

The coherence dilemma in EU development policy: tackling fragmented structures in the Commission and Council

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Abstract

It is widely recognised that aid alone cannot solve the problems of development in poor countries. Many other policy areas have an impact on living standards and economic opportunities in developing countries, and their formulation and implementation therefore need to be closely coordinated. This article aims to contribute to the growing debate on ‘policy coherence’ in general and policy coherence for development (PCD) in particular. Assessing the extent to which policy-making processes in the European Commission and the EU Council provide sufficient scope for development inputs to be made, this analysis draws on empirical work in 12 key areas. The study’s findings point to the highly segregated character of EU policy-making and provide instructive insights into the internal challenges the EU needs to address in order to fulfil its goal of achieving greater coherence in its (external) policy-making.

Introduction

A large number of policy questions is of a horizontal character and cannot easily be attributed to one department of a governance system. Other policies can only be effective when related policies are adjusted. The so-called mainstreaming literature (Geyer, 1999; Pollack and Hafner-Burton, 2000) has mainly concentrated on ensuring consistency across policies within one single country (intra-governmental coherence) or on efforts in one particular area by a number of different countries (inter-governmental coherence). Interestingly, however, hardly any attention has been paid to coherence in the EU or its individual institutions. This study takes up this call and assesses 'horizontal coherence' at the EU level (Gauttier, 2004; see also Christiansen, 2001; Jordan and Schout, 2006).

Coherence questions are particularly relevant for the EU with its variety of decision-making procedures that involve in different configurations, the Commission, the Council and the European Parliament, and EU member states. The EU is a multi-level governance system in which powers are shared between the EU institutions and the EU member states. This has resulted in a high degree of compartmentalisation of policy-making (Peterson, 2001: 302; Jordan and Schout, 2006). At the same time it can be observed that the EU increasingly has to deal with a number of important cross-border policy challenges, such as terrorism, climate change and migration. Within this context it is no surprise that paying more attention to policy coherence in relationship to the EU's institutional-set up and decision-making processes is considered to be important.

In this article we will address the question of whether structural features in the EU's decision making structures in the European Commission and the Council of Ministers enhance or hinder policy coherence. We will discuss the role of actors within these institutions with regard to coherence, as well as mechanisms for ensuring coordination of policies. The EU's objective to achieve Policy Coherence for Development (PCD) is used as a case study. The EU's ambition for PCD means that all EU policies with possible implications for developing countries should take into account the EU's development cooperation objectives. The principle is enshrined in the EC Treaty (art 178) and specified in various EU policy documents. This study focuses on whether development cooperation viewpoints are taken into account during the decision-making on non-aid policies that do potentially have implications for developing countries. Clearly, our focus has not been on whether development objectives were incorporated in the final decisions, but whether development concerns were at all taken into account during the policy-making process.

The analysis is primarily based on an extensive empirical analysis on EU policy-making that was conducted in 2006 covering 12 non-aid policy areas:¹ trade, environment, climate change, security, agriculture, fisheries, the social dimension of globalisation, employment and decent work, migration, research and innovation, the information society, transport and energy.

¹ The empirical case studies are based on 54 face-to-face and telephone semi-structured interviews with representatives from EU member states participating in the Council bodies, General Secretariat staff members and European Commission officials; as well as consultations with the 'informal PCD network', an informal forum of European policy-makers to share ideas and analysis on PCD. The findings are accessible online: http://shop.ceps.eu/BookDetail.php?item_id=1356

We have chosen to look only at processes in the European Commission and the EU Council. The European Commission as agenda-setter drafts most of the EU's policies and is therefore very influential with regard to key design elements of new EU policies. Next to the Commission we assess the Council's work. We acknowledge national problems in coordination of positions for the Council, which depend on factors such as the government system, administrative capacity and political attention for policy issues (Kassim et al, 2001; Van Keulen, 2004, Jordan and Schout, 2006). Our focus is however not on what happens in the member states, but on what happens in Brussels. Research indicates that sectoral interests prevail in the Council bodies (Hayes-Renshaw and Wallace, 2006), which makes it a particularly interesting organisation for studying policy coherence. In addition, the Council is clearly the key decision-making body with regard to external relations and development policies.

The paper is structured as follows: Analysing the question of policy coherence in further detail and how actors and mechanisms in the policy-making process influence the potential for coherence, we will identify actors and mechanisms for coherence within the two EU institutions. Based on rich empirical data, we assess the internal workings of the European Commission and the Council to, then, compare the two governing systems. To end, this paper will draw some general conclusions and look at how relevant provisions of the Lisbon Treaty could influence the potential for more coherence.

Policy coherence in the EU: Not really new, but ever more important

The need for coherent policies is explicitly acknowledged in the EU Treaties, both with regard to the relationship between EU policies and national policies (article 10, TEC) and with regard to a set of overall objectives (article 2 & 3, TEC).² In addition three policy issues are explicitly mentioned that should be taken into account in all EU policies. These are environmental protection (article 6, TEC), gender (article 3:2 TEC) and development cooperation (article 178, TEC). In the field of foreign policy, article 3 (TEU) underlines the single institutional framework of the EU in all pillars and stipulates the need for consistency³ of the EU's external activities as a whole in the context of its external relations, security, economic and development policies. Article 11 (TEU) emphasises furthermore the need for loyalty by the EU Member States on foreign policy issues in which the EU is involved.

In addition, the need for more coherence is emphasised in key policy documents and statements. It was one of the seven principles for good governance in the 2001 White Paper on Governance, and has been emphasised in several policy specific strategies. Prominent examples include the need for more integration of the economic, social and environment pillars of the Lisbon strategy, the Cardiff process that was to ensure environmental policy integration in all EU policies, and attempts to underline the need for more coherence in the EU's external relations⁴. The PCD objective has recently been included in this broader strategy to mainstream the EU's external policies.

² Christiansen (2001) defines coherence as the way in which the substance of different policies generated by the EU forms part of a coherent whole.

³ The English version of the TEU uses the term 'consistency', whereas all the other official languages refer to the term 'coherence' (Gauttier, 2004: 25).

⁴ See for instance the 2006 Communication: European in the World – Some Practical Proposals for Greater Coherence, Effectiveness and Visibility.

Development cooperation in its own right is still a relatively new EU policy that was incorporated in the Maastricht Treaty in 1991. Community activities in the sphere of aid shall be complementary to the development policies of the EU member states. In the meantime, the European Union has become the biggest development provider. The Commission alone spends about one sixth of the combined ODA of the EC and the EU member states. It is generally assumed that the external impacts of its regulatory policies however by far exceed the influence of the ODA money. This is the reason why it is so important that also these EU policies take account of development cooperation objectives.

To operationalize the PCD Treaty article 178, and in response to an increased focus on policy coherence for development within the OECD and the UN, the European Commission published a Communication on PCD in 2005⁵. On the basis of this Communication, the Council adopted detailed Council Conclusions in which 12 policy areas were identified, where PCD should be specifically monitored and in which it announced to review its own internal procedures, mechanisms and instruments with a view to improving coherence. PCD was also included in a prominent way in the 'European Consensus on Development', a key policy document subscribed to by the European Council, the Commission and the European Parliament. The Council furthermore called for a PCD Work Programme. Decision-making on this programme proved difficult though since the various Council bodies could not reach agreement on tangible actions in the 12 policy areas. The programme became a rolling Work Programme published under the responsibility of the EU Presidency (Council, 2006b). In addition, it was agreed to monitor progress within the context of half-yearly reports on the coherence of EU external relations, that are also the responsibility of the EU Presidency, and to ask the Commission to prepare biennial reports of which the first was published in 2007.

The policy strategies to foster policy coherence, including the one on PCD, are all very ambitious. At the same time they appear sticky to enforce in legal and practical terms. This is not surprising, since it often is not possible to measure coherence in exact terms, neither the emergence of coherence. In addition, its assessment very much depends on political choices made by democratically chosen politicians. They base their decision on available information and on their political preferences towards different policy objectives. The political endorsement of policy coherence for development (PCD) may be an indication that the objective has increased in importance, but whether this actually occurs depends on how development friendly actual policy decisions are, for example in the field of trade and agriculture. Monitoring this is very much a task for development NGOs and media, the OECD, the European Commission, and for independent research institutes, such as ECDPM and ODI⁶. We go one step further and focus on whether development concerns are structurally drawn to the attention during the policy-making process and made explicit to the decision-makers.

Policy coordination and limits to policy rationality: actors and mechanisms

To make development impacts explicit, policy development needs to be coordinated with experts who can oversee linkages between new policies and development objectives. It requires well-qualified staff and mechanisms to ensure their engagement in the policy-making process. Even then, due to factors, such as the complexity of policy problems, limitations to

⁵ Below an overview of relevant policy documents is given.

⁶ European Centre for Development Policy Management, Maastricht; Overseas Development Institute, London.

information and processing capacities, and power struggles between departments, a policy-making process can never fully take account of all impacts of a specific policy.

In this paper, we argue that actors and mechanisms can nevertheless still play a role in fostering policy coherence. Drawing from the institutionalist literature in political science and public administration more generally, we argue that policy actors are needed to draw attention to the issue and to ensure the concerns are actually taken into account in the policy decisions. Mechanisms could help in structuring the interaction between the actors by ensuring the concerns will be known to the final decision-makers⁷. ECDPM et al (2007) identify three types of PCD mechanisms: i) policy statements, ii) administrative and institutional mechanisms, and iii) knowledge and assessment mechanisms. We focus primarily on the latter two, and where relevant will refer to policy statements being made. Although we agree that statements are important, we will only consider them when being coupled to administrative and institutional mechanisms, and knowledge and assessment mechanisms. Administrative and institutional mechanisms are, for instance, inter-ministerial, interdepartmental committees or committees specifically mandated to oversee policy coherence. These are focused mainly on coordinating policies. Knowledge and assessment mechanisms are for instance stock-taking reports and impact assessments.

Different actors, different mechanisms: Community or intergovernmental method of decision-making

In EU decision-making inter-pillar coherence is a big challenge. It can be defined as 'the absence of contradictions between the policies of the European Community and the Common Foreign and Security Policy on the one hand, and the achievement of a synergy between these policies (coherence) on the other hand' (Gauttier, 2004). Very often coherence is at risk with regard to cross-pillar policy issues, such as economic sanctions, where the Commission is in the lead with regard to the economic aspects and the Council with regard to the political foreign policy aspects (Nutall, 2005)⁸. According to Santopinto (2007) 'the split of competences between institutions in foreign relations has inevitably created a problem of coherence within the EU action.' The PCD policy areas involve both policies decided upon by the Community method, and policies decided upon through more intergovernmental processes. For PCD it is important to distinguish which policy areas are most influenced by Commission processes and which are most influenced by the EU Presidency, EU member states and possibly the High Representative of the Common Foreign and Security Policy.

In the analysis of PCD in the 12 policy areas this aspect has been taken into account. In general in the Community method the Commission plays a much more important role in shaping policy and by extension in ensuring coherence, whereas in the intergovernmental method the EU member states in the Council and notably the EU Presidency (assisted by the High Representative for the CFSP and/ or the European Commission) have a more prominent role in steering EU policies, (see figure 1 & figure 2).

Figure 1. The Community method of decision-making

⁷ Our focus on actors and mechanisms is similar to what F. Scharpf (1997) calls actor-centred institutionalism.

⁸ If the EU wishes to impose sanctions, it must adopt both a Common Position or Joint Action, through CFSP procedures involving unanimity, and a Council regulation, through Community procedures which may involve qualified majority voting (Articles 228a and 73g of the TEU).

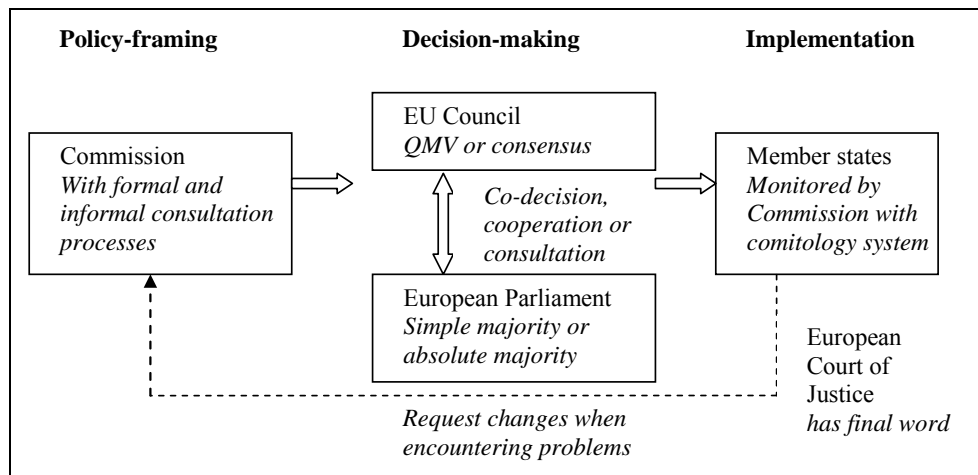
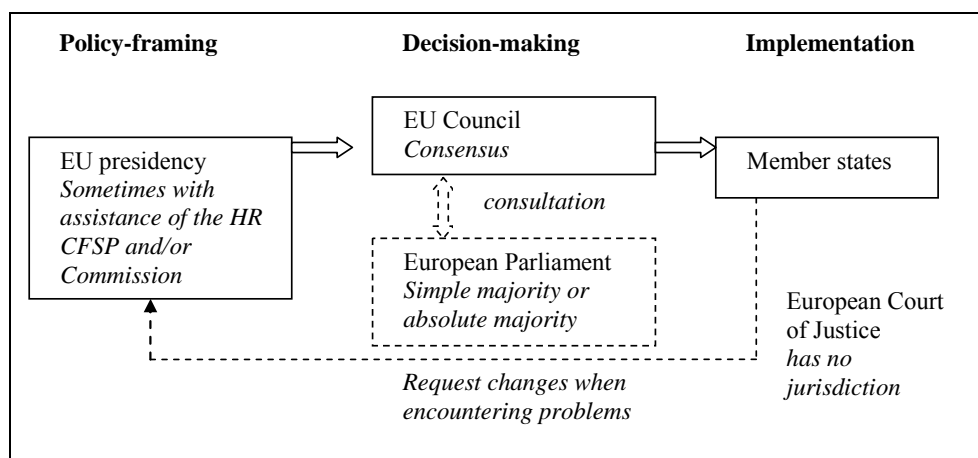


Figure 2. The intergovernmental method of decision-making



Coherence for Development in the European Commission

The European Commission is often portrayed as an organisation which has a political level, the Commissioners and their cabinets, and an administrative level, services (DGs, legal service, agencies, etc.). There would be horizontal divisions between the DGs and vertical divisions between the administrative and political level (Christiansen, 2001). The portfolio's of Commissioners and DGs do not match, which undermines reporting lines and responsibility for the activities of services. Under the Prodi Commission (1999-2004) an attempt was made to bridge the gap between the administrative and political level by placing the Commissioners's office at the DGs, but this undermined the collective responsibility of the College of Commissioners. Hence with the Barroso Commission all Commissioners were brought back to the Berlaymont building to strengthen the relations between the Commissioners and their cabinets. This however has led to the Commissioners again being further away from the administrative levels.

In addition to Commissioners, cabinets and DGs, other actors influence policy developments within the European Commission such as interest groups, opinion shapers, independent experts, and comitology committees that monitor the implementation of EU policies. With regard to policy coherence for development a distinction could be made between Commission actors looking at the general interest, sector-specific interests and development cooperation interest (see table 1). There are several mechanisms in place to ensure policy coherence.

These are the stakeholder meetings, the inter-service consultation, the impact assessment process, and finally the discussions between Commissioners and their cabinet member before a joint decision is taken in the college of Commissioners.

Table 1 - European Commission actors and their primary interests

General (European) interest	Sector specific interest	Development cooperation interest
Commission President College of Commissioners	Portfolio Commissioner	Commissioner for Development and Humanitarian Aid
Secretariat General, Legal Service	Sector specific DG	DG Development, DG AIDCO, ECHO
Chefs de Cabinet	Cabinet members	Cabinet member responsible for development cooperation
	Comitology committees & Advisory bodies	Comitology committees that oversee the implementation of EU development cooperation instruments & Advisory bodies with development cooperation specialists
	Interest groups	Development NGOs

Commission services

The Commission, as guardian of the Treaties, is to integrate development objectives in all its new policy initiatives. DGs tend however to look foremost after their own sectoral interests. This is understandable since they have to respond to the pressures from their working environment and it is therefore naïve to think they will give other concerns equal status in comparison to their own concerns (Schout and Jordan, 2005). As a consequence, ensuring that development concerns are taken into account implies a need for DG Development and the Development Commissioner to monitor and engage in the policies drafted in other DGs.

Ideally DG Development is given the lead in drafting policies impacting on developing countries, but this is of course not realistic for most PCD-relevant policies. At times it is disputed which DG should be in the lead, with our policy studies indicating that it was much more difficult to make development inputs in policies where DG Development was not in the lead. Examples included the Economic and Fisheries Partnership Agreements (EPAs and FPAs), where respectively DG Trade and DG Fisheries were in the lead and a Communication on migration and development, where DG Justice was in the lead. The reform of the EU's sugar regime is a case where DGs settled for a division of labour: DG Agriculture has been in the lead with regard to the proposal to lower subsidies for EU producers and DG Development has been in the lead with regard to the compensation measures for countries that were profiting from preferential access to the EU's sugar market. With regard to a Communication of Climate Change in the context of Development Cooperation and the EU Energy Initiative, DG Development was allocated prime responsibility. Not surprisingly, in these fields respondents indicated more attention was given to impacts of the policy on developing countries.

Stakeholder consultations

Stakeholder consultations, or more broadly the consultation of (member state) experts and interest groups in early stages of the policy-making process, are an important feature of policy development in the Commission. In general interest groups are said to be rather influential in the EU policy-making process (Coen, 2007). The Commission is relatively small, while it deals with complex policy questions that are often of a rather technical nature. Officials are therefore rather receptive to expert information. Member states and interest groups can try to influence emerging policy initiatives or try to stimulate new initiatives, for instance ones focusing on the relationship between a policy and development cooperation. In this respect the Communication on PCD, with its inclusion of specific policy areas, has been an important achievement of lobbying the Commission in itself. With regard to the PCD policy areas, our empirical research indicates that increasingly development NGOs have been involved in consultations on non-aid policies, such as on the EPAs and FPAs, although they were not always convinced their viewpoint were sufficiently taken into account.

Inter-service consultation and impact assessment process

Perhaps the inter-service consultation is the most important mechanism to ensure the involvement of related DGs in the development of new policies. The interservice consultation and impact assessment process are the tools to make policy impacts explicit. They are moreover well-integrated processes for policy coordination in the Commission. The analysis in the 12 policy areas indicates that the mechanisms until 2006 were not much used for advancing development policy interests. Development impacts were not included in the criteria for the impact assessment and DG Development was not visible during the inter-service consultations on new proposals. A lack of staff and expertise on identifying the possible relationships with development objectives, seemed to play a role here. This finding is confirmed in a study by ECDPM et al (2007:45). To address the concern, in 2007 a specific Inter-Service Group was established to promote PCD (European Commission, 2007).

Our empirical findings are also rather negative on the use of the impact assessment tool for the benefit of quantifying impacts of new EU proposals on developing countries. Already in 2006 the Council invited the Commission to include impacts on developing countries in the impact assessments (Council, 2006b), but no research is available on whether the situation has been improved in comparison to the situation before 2006. General research on the quality of the EU's impact assessments indicates that they are usually only conducted at a stage when the drafting process is already far advanced and are being used mainly to justify pre-determined choices with regard to policy objectives taken into account, policy instruments chosen, etc (Renda, 2006). To countervail this trend, the Commissions Secretariat-General is said to have become more strict in checking the quality of impact assessments. It recently also watches more closely over the coherence of new proposals and engages directly in policies of a horizontal nature, such as the Lisbon Strategy or the Internal Market Review (Kurpas et al., 2008: 42). Still, with regard to PCD the Council in 2007 still felt a need to "ask the Commission to improve and better use the Impact Assessment process to evaluate the impact of EU policies on developing countries."

Discussions between Commissioners and their cabinets

Development concerns can also still be brought to the attention before a proposal is adopted during the preceding discussions among cabinets and in the college of Commissioners. Cabinets advise their Commissioners and can also play a central role in co-ordinating policies horizontally and in managing communications between Commissioners and their respective DGs. In the policy areas studied we found little evidence for cabinet members to attach much importance to development impacts of new policy initiatives. Also the Development Commissioner and his team seemed foremost interested in promoting aid policies. Kurpas et al. (2008: 26) identify a general trend within the Commission of less interference with each other's business, at least as long as there is not particular reason related to national sensitivities or portfolio's. A trend towards more coherence has been a strengthening in the position of the President, who is more directly involved in cross-border Commission initiatives, such as the 2008 climate and energy package (Van Schaik, 2008). To ensure coherence of external policies a specific group of Commissioners with relevant portfolios – external relations, European Neighbourhood policy, trade, development, enlargement, and when relevant other Commissioners (e.g. environment), meets regularly under the chairmanship of the Commission President (Missiroli, 2007).

Comitology committees and expert groups chaired by the Commission

In areas such as agriculture, fisheries, environment, transport, information society and the social dimension of globalisation, employment and decent work, our data illustrate the influential role of technical committees and expert groups chaired by the Commission in shaping the implications of EU directives and regulations. Often these groups are the first places where problems with implementation of current directives arise and they can therefore be an important informal catalyst for policy change. The problem with the committees is their primary focus on the technical issue without being able to place it in a broader policy context, let alone to examine the implications for developing countries. Hence it can happen that a technical committee decides on stricter sanitary and phytosanitary standards (e.g. traceability obligations) for the EU's internal market (and presses them at the level of the WTO), without realising the implications for producers in developing countries already having difficulties with fulfilling existing standards for exports to the EU.

In summary, we have identified several actors more prone to emphasise development cooperation and others not. In addition a number of mechanisms were analysed, the inter-service and impact assessment instruments, and the discussions in the college of Commissioners which were in conjunction with the preceding discussions between cabinet members. Overall these mechanisms for policy coordination seem to work better in theory than in practice, at least when it comes to the issue of policy coherence for development.

Coherence for Development in the Council

Since EU policies are generally (co-)decided in the Council, this institution is of vital importance for ensuring policy coherence in general and PCD in particular. In theory the Council is the body where the coordinated positions of the EU member states are represented, thereby ensuring policy coherence. Research indicates, however, that in reality sectoral interests dominate in many of the sector-specific Council formations (e.g. Environment, Agriculture and Fisheries) and notably in the subordinate bodies where allegedly most of the decisions are actually being taken (it is estimated that 70% of the issues are solved at the WP

level and 15% at the Coreper level, leaving only 15% for the Ministerial level).⁹ For instance, Hayes-Renshaw & Wallace (2006: 44) argue that in the Agriculture and Fisheries Councils, Ministers seem to have more in common with each other, in spite of national differences, than with their colleagues in national cabinets, with whom they compete for resources and priority. The common orientation appears to be even stronger at the lower levels where specialists prepare decision-making or consider implementation measures in comitology¹⁰ committees (Beyers & Trondall, 2004, Puetter, 2004, Dehousