOGS and ministers, they also work indefatigably behind-the-scenes to broker deals for their ‘political masters’. Thus, in the simulation, they will be engaged mainly in advising and serving as diplomatic staff to their HOG and ministers.

In a sentence, COREPER are the unsung heroes of SUNYMEU (and the EU).

It is important to distinguish between the COREPER and the Council Secretariat. COREPER work for their governments and should be solicitous of the desires of their HOG and ministers, making every effort to receive clear direction as to policy positions. COREPER should (diplomatically) advance their Member State positions, but as directed by their HOG and ministers. The Council Secretariat, on the other hand, works for the

⁵⁰See D. Bostock (2002) ‘Coreper Revisited,’ *Journal of Common Market Studies* 40 (2): 215-34.

entire Council and should be neutral as to its judgments, i.e., it serves in an advisory capacity, especially to the Presidency.

Council Secretariat

As has just been indicated, the Secretariat works closely with the Council Presidency. Nugent (2010, p. 147) explains that ‘before Council meetings at all levels Secretariat officials give the Presidency a full briefing about subject content, the current state of play on agenda items and possible tactics—“the Danes are isolated”, “there is strong resistance to this in Spain and Portugal, so caution is advised”, “a possible vote has been signaled in the agenda papers and, if taken, will find the necessary majority”, and so on.’ Students playing roles within the Council Secretariat must become experts in the policy area to which they are assigned and be willing to advise the Presidency accordingly. The Secretariat should also be fully appraised of voting rules and be prepared to make and record votes. In most cases, unanimity is required before adopting an agenda item and sending it on to the European Council.

It is the responsibility of the Council Secretariat to ensure the final version of SUNYMEU Council Conclusions are emailed to Dr. Kathleen Dowley in doc version. The Council Secretariat should also make available a pdf version for the Press Corps to post to the SUNYMEU Press Corp website.

Ministers

Ministers represent their national governments through the EU institution called ‘the Council’. All ministers act, in effect, the representatives of the interests of their Member States in the policy areas for which they are responsible. As nearly as is possible in the European Union today, ministers are charged to look after their national interests rather than a vague European-wide interest: though they try to bring these two interests together. So, they are the guardians of the national interest. All ministers are active politicians in the partisan politics of their home countries, which gives them specific **partisan and ideological** orientations as well.⁵¹ They endeavor to ensure that nothing is decided that will undermine their respective national policies. There are nine formations of the Council, each of which deals with policy matters that fall within their domain.

All Council meetings apart from meeting of the Foreign Affairs Council are chaired by the Council Presidency. This Presidency rotates between the Member States every six months, and in the **first half of 2018 it is held by Bulgaria**.

Descriptions of the responsibilities and work of the different formations of the Council can be found on the Council’s website at: <http://www.consilium.europa.eu>

⁵¹ Participants should learn about the political and ideological orientation of their alter egos. It is important to keep in mind that in coalition governments a minister’s political party may differ from that of his/her HOG.

Foreign Ministers

Foreign Ministers, who deal with all aspects of foreign policy, meet in the Foreign Affairs Council. This formation of the Council is chaired by the **High Representative of the Union for Foreign Affairs and Security Policy**.

Foreign Ministers also often make up the composition of the General Affairs Council, especially when there are particularly important matters on the agenda. The GA Council is chaired by the rotating Council Presidency.

Ecofin Ministers

Economic and Finance Ministers (who are normally referred to as Ecofin Ministers) deal with most matters concerning economic and financial affairs. However, on sensitive eurozone policies ministers from non-eurozone states are not normally permitted to attend.

Press Corps⁵²

Just as students are assigned alter egos and expected to participate in the simulation as that alter ego, members of the press corps are expected to simulate the role of real journalists. Their function during the simulation is to cover the activities of the simulation and report on them through the production of a simulation newspaper, blogs, and videos. This includes attending simulation meetings, interviewing participants, and participating in press conferences.

Members of the press corps are expected to act in a professional manner and adhere to professional standards of journalism. Information obtained through covering meetings or interviews or press conferences should be reported in as accurate a way as possible. They should remember that during meetings, their role is to cover the meetings and should not be engaged in an active way in topic discussions during those meetings. Nor should they interfere with the meeting process.

Participants working with the press corps should remember that an important experience of the simulation is learning how to work with the press. They are expected to cooperate with the press corps in terms of requests for interviews, participation in press conferences, etc.

All meetings of the simulation are open to the press corps. No member of the press corps may be asked to leave a meeting. If a participant feels that a member of the press corps has not accurately reported information at a meeting they attended or did not accurately report information that they have given a reporter, they may write a letter to the editor of the press corps that may be published.

The SUNYMEU Press Corps reports on SUNYMEU through various media (e.g.

⁵²This section was authored by Robert Pyle and Ted Schwalbe.

newspapers and video) prior to and during the event. SUNYMEU media materials are available at <http://sunymeus.wordpress.com>.

Faculty Advisors

Faculty advisors are, of course, free to organize their relationship with their students during the simulation as best suits their needs. Past experience, however, suggests that the simulation proceeds best if the advisors avoid coaching the students or assisting them too much in solving problems. They serve informally as sources of information and in counseling the students on how to maintain the integrity of the simulation. For this reason, no formal arrangements for such consultation are included in the simulation schedule. Several faculty research panels and workshops will be sponsored throughout the simulation to enhance the professional experience of faculty advisors attending SUNYMEU. In the event of a dispute or other misunderstanding during SUNYMEU which the Council Secretariat feels unable to resolve, the Secretariat will bring this dispute to the faculty advisers sitting in the capacity of the SUNYMEU Council. A quorum of the SUNYMEU Council consists of four faculty advisers. The decision of the SUNYMEU Council will be final.

Expert Witnesses

Academic specialists or professionals testify at sessions of the full European Council on relevant matters (items on the simulation agenda). Their roles will be to provide the participants with information and ideas on the institutions and issues involved in the simulation. Participants and witnesses should bear in mind that the witnesses are not supposed to lecture to the participants. They will summarize their testimony in brief, five-minute statements and, then, respond to the questions of the participants. The participants should behave as though they are in charge of those sessions and not be intimidated by the status and expertise of the witnesses.

Official Observers

Participants who are not representing EU Member States will have the status of official observers. This will enable them to attend all sessions, to lobby participants, and to speak or pose questions at plenary sessions when given special leave, but not to vote.

Part IV: SUNYMEU 2018 PRE-SIMULATION AND PROGRAM

By Kathleen Dowley

Pre-Simulation

Country delegations and the European Commission are asked to submit TWO agenda item to be considered for inclusion in the simulation by the Presidency and Council Secretariat.

