



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : Presidency
to : Council/European Council

Subject : European Council (10 and 11 December 2009)
 Progress report from the Presidency to the European Council
 - Implementation of the Treaty of Lisbon

Delegations will find attached the progress report from the Presidency to the European Council on the implementation of the Treaty of Lisbon.

**PROGRESS REPORT FROM THE PRESIDENCY TO THE EUROPEAN COUNCIL
ON THE IMPLEMENTATION OF THE TREATY OF LISBON**

1. The preparation of the entry into force of the Treaty of Lisbon has been a priority for the Presidency. Its main aim in this respect was to secure a smooth entry into force. The European Council in its October meeting took note of the state of play of the preparation (14928/09). The present report sets out the state of play of today. The Presidency has had regular contacts with the European Parliament in particular as regards issues on which common understanding needs to be reached.
2. In addition, sufficiently on time before the entry into force, agreement was reached on the appointments foreseen by the Treaty of Lisbon:
 - Herman Van Rompuy as President of the European Council,
 - Catherine Ashton as High Representative of the Union for Foreign Affairs and Security Policy and
 - Pierre de Boissieu as Secretary General of the Council.
3. On 1 December 2009 an number of important decisions were adopted by the European Council and the Council allowing for an uninterrupted functioning of the Union and its institutions under the provisions of the new Treaty. In addition, a note verbale from the Council and the Commission informing third parties about the transition from the European Community to the European Union was sent out to the third states and international organisations concerned.

4. The decisions adopted on 1 December are the following:

- Decisions adopted by the European Council:
 - European Council Decision adopting its Rules of Procedure¹,
 - European Council Decision electing the President of the European Council²,
 - European Council Decision taken with the agreement of the President of the Commission appointing the High Representative of the Union for Foreign Affairs and Security Policy³,
 - European Council Decision on the exercise of the Presidency of the Council.⁴

- Decisions adopted by the Council:
 - Council Decision adopting the Council's Rules of Procedure (16525/09),
 - Decision of the Council (General Affairs) establishing the list of Council configurations in addition to those referred to in the second and third subparagraphs of Article 16(6) of the Treaty of the European Union⁵
 - Council Decision laying down measures for the implementation of the European Council Decision on the exercise of the Presidency of the Council (16517/09),
 - Council Decision appointing the Secretary-General of the Council of the European Union (16533/2/09),
 - Council Decision laying down the conditions of employment for the President of the European Council (16519/09),
 - Council Decision laying down the conditions of employment for the High Representative for Foreign Affairs and Security Policy (16521/09),
 - Council Decision laying down the conditions of employment for the Secretary-General of the Council of the European Union (16536/09).

¹ OJ L 315 of 2.12.2009 p. 51

² OJ L 315 of 2.12.2009 p. 48

³ OJ L 315 of 2.12.2009 p. 49

⁴ OJ L 315 of 2.12.2009 p. 50

⁵ OJ L 315 of 2.12.2009 p. 46

5. As regards budgetary issues, an agreement has been reached between the European Parliament, the Council and the Commission on a joint declaration on transitional measures applicable to the budgetary procedure after the entry into force of the Lisbon Treaty. These measures are related to the calendar of the budgetary procedure and the interinstitutional cooperation on amending budgets, as well as to transfers. They will ensure continuity of EU action and a smooth transition to the new legal framework for the budgetary procedure deriving from the Treaty and will apply until corresponding rules are established in the appropriate legislative framework

6. As regards the Committee structures in the area of JHA, a political agreement was reached on the Council decision on setting up the Standing Committee on operational cooperation on internal security (COSI) (16075/1/09). Its adoption is however subject to parliamentary scrutiny in some Member States. In addition, the Committee of Permanent Representatives agreed, in accordance with Article 19(3) of the Council's Rules of Procedure, on arrangements concerning continuation until 1 January 2012 and re-evaluation by Coreper of ex-Article 36 Committee (CATS) (16070/09) and of the Strategic Committee on Immigration, Frontiers and Asylum (16072/09).

7. The October European Council endorsed a report by the Presidency on the European External Action Service (14930/09) aiming at providing guidelines for the High Representative in the preparation of the draft Council decision on the organisation and functioning of the EEAS. The Presidency together with the Member States will continue to provide input to the High Representative on the issues which were not entirely dealt with in the report, in particular as regards Union Delegations, programming of financial instruments and staffing issues. It is of great importance to work for an early adoption of the Council decision creating an effective EEAS that can fully support the new High Representative in her tasks under the Treaty with full involvement of Member States.

8. As regards delegated acts (i.e. non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act), an understanding has been reached on standard wording (models) which would be inserted into legislative proposals (Article 290 TFEU).

The consultation of national experts during the preparatory phase before the adoption of a delegated act was stressed as a key issue. The Commission agreed to include in its Communication on delegated acts the necessary elements, including standard wording (models), to create confidence in the new procedure. The support of the Council to the models is conditional on this inclusion.

As regards implementing acts (i.e. acts conferring implementing powers on the Commission, or in some cases, on the Council), the Presidency was mandated to explore the possibilities to agree with the European Parliament and the Commission on a declaration on the implementation of Article 291 until a new comitology regulation is adopted. It was agreed that such a declaration should not prejudice the Council's position.

9. On 11 November the Commission issued a Green Paper on a European Citizens' Initiative with the aim of seeking the views of all interested parties on the key issues that will shape the future Regulation. After the consultations, it will swiftly present a proposal for the Regulation so that it can be adopted as soon as possible.