Selection and Submission of Agenda Items for SUNYMEU 2017

Each faculty advisor is responsible for ensuring that his/her team(s) submits TWO proposals by **December 1, 2017** at the latest in doc or rtf format to Council President Donald Tusk at dowleyk@newpaltz.edu. Please write “SUNYMEU AGENDA” in the subject line.

Proposals may be sponsored jointly by Member States. There is space in the SUNYMEU Agenda Template to specify all sponsoring parties. Delegations are encouraged to work together to produce joint proposals.

Preliminary Program⁵³

US Students arrive in Brussels, Belgium on Tuesday, January 9 and check into the IBIS-St. Catherine's.

Wednesday, January 10

- Tour and Briefing at EU Institutions (optional)
- 2 tour groups (Take metro from St Catherines to Schuman (yellow line)
- Morning (10-noon) EU Council
- Lunch (on your own in European Quarter)
- Afternoon (1:30-3:30) EU Parliament Building (and Parliamentarium)

Thursday, January 11

- 11:00 am Walking tour of Historic Brussels downtown (start at Grand Place)
- 2:00-4:00 Additional Students check into the Ibis-St. Catherine

⁵³Building locations and room numbers will be specified on the printed program made available in the conference packet which is provided to all recipients at the conference registration table.

- 4-5:00 Registration in Hotel Lobby Ibis-St. Catherine
Group Walk to St Catherine Metro stop, exit Metro at Schuman Stop
(can take Line 1 or 5 towards Stockel or Hermann-Debroux)
- 5-9:00 Opening Ceremony: Residence Palace-IPC, Brussels (European Quarter)
Welcome by MEU Director Dr. Dowley and
Vesalius Dean Dr. Koops
Keynote Speech and Introduction of Council Presidency Teams
Followed by a Buffet Dinner

Student Directors Open Simulation (7:00-8:30) and Council Presidency (Bulgaria) announces general rules of debate, and presents the four agenda items to be debated on the first day, and by which functional group. The Council Presidency will make it clear as to what it wants the functional meetings to achieve in terms of the agenda items they are to consider and indicate also a target schedule. Of course, all agreements reached “below” the European Council will ultimately have to be approved by it. After the Council Presidency has spoken, delegations should be given a chance to ask procedural questions. (Parliamentary procedure will be observed, as is the requirement for all meetings.) At the end of this session, everyone in the room should be in no doubt about what is to be done.

The simulation then moves to the next phase: the presentation and discussion of additional agenda items. These should be introduced with a (maximum) three-minute speech by their sponsors. Two new agenda items will be selected at Friday’s afternoon plenary with each member state delegation having one vote. This gives simulation participants Thursday evening and when possible (during breaks, lunch) to lobby other delegations to support their preferred agenda items.

Take Metro (line 1 or 5) back to St. Catherine’s (towards Erasmus or Comte de Vlaanders).

Friday, January 12

- 8:00-9:00 Breakfast at Ibis Hotel
Buses depart for Vesalius College at 9 and 9:10
- 9:30-11:45 **Functional Meetings Location: Vesalius College**
HOGS
Foreign Ministers
Coreper
Ecofin
Press Corps: Computer Lab
- 10-11:15 Faculty Research Talk
TBA
- 11:45-Noon **Country Delegation Meetings on Issues of Concern** (progress on agenda items)

Explanation:

Individual countries will meet to discuss agenda items. They can also meet with other countries on issues of concern. Secretariat, Presidency, and European Commission teams confer to prepare for Press Briefing

Noon-12:15 Plenary Session of all delegates for Press Briefing

12:15-1:15 **LUNCH in Vesalius Event Space**
Sandwiches and drinks provided on site

1:15-4:15 **Functional Meetings**
(location same as the morning session)
HOGS
Foreign Ministers
Coreper
Ecofin
Press Corps: Computer Lab

1:30-3:00 Faculty Research Talk
Dr. Sarah Leonard, Associate Dean,
Vesalius
“Migration and Security in the EU”

4:15 p.m.–4:30 **Country Meetings (break)**

4:30-5:00 **Plenary and Press Briefing**
Explanation:
The Presidency should:
a) update delegates on progress made to date and allow Bulgarian Foreign Minister and The High Representative to speak to Foreign Ministers progress;
b) VOTE ON NEW AGENDA ITEMS-as introduced on Thursday’s plenary. There will be two new items added for discussion at Saturday’s sessions.

5:00-5:30 Students/faculty depart for hotel

7:00-9:00 Student Mixer and MEU Faculty Dinner

Saturday, January 13

8:15-9:15 a.m. Breakfast at the Hotel Ibis, Buses Depart for Vesalius at 9:15

9:30 a.m.-11:45 **Functional meetings** (based on new agenda items and/or unfinished business)

- 10-11:30 **SUNY MEU Council Meeting**
Planning for 2019 in NYC
- 11:45 a.m. -Noon Individual Country meetings
Commission and Council Secretariat confer with presidency
team to prepare for Press Briefing
- Noon-12:15 Plenary Session and Press Briefing
- 12:15-1:30 **LUNCH at Vesalius Event Space**
- 1:30-4:30 Final Functional meetings
- 4:30 -4:45 Individual Country meetings
 Commission and Council Secretariat confer with Heads of
 Government about Conclusions

Explanation:

This meeting will help to finalize and organize the Conclusions of the Presidency. The Council Secretariat will be responsible for handling the technical details, such as ensuring that the Conclusions are contained in an e-document to be projected in the lecture hall's computer/projection system.

- 4:45 - 5:30** European Council-Presidency Signing of Conclusions Press
Conference and Photo Ops

- 5:30-7:00 **Closing Ceremony and**

Reception

Sunday, January 14

Optional Bus Trip to Ghent
Bus Departs 10 am returns 5 pm
Or Depart Hotel for Home

Part V: Rules and Procedures for SUNYMEU

By SUNYMEU Council

Sitting order in the European Council and all other Council configurations

For the purpose of this simulation, all official meetings in the European Council, the COREPER and the ECOFIN shall respect the following sitting order. Preferably, all Council configurations dispose a roundtable for all proceedings.

The Presidencies and the members of the institutions take the central position in the table. The member states' representatives sit according to the official EU listing order (see listing order in the Table below).

Hence, starting from the member holding the rotating presidency (Bulgaria for SUNYMEU 2018) , the sitting order is as follow: Bulgaria; Czech Republic; Denmark; Germany; Estonia; Ireland; Greece; Spain; France; Croatia; Italy; Cyprus; Latvia; Lithuania; Luxembourg; Hungary; Malta; Netherlands; Austria; Poland; Portugal; Romania; Slovenia; Slovakia; Finland; Sweden; United Kingdom; Belgium.

Sitting order in the Foreign Affairs Council

The FAC follows the same sitting order rules. However, should a Commission's representative attend the meetings of the FAC, he or she shall sit at the opposite end of the table from the Presidency.

EU-28: names, codes and listing order ⁵⁴			
Short name (source language)	Short name (English)	Official name	Code
Belgique/België	Belgium	Kingdom of Belgium	BE
България (*)	Bulgaria	Republic of Bulgaria	BG
Česká republika	Czech Republic	Czech Republic	CZ
Danmark	Denmark	Kingdom of Denmark	DK
Deutschland	Germany	Federal Republic of Germany	DE
Eesti	Estonia	Republic of Estonia	EE
Éire/Ireland	Ireland	Ireland	IE
Ελλάδα (*)	Greece	Hellenic Republic	EL
España	Spain	Kingdom of Spain	ES
France	France	French Republic	FR
Hrvatska	Croatia	Republic of Croatia	HR
Italia	Italy	Italian Republic	IT
Κύπρος (*)	Cyprus	Republic of Cyprus	CY

⁵⁴ <http://publications.europa.eu/code/pdf/370000en.htm>

Latvija	Latvia	Republic of Latvia	LV
Lietuva	Lithuania	Republic of Lithuania	LT
Luxembourg	Luxembourg	Grand Duchy of Luxembourg	LU
Magyarország	Hungary	Hungary	HU
Malta	Malta	Republic of Malta	MT
Nederland	Netherlands	Kingdom of the Netherlands	NL
Österreich	Austria	Republic of Austria	AT
Polska	Poland	Republic of Poland	PL
Portugal	Portugal	Portuguese Republic	PT
România	Romania	Romania	RO
Slovenija	Slovenia	Republic of Slovenia	SI
Slovensko	Slovakia	Slovak Republic	SK
Suomi/Finland	Finland	Republic of Finland	FI
Sverige	Sweden	Kingdom of Sweden	SE
United Kingdom	United Kingdom	United Kingdom of Great Britain and Northern Ireland	UK

All simulation meetings, except those with a few participants (e.g. individual country meetings), should use *Parliamentary Procedure*. With smaller meetings (generally, meetings other than plenary sessions), the chair should use rules for ***Rules for Debate in Small Committees***. **Parliamentary procedure (Roberts’ Rules of Order) is inappropriate for smaller meetings and will only serve to slow down the business of the meeting unnecessarily. Suggesting Roberts’ Rules/parliamentary procedure is used as a delaying tactic by obstructionist members – Chairs should not “fall” for this tactic.**

All participants should be familiar with Parliamentary Procedure. Participants should also review the proper forms for addressing chairs: How to Address Chairs.

Members of the delegation of the Council Presidency will chair all functional meetings and plenary sessions. All questions, motions, etc. must be recognized by the Chair. Chairs should take special care to learn rules and guidelines and they should always have the rules with them to be able to quote the rules if questions about procedure come up.

European Council meetings are chaired by the President of the European Council. The head of government, or his/her foreign minister, will chair individual country meetings. The President of the European Council may ask the HOG of the Presidency team to co-chair, which may make keeping track of procedure and minutes easier. Meetings of **groups of countries** (other than those which the Council of Ministers’ Presidency attends), will select their chair at their first meeting. The Chair will decide on the closure of debate, but a participant must move for closure, and be given a maximum of one minute to explain his/her rationale. If at least two other participants second the motion, it will immediately be put to a vote, and requires the support of at least ¾ of the participants to be successful. The Chair will declare the debate closed if the vote is successful. The same rules apply for closure of debate.³⁹

In the event of conflicts, disagreements, or questions about the simulation program, it is the responsibility of the Council Secretariat to arbitrate and resolve the matter. The Council Secretariat should therefore be present with at least one representative at all meetings and keep track of procedural matters to support the chair. If the Council Secretariat is unable to resolve the matter, the latter should bring the problem to the SUNYMEU Council for resolution.

The Council Secretariat may interrupt on a **Point of Order** or a **Point of Information**.

Parliamentary Procedure

*Parliamentary Procedure Summarized*⁵⁵

Five kinds of knowledge for an effective meeting participant:

1. Knowledge of the subject matter at hand
2. Knowledge of parliamentary rules of order
3. Knowledge of rhetoric-the power to persuade
4. Knowledge of problem solving and decision making
5. Knowledge of human social-emotional dynamics

Basic Principles of Parliamentary Procedure:

1. Parliamentary procedure exists to facilitate the transaction of business and to promote cooperation and harmony.
2. All members have equal rights, privileges, and obligations.
3. The majority has the right to decide.
4. The minority has rights which must be protected.
5. A quorum must be present for the group to act. Full and free discussion of every motion considered is a basic right.
6. Only one question at a time can be considered at any given time.
7. Members have the right to know at all times what the immediately pending question is, and to have it restated before a vote is taken.
8. No member can speak until recognized by the chair.
9. No one can speak a second time on the same question as long as another wants to speak a first time.
10. The chair should be strictly impartial.

Handling a Motion

⁵⁵ The editors wish to thank Dr. Barbara Jancar, SUNY Distinguished Professor Emerita, for her contribution to this section, see also *Robert's Rules of Order Newly Revised* (<http://www.robertsrules.com>).

Three steps by which a motion is brought before the group:

- Step 1: A member makes a motion.
- Step 2: Another member seconds the motion.
- Step 3: The chair states the question on the motion.

Three steps in the consideration of a motion:

- Step 1: The members debate the motion (unless no member claims the floor for that purpose).
- Step 2: The chair puts the question to a vote.
- Step 3: The chair restates the question.

The chair takes the vote:

"All in favor of the motion, say aye."
"Those opposed, say no."

The chair announces the result of a vote. A complete announcement should include:

- Report on the voting itself, stating which side prevailed (and giving the count if a count prevailed).
- Declaration that the motion is adopted or lost.
- Statement indicating the effect of the vote or ordering its execution.
- Where applicable, announcement of the next item of business or stating the question of the next motion that consequently comes up for a vote.

Rules Governing Parliamentary Debate

The term debate applies to the discussion on the merits of a pending question.

1. A member may not speak until recognized by the chair.
2. When no special rule relating to the length of speeches is adopted by the group, a member can speak no longer than ten minutes unless the consent of the group is obtained.
3. Rights in debate are not transferable. A member cannot yield an unexpired portion of his/her time to another member (the chair controls who speaks) or reserve any portion of time for later.
4. No member may be allowed to speak more than twice to the same question on the same day.
5. Proper decorum in debate must be observed:
6. Remarks must be germane to the question before the group.
7. Speakers should speak loudly and clearly.
8. Speakers should refrain from attacking another member's motives.
9. Remarks should be addressed through the chair.
10. Speakers should stand when speaking.

11. If any member objects, a speaker has no right to read from or to have the secretary read from any paper or book as part of his/her speech, without permission of the assembly.

Thomas Jefferson's advice is still good: "No one is to disturb another in his speech by hissing, coughing, spitting, speaking or whispering to another, etc."

Rules for Debate in Small Committees

The rules for small committee meetings are different from the rules which apply to large meetings of assemblies or plenary bodies.

1. Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
2. There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally are not allowed. [Note: In practice, even these motions are in fact usually allowed.]
3. Informal discussion of a subject is permitted while no motion is pending.
4. The chair can speak during discussions, make motions, and usually votes on all questions.
5. Sometimes, when a proposal is perfectly clear to all present, a vote can be taken without a motion having been introduced. Unless agreed by general consent, however, all proposed actions of a committee must be approved by vote under the same rules as an assembly.

The Committee Report (the European Council's Conclusions)

The report should be prepared by a member of the Council Secretariat who is assigned to that meeting. The Secretariat may request the assistance of the European Commission.

All members of the European Council should be given opportunity to review and revise the draft before it is submitted. It is not the drafter's work product, but the product of the entire committee.

What content should the report contain?

The report should be written to have an impact on those who read it. After reading the content, the reader must be convinced the conditions the proposal seeks to remedy are serious enough to justify action, understand the details of the proposal and how it will remedy the problem conditions, and be assured that the proposal is practical, reasonable, and will bring no undesirable side outcomes. The reader must also believe the proposal is the best alternative. Several content elements are usually "necessary" to fulfill the functions of a report:

Preamble. A preamble or introduction contains boilerplate information (such as the name of the committee and the names of the members), a statement of the charge or mission given to the committee (making the organizational context of the report clear), and a review of the procedures used in the problem solving process.

Background. The report should give needed background on the nature of the problem indicating a need for a solution. Succinctly and objectively the committee's factual findings and conclusions about the nature of problem, its causes, its effects, and related matters should be presented. Appropriate documentation should be given. If there is a large amount of material as a result of the committee's work, often this material is best summarized briefly in the report with supporting documents in an appendix.

Recommendation. The report should clearly present a request for the higher authority to take some action on the work of the committee. For example, if the committee's function is largely advisory, then the report should request that the committee be informed of actions or decisions on the matters covered in the report. If the committee's role was to provide information, then the request might be that the receipt of the information be acknowledged. If the committee's role was decision-making or action-taking, then the request should be for feedback to guide future work.

Terms used in Parliamentary Procedure

Point of Order

If a member feels the rules are not being followed, he uses this motion. It requires the chair to make a ruling and enforce the rules. Avoid overuse; save it for when someone's rights are being violated.

Point of Personal Privilege

Another phrase used for a *Question of Privilege*. An urgent request or motion relating to the privileges of a member of the assembly. This is used if a participant wishes to raise a question, leave the room for an extended time, or make a request to personal comfort.

Point of information

A nonparliamentary question about business at hand. This is used when a participant seeks clarification on a matter.

Table 7 Frequent Things You Want to Do

Objective	Appropriate Motion
Present an idea for consideration or action	Main motion or Resolution; Consider subject informally
Improve a pending motion	Amend; Division of the question
Regulate or cut-off debate	Limit or extend debate; Previous question (vote immediately)
Delay a decision	Refer to committee; Postpone definitely; Postpone indefinitely (kills motion)

Suppress a proposal	Object to consideration; Postpone indefinitely; Withdraw a motion
Meet an emergency	Question of privilege; Suspend rules; Lay on the table
Gain information on a pending motion	Parliamentary inquiry; Request for information; Question of privilege; Request to ask member a question
Question the decision of the chair	Point of order; Appeal from decision of the chair
Enforce rights and privileges	Division of assembly; Division of question; Parliamentary inquiry;
Point of order	Appeal from decision of chair
Consider a question again	Resume consideration; Reconsider; Rescind
Change an action already taken	Reconsider; Rescind; Amend motion previously adopted
Terminate a meeting	Adjourn; Recess

Source: Alice Sturgis's *The Standard Code of Parliamentary Procedure* (3rd edition), but modified for motions in Robert's Rules of Order Newly Revised.

How to Address Chairs⁵⁶

Interrupts any speaker

Wording: Mr./Madame President or Chair, I rise to a point of order... Comment: the Chair's decision

Admissibility of a Matter

Wording: Mr./Madame President or Chair, I move that this matter is admissible...

Closure of Debate

Wording: Mr./Madame President or Chair, I move that we close debate.

Call to Order

Wording: I call this meeting to order Comment: Made only by the Chair **Setting the Agenda**

Wording: Mr./Madame President or Chair, I move to make... the order of our agenda.

Adjournment of Debate

Wording: Mr./Madame President or Chair, I move that we adjourn... Comment: Only appropriate before or during debate.

Closure of Sitting

Wording: Mr./Madame President or Chair, I move that we close the sitting.

Move to Vote on Amendments

⁵⁶ This section was contributed by Dr. Henry Steck, Distinguished Service Professore Emeritus, SUNY Cortland.

Wording: Mr./Madame President or Chair, I move to vote on the amendment... Comment: Voting on farthest amendment first.
Motion to vote on the Text

Wording: Mr./Madame President or Chair, I move to vote on...

Motion to Table

Wording: Mr./Madame President or Chair, I move that we table... Comments: Applies to amendments and text.

Motion to Withdraw

Wording: Mr./Madame President or Chair, I wish to withdraw my motion to...

Voting by Roll Call

Wording: Mr./Madame President or Chair, I move that we vote by roll call. Comment: must be written proposal.

Division of the Question

Wording: Mr./Madame President or Chair, I call for a division of the question... Comment: Must be done before the voting procedure begins.

Objections

Wording: Mr./Madame President or Chair, I object to motion on the floor... Comment: At the President's or the Chair's discretion.

Chairing Meetings⁵⁷

This section of the SUNYMEU manual contains detailed guidance for those students who are chairing meetings.

In SUNYMEU, the Council Presidency chairs ministerial and COREPER meetings. The President of the European Council chairs European Council meetings and may be assisted by the Head of the Presidency Team. The Member State holding the Council Presidency is assisted by the immediate past president of the Council, if needed.

Achieving objectives

The purpose of meetings is to get decisions made collectively. It has been found that if a meeting is structured formally or semi-formally, this objective is achieved more easily and more effectively.

⁵⁷ This section was contributed by Dr. Janet Mather, Professor Emerita, Manchester Metropolitan University.

The pivotal figure in a formal or semi-formal meeting is the Chairman. S/he needs to create the right circumstances in which decision-making is possible.

Making effective decisions

A chairman can assist in making effective decisions by having regard to their three main ingredients:

use of all the skills available within the meeting; at least comparative consensus; and clarity of procedure

The Chairman can achieve the first by enabling all participants to contribute. That is:

everyone needs to be encouraged to take part
no-one should be discouraged by the ill-mannered behaviour on the part of other participants, such as interruptions, rudeness etc

This means that the Chairman has to make sure that all participants understand that the person speaking “has the floor,” and will be protected from interruption by the Chairman. It also means that the Chairman may need to encourage silent members by directly seeking their views, and ensuring that their contributions are presented as useful and relevant – e.g.: “that is a useful/valuable point...”

The Chairman can assist the second by:

again enabling full contributions from participants. This way, at least the majority will end up “owning” the final decision, particularly if the Chairman acknowledges each person’s contribution in her/his summing up (see below), blunting the edges of dogmatic/offensive pronouncements by participants. This can be done by restating what has been said in less abrasive language.

The Chairman is solely responsible for clarity of procedure. Nothing makes participants more frustrated than uncertainty about what is being debated, or what is being voted upon. In case of uncertainty about procedures the Chair should be able to refer to the Council Secretariat.

3. Meeting procedures and rules of debate

The best way to control a meeting is establish one’s authority as Chairman at the start. It also helps to get to know the participants as soon as possible – spot the shy ones, the over-talkative or the awkward ones, and deal with them accordingly. Shy people need to feel reassured and valued; over-talkative ones need to be prevented from dominating, whilst awkward ones need to be kept in order (see below).

There are extensive rules of debate that need not concern the Chairman unless a rigid structure has been prescribed as part of a body’s constitution.

The main rule is always that the Chairman is right, even when s/he is wrong. It saves a lot of argument and confusion if meeting participants understand that from the first. A really confident chairman can make sure that they do, but it is not necessary to *be* really confident. An appearance of confidence tends to do the trick just as well, and can be achieved simply by welcoming participants to the meeting (that makes it the chairman's meeting to begin with).

Not all meetings are all that formal, and the Chairman may need to decide how formally the situation should be managed at the start of a series of meetings. However, where a definite decision is to be made *and* is likely to be controversial, rules of debate may be applied:

3.1. Initiating debate

Before a discussion can begin, a motion should be proposed by one person, who may speak to the motion as s/he moves it.

In really formal meetings, this motion should be seconded by another person, who may also speak to it.

3.2. Conducting the debate

Other people can follow with their contributions, when invited to do so by the Chairman. Strictly speaking, they should speak once only, and should *never* be interrupted whilst they are speaking. They may need a time limit set by the Chairman. Debate should be as extensive as the Chairman thinks is necessary, and the Chairman should be prepared to say when s/he thinks that everything useful has been said

3.3. Closing the debate

At this point, in really formal meetings, the original mover has the right to sum up, and this should close the debate...

... except that the Chairman can sum up for the sake of clarity (but should not express a personal point of view).

3.4. Holding the vote

The vote should be put by the Chairman, and normally a show of hands is sufficient (but the Chairman should not count the votes personally – it is better to let someone else do that), unless a secret ballot is requested by the participants

The Chairman should then announce the results of the vote. At this point a *motion* becomes a *resolution*

The Chairman should thank all speakers and commend the decision (whatever it is)

3.5. After...

It may be that the decision made needs to be followed up with specific action (eg., who is to implement the decision).

This too will be a matter for the Chairman's initiative, and s/he should introduce this as the next step.

3.6. Complications, i.e., amendments

Sometimes the terms of a motion are not acceptable to one or more participant. In this case, an amendment to a resolution will be proposed

Before it can be discussed, an amendment too ought to be seconded, strictly speaking

At this point the Chairman can rule whether it really is an amendment – i.e., a relatively minor change to the original motion – or whether it is a direct negative (i.e., would achieve the opposite of what the motion calls for).

If it is a direct negative, then the would-be amender can be informed that the amendment is not acceptable and advised simply to say her/his piece and then vote *against* the motion

A decision on an amendment must be taken before the vote on the original motion. Each amendment should therefore be discussed separately.

If it is carried, then it becomes the motion, and a final vote should be taken on that

If it is not carried, then the original motion is put to the vote

Occasionally participants put forward a *second* amendment before the first has been disposed of (i.e., voted on)

In such cases, the Chairman should instruct the proposer of the second amendment that it will not be considered until after the result of the vote on the first amendment

The Chairman can say: "I shall take that as notice of a further amendment." and the Council Secretariat should write down who put forward the second amendment.

After the vote on the first amendment has been taken, the Chairman can invite the proposer of the second amendment to state her/his case and debate, followed by a vote, can proceed

It does not often happen that anyone puts forward a *third* amendment, but if they do, then the procedure as for the second amendment is repeated.

Movers of amendments do *not* have the right to sum up before the vote is taken. They should only speak once, when proposing their amendment

4. Awkward participants

Very often participants at a meeting do not understand meeting procedures because of lack of experience.

This can be an advantage to the Chairman, because they can be blinded with science.

It can also be a disadvantage, because, not knowing the rules, participants do not know how to behave.

If this is the case, then a short reminder of the rules at the start of the meeting (or at the start of trouble, whichever is earlier) can resolve the matter.

There are, however, two other sorts of awkward participants.

those who want to talk too much

those who want to disrupt proceedings

People who want to talk too much (or too often – usually the same people) can be controlled by a stricter adherence to the rules of debate (see above)

People who want to be difficult cannot be controlled, but they can be persuaded that they should control themselves.

This may be achieved by icy calm and courtesy, sometimes humour, on the part of the Chairman.

It may *not* be achieved by an exhibition of temper or panic by the Chairman.

Icy calm and courtesy nearly always works where warmth and friendliness does not, but it is probably better to try the warm and friendly approach to begin with.

Checklist for Meeting Chairs

1. Be brief.
2. Exercise leadership.
3. Speak with authority.
4. Stand above petty differences.
5. Maintain an orderly meeting.
6. To control others, control yourself.
7. Keep the assembly informed.
8. Be modest.
9. Be patient.
10. Show interest.
11. Retain objectivity.
12. Seek to understand people.
13. Be alert.
14. Analyze.

15. Synthesize.
16. Be ready to phrase and rephrase remarks.
17. Be judicious in your power as Chair.

Appendix 1: European Council

Composition

1) The Treaty on European Union provisions on the European Council

Most of the treaty rules on the European Council are laid down in Article 15 of the TEU:

Article 15

1. The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions.
2. The European Council shall consist of the Heads of State or Government of the Member States, together with its President and the President of the Commission. The High Representative of the Union for Foreign Affairs and Security Policy shall take part in its work.
3. The European Council shall meet twice every six months, convened by its President. When the agenda so requires, the members of the European Council may decide each to be assisted by a minister and, in the case of the President of the Commission, by a member of the Commission. When the situation so requires, the President shall convene a special meeting of the European Council.
4. Except where the Treaties provide otherwise, decisions of the European Council shall be taken by consensus.
5. The European Council shall elect its President, by a qualified majority, for a term of two and a half years, renewable once. In the event of an impediment or serious misconduct, the European Council can end the President's term of office in accordance with the same procedure.
6. The President of the European Council:
 - (a) shall chair it and drive forward its work;
 - (b) shall ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council;
 - (c) shall endeavour to facilitate cohesion and consensus within the European Council;
 - (d) shall present a report to the European Parliament after each of the meetings of the European Council.

The President of the European Council shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy. EN 30.3.2010 Official Journal of the European Union C 83/23

The President of the European Council shall not hold a national office.

The Rules of Procedure of the European Council

These are laid down in a decision of the European Council taken on 1 December 2009:

RULES OF PROCEDURE OF THE EUROPEAN COUNCIL

Article 1

Notice and venue of meetings

1. The European Council shall meet twice every six months, convened by its President . At the latest one year before the beginning of a six-month period, in close cooperation with the Member State which will hold the Presidency during that six-month period, the President of the European Council shall make known the dates which he or she envisages for the meetings of the European Council during that six-month period.

When the situation so requires, the President shall convene a special meeting of the European Council.

2. The European Council shall meet in Brussels.

In exceptional circumstances, the President of the European Council, with the agreement of the General Affairs Council or the Committee of Permanent Representatives, acting unanimously, may decide that a meeting of the European Council will be held elsewhere.

Article 2

Preparation for and follow-up to the proceedings of the European Council

1. The President of the European Council shall ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council.

2. The General Affairs Council shall prepare and ensure the follow-up to meetings of the European Council, in liaison with the President of the European Council and the Commission.

3. The President shall establish close cooperation and coordination with the Presidency of the Council and the President of the Commission, particularly by means of regular meetings.

4. In the event of an impediment because of illness, in the event of his or her death or if his or her term of office is ended in accordance with Article 15(5) of the Treaty on European Union, the President of the European Council shall be replaced, where necessary until the election of his or her successor, by the member of the European Council representing the Member State holding the six-monthly Presidency of the Council.

Article 3

Agenda and preparation

1. In order to ensure the preparation provided for in Article 2(2), at least four weeks before each ordinary meeting of the European Council as referred to in Article 1(1), the President of the European Council, in close cooperation with the member of the European Council representing the Member State holding the six-monthly Presidency of the Council and with the President of the Commission, shall submit an annotated draft agenda to the General Affairs Council.

Contributions to the proceedings of the European Council by other Council

configurations shall be forwarded to the General Affairs Council at the latest two weeks before the meeting of the European Council.

The President of the European Council, in close cooperation as referred to in the first subparagraph, shall prepare draft guidelines for the European Council conclusions and, as appropriate, draft conclusions and draft decisions of the European Council, which shall be discussed in the General Affairs Council. EN L 315/52 Official Journal of the European Union 2.12.2009 .

A final meeting of the General Affairs Council shall be held within the five days preceding the meeting of the European Council. In the light of that final discussion, the President of the European Council shall draw up the provisional agenda.

2. Except for imperative and unforeseeable reasons linked, for example, to current international events, no other configuration of the Council or preparatory body may, between the session of the General Affairs Council at the end of which the provisional agenda for the European Council is drawn up and the European Council meeting, discuss any subject submitted to the European Council.

3. The European Council shall adopt its agenda at the beginning of its meeting. As a rule, issues entered on the agenda should have been examined beforehand, in accordance with the provisions of this Article.

Article 4

Composition of the European Council, delegations and the conduct of proceedings

1. Each ordinary meeting of the European Council shall run for a maximum of two days, unless the European Council or the General Affairs Council, on the initiative of the President of the European Council, decides otherwise.

The member of the European Council representing the Member State holding the Presidency of the Council shall report to the European Council, in consultation with its President, on the work of the Council.

2. The President of the European Parliament may be invited to be heard by the European Council (1). Such exchange of views shall be held at the start of the meeting of the European Council, unless the European Council unanimously decides otherwise.

Meetings in the margins of the European Council with representatives of third States or international organisations or other personalities may be held in exceptional circumstances only, and with the prior agreement of the European Council, acting unanimously, on the initiative of the President of the European Council.

3. Meetings of the European Council shall not be public.

4. The European Council shall consist of the Heads of State or Government of the Member States, together with its President and the President of the Commission. The High Representative of the Union for Foreign Affairs and Security Policy shall take part in its work (2).

When the agenda so requires, the members of the European Council may decide each to be assisted by a minister and, in the case of the President of the Commission, by a member of the Commission (3).

The total size of the delegations authorised to have access to the building where the meeting of the European Council is held shall be limited to 20 persons for each Member State and for the Commission, and to five for the High Representative of the Union for Foreign Affairs and Security Policy. That number shall not include technical personnel

assigned to specific security or logistic support tasks. The names and functions of the members of the delegations shall be notified in advance to the General Secretariat of the Council.

The President shall be responsible for the application of these Rules of Procedure and for ensuring that discussions are conducted smoothly.

Article 5

Representation before the European Parliament

The European Council shall be represented before the European Parliament by the President of the European Council.

The President of the European Council shall present a report to the European Parliament after each of the meetings of the European Council .

The member of the European Council representing the Member State holding the Presidency of the Council shall present to the European Parliament the priorities of its Presidency and the results achieved during the six-month period.

Article 6

Adoption of positions, decisions and quorum

1. Except where the Treaties provide otherwise, decisions of the European Council shall be taken by consensus.

2. In those cases where, in accordance with the Treaties, the European Council adopts a decision and holds a vote, that vote shall take place on the initiative of its President. The President shall, furthermore, be required to open a voting procedure on the initiative of a member of the European Council, provided that a majority of the members of the European Council so decides.

3. The presence of two thirds of the members of the European Council is required to enable the European Council to vote. When the vote is taken, the President shall check that there is a quorum. The President of the European Council and the President of the Commission shall not be included in the calculation of the quorum.

4. Where a vote is taken, any member of the European Council may also act on behalf of not more than one other member).

Where the European Council decides by vote, its President and the President of the Commission shall not take part in the vote.

5. Procedural decisions adopted by the European Council by virtue of these Rules of Procedure shall be adopted by a simple majority.

Article 7

Written procedure

Decisions of the European Council on an urgent matter may be adopted by a written vote where the President of the European Council proposes to use that procedure. Written votes may be used where all members of the European Council having the right to vote agree to that procedure.

A summary of acts adopted by the written procedure shall be drawn up periodically by the General Secretariat of the Council.

Article 8

Minutes

Minutes of each meeting shall be drawn up; a draft of those minutes shall be prepared by the General Secretariat of the Council within 15 days. The draft shall be submitted to the European Council for approval, and then signed by the Secretary-General of the Council.

The minutes shall contain:

- a reference to the documents submitted to the European Council,
- a reference to the conclusions approved,
- the decisions taken,
- the statements made by the European Council and those whose entry has been requested by a member of the European Council,

Article 9

Deliberations and decisions on the basis of documents and drafts drawn up in the languages provided for by the language rules in force

1. Except as otherwise decided unanimously by the European Council on grounds of urgency, the European Council shall deliberate and take decisions only on the basis of documents and drafts drawn up in the languages specified in the rules in force governing languages.
2. Any member of the European Council may oppose discussion where the texts of any proposed amendments are not drawn up in such of the languages referred to in paragraph 1 as he or she may specify.

Article 10

Making public votes, explanations of votes and minutes and access to documents

1. In cases where, in accordance with the Treaties, the European Council adopts a decision, the European Council may decide, in accordance with the voting arrangement applicable for the adoption of that decision, to make public the results of votes, as well as the statements in its minutes and the items in those minutes relating to the adoption of that decision.

Where the result of a vote is made public, the explanations of the vote provided when the vote was taken shall also be made public at the request of the member of the European Council concerned, with due regard for these Rules of Procedure, legal certainty and the interests of the European Council.

2. The provisions concerning public access to Council documents set out in Annex II to the Rules of Procedure of the Council shall apply *mutatis mutandis* to European Council documents.

Article 11

Professional secrecy and production of documents in legal proceedings

Without prejudice to the provisions on public access to documents, the deliberations of the European Council shall be covered by the obligation of professional secrecy, except insofar as the European Council decides otherwise.

The European Council may authorise the production for use in legal proceedings of a copy of or an extract from European Council documents which have not already been released to the public in accordance with Article 10.

Article 12

Decisions of the European Council

1. Decisions adopted by the European Council shall be signed by its President and by the Secretary-General of the Council. Where they do not specify to whom they are addressed, they shall be published in the Official Journal of the European Union. Where they specify to whom they are addressed, they shall be notified to those to whom they are addressed by the Secretary-General of the Council.
2. The provisions concerning the form of acts set out in Annex VI to the Rules of Procedure of the Council shall apply mutatis mutandis to decisions of the European Council.

Article 13

Secretariat, budget and security

1. The European Council and its President shall be assisted by the General Secretariat of the Council, under the authority of its Secretary-General.
2. The Secretary-General of the Council shall attend the meetings of the European Council. He or she shall take all the measures necessary for the organisation of proceedings.
3. The Secretary-General of the Council shall have full responsibility for administering the appropriations entered in Section II – European Council and Council – of the budget and shall take all measures necessary to ensure that they are properly managed. He or she shall implement the appropriations in question in accordance with the provisions of the Financial Regulation applicable to the budget of the Union.
4. The Council's security rules shall apply mutatis mutandis to the European Council.

Article 14

Correspondence addressed to the European Council (for SUNYMEU)

Correspondence to the European Council shall be forwarded to its President from the following address: dowleyk@newpaltz.edu

Appendix II: European Council Agenda Items

Sample ‘real world’ European Council statements/resolutions-

See <http://www.consilium.europa.eu/en/press/press-releases/2016/06/28-euco-conclusions/> to download the most recent European Council conclusions, 28 June 2016 (at the time of this writing).

Appendix III: SUNYMEU 2011 Council Conclusions

(Sample to guide SUNYMEU participants)

European Council Conclusions

SUNY New Paltz, 16 April 2011

From: General Secretariat of the

Council To: Delegation

Delegations will find attached the conclusions of the European Council (16 April 2011)

Enlargement

The European Union has been an evolving body that has been incorporating new European democratic states since its creation. Today the EU is comprised of 27 Member States and a population of over 500 million people, with a number of states in the process of accession. These prospective states must fulfil the requirements of the Copenhagen criteria as set out in December 1993 by the European Council requiring a candidate country to have: 1) stable institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities; 2) a functioning market economy, as well as the ability to cope with the pressure of competition and the market forces at work inside the Union; and 3) the ability to assume the obligations of membership, in particular adherence to the objectives of political, economic and monetary union. The country also must be able to put the EU rules and procedures into effect.

In its 2010 strategy document on enlargement issued on 9 November 2010, the Commission reported that developments in prospective states were generally favourable and making progress towards accession.

Currently, the Former Yugoslav Republic of Macedonia, Albania, Croatia, Turkey, and Iceland are in the process of fulfilling the necessary requirements. In light of the recent economic crisis, it is imperative that the European Commission take into consideration the state of the prospective countries' economies. This has also generated some controversy over the accession of some prospective nations. Therefore we recognize that the process of accession might be delayed.

To tackle the challenges associated with enlargement, the Commission has:

- 1) Decided to retain the current Copenhagen criteria in regards to Turkey's accession, establishing the deadline of December 2015 for the country to comply with all conditions, and close all chapters set by the EU before an accession treaty can be drawn up
- 2) Accepted Iceland's candidacy to the EU, while imposing an extension of the Copenhagen criteria for the country's acceptance. The conditions agreed upon are: stabilization of the banking system, setting concrete fishing laws, and establishing a fiscal framework. Bearing in mind the economic situation in

Iceland, a review commission should be set for December 2014, when the country's candidacy will be reviewed.

3) Agreed on December 2011 as the date for Croatia's accession to the EU.

4) Reached an agreement of opening negotiations on Macedonia's accession today, 15th of April 2011, later establishing a review committee on December 2012.

5) Accepted for negotiations on Albania's and Montenegro accession to begin in 2013.

6) Recognized the need to postpone negotiations on accession for candidate states that do not fulfil the Maastricht Treaty criteria rule until they have been able to prove significant change or showed the willingness to change.

Political Stability in Africa and the Middle East

Consistent with the objectives set forth in the extraordinary European Council of March 11, 2011, the Council expressed its strong solidarity with the Libyan people and the victims of the violence there. We firmly condemn the violent repression the Libyan regime applies against its citizens and the gross and systematic violation of human rights. We expressed support for UN Security Council Resolution 1970 and demanded that the use of force, especially with military means, against civilians stop immediately. The safety of the people must be ensured by all necessary means. The European Council expresses its deep concern about attacks against civilians, including from the air. In order to protect the civilian population, Member States will examine all necessary options, provided that there is a demonstrable need, a clear legal basis and support from the region. Those responsible will be held accountable and face grave consequences. We will continue to work with the United Nations, the Arab League, the African Union and our international partners to respond to the crisis.

The Council adopted a decision on April 1 to support a European Union military operation in support of humanitarian assistance (the safe movement and evacuation of displaced persons at the request of the United Nations). The mandate agreed to would last four months, and 7.9 million Euros were allocated to fund EUFOR Libya. Additionally, in order to deal with these challenges, the EU at its April 16th council summit resolves to:

Understand that only a collective foreign policy can address the needs facing both the EU and Libyan people;

Establish an exploratory commission into the influence of external actors in the upholding of the Gadhafi regime. The report will be distributed to all EU members of the UN and those members of the Security Council will act to uphold

the common EU position brokered during this summit and push for urgent Security Council action. The EU will wait for the support of such bodies as the UN, AL and AU before further sanctions are imposed on the nation of Libya or individuals within the Gadhafi regime.

Member states shall move to recognize the transition authority of Libya as the Interim National Council and a representative from European External Action Service will be sent to Benghazi to establish formal contact with the council;

Continue to support the active engagement of NATO forces in upholding the no-fly zone and protecting the civilian population. Member states have individually agreed to support the mission through the following means;

Logistical: Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, France, Germany, Greece, Italy, Luxemburg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom, Lithuania, Latvia

Financial: Belgium, Czech Republic, Denmark, France, Germany, Italy, Luxemburg, Netherlands, Slovenia, Sweden, United Kingdom

Military: Bulgaria, Denmark, Finland, France, Italy, Luxemburg, Netherlands, Spain, Sweden, United Kingdom, Czech Republic.

Encourage a review into current NATO practice in order to reduce rebel and civilian casualties;

The EU will send an exploratory commission in order to better understand all aspects of the Libyan rebel movement. Based on these findings, the commission will report to the EU heads of government when further action will be agreed upon.

Urge-the Arab league to take a far more active approach in enforcing the resolutions;

Provide further financial and/or logistical support to those members currently experiencing a vast flow of asylum seekers seeking safe havens from politically oppressive regimes. Member states have agreed to take on additional civilian refugees case by case based on economic indicators such as GDP, Debt levels and other economic factors, current refugee numbers and land mass proportional to population;

Maintain good working communication practices with the Arab world through the forum

of the Arab League with the UN. Initially, the EU will establish, in cooperation with the Arab League, a joint review of the current crises and propose recommendations on how best EU members can ensure long lasting political and economic stability. Based on these findings, an advisory commission will be established to advise EU members and EU bodies on the ongoing implementation of support to the region and how best to support individual countries. The commission will include the most affected member states of the EU, African Union and Arab League.

The establishment of a summit with the EU, AI and AU in order to establish a common foreign policy on the issue of Libya. With the main agenda proposal being the establishment of a commissioner;
Continue to support all ongoing aid efforts within Libya with an increase in relief including personnel. Once dropped aid will be distributed through NGOs and existing UN framework through OCHA. Further aid will be provided should the UN decided that it is necessary and would effectively deal with the ongoing humanitarian crisis;

The EU will investigate the feasibility of putting in a protection force in place if civilian casualties remain at current levels for implementation or in case of drastic escalation of human rights violations and with unanimous support from security council and after discussion with NATO;

In support of and committing to no fly zone: Denmark, Czech Republic, Malta, United Kingdom, Portugal, Sweden, Spain, Slovenia, Slovakia, Poland, Netherlands, Lithuania, Belgium, Latvia, Italy, Bulgaria, Finland, France, Hungary. Denmark committed to an increase of fighter jets from 8 to 16. Spain is willing to increase levels to what is necessary.

A Stronger Financial Europe

In order to ensure responsible fiscal behavior at the national level and to prevent future large bail outs and debt crises, certain new measures will be introduced: These are designed to ensure that all countries stay within the EU limit of 3% GDP by allowing them to apply for further small loans.

Make the funds of the European Financial Stability Facility available to any member state which meets certain criteria, established by an investigatory committee, working in collaboration with the ECB that will propose criteria for austerity measures which countries must be working towards before they are considered for a loan.

The Establishment of a new committee that investigates new cases, on an individual basis

to determine whether they meet the criteria for further loans, with a fixed sliding scale of interest rates, for example a country with 3% debt of GDP would pay an interest rate of 5%, should they reduce their debt to 2.5% their interest rate is reduced to 4%. This set scale is to be determined by the investigatory committee. This provides countries receiving these loans to reduce their debt level to below the specified EU limit and introduce austerity measures to do so.

The members of the special committee are to be selected by the European Central Bank and approved by the EP by a super majority of 2/3rds.

If the EP doesn't approve the candidates selected by the ECB the latter is obliged to propose other candidates within no more than one calendar month. The procedure is to take place until the EP gives its consent to the appointment of the candidates proposed by the ECB.

Countries previously accepting bail-out money may, if the situation arises, apply for funds through EFSF under conditions outlined in this document.

The European Financial Stability Facility is currently funded by the Euro-Zone countries, but member-states who are not part of the Euro-Zone may opt-in but not receive until they have met a minimum of 5 years of net contribution to any European Stability Fund.

Border Control, Immigration, Social Cohesion

1. On the issue of immigration we would like to combine agencies like FRONTEX in an umbrella organization designed to respond rapidly and efficiently that can more readily handle immigration issues. That would be handled under the EU Commission. This new organization formed will be termed the EU Joint Immigration Border Control Task Force. This task force which comprises of ground support is deployed by members under the charge of the EU Commission that have specific pertinent knowledge of border and immigration issues.
2. Under the EU commission a board of experts would decide on the usage of the force and the EU Commission cannot exercise an editing power. The EU Commission has a simple up or down vote on what the board of experts has presented to the body. This board of experts will provide invaluable assistance to the Commission.
3. The actions being undertaken by the task force will be subject to review by the Head of Government of the nation in which actions are being undertaken and on a monthly basis or as necessary by the Commission.
4. Request for these services must come from a member state's HOG before deployed. A response must be manufactured by the board of experts within 72 hours and presented to EU Commission for a decision.
5. On the points of social cohesion and immigration we have decided it is essential to set minimal recommendations of education for immigrants and migrants.

6. (Unanimous Motion) was reached to leave the decision that autonomy will still remain within the national government over whether or not language study is required for immigrants and migrants. We mandate that the resources be made available for immigrants and migrants to learn the language of member states if desired. It is the holding of this body that the EU as a whole should highly encourage such language programs
7. (Unanimous Motion) to set minimum requirements on having education and labour training available is to be set by the member states.
8. Funding has been decided unanimously to be dealt with by the Commission in all points herein.

Following a vote by the Heads of Government, Bulgaria will join the Schengen Agreement as of 1st September 2011 after they have fulfilled all criteria set out by the EU.

Appendix IV: SUNYMEU Agenda Proposal Template

AGENDA TITLE:

MEMBER STATES/INSTITUTIONS ADVANCING THIS AGENDA ITEM:

BACKGROUND: (Please provide background on the nature of the problem indicating a need for a solution. Include sources and data, when necessary.)

RECOMMENDATION: (If a call for action, include a request for the appropriate authority to take action—e.g. the Commission should consult the relevant parties and produce a report with recommendations by this date.)

Instructions: Each faculty advisor is responsible for ensuring that his/her team(s) submits at least TWO proposals by **December 1 , 2017**, at the latest, in doc or rtf format to Council President Donald Tusk Email via dowleyk@newpaltz.edu with SUNYMEU Agenda Item in the subject line.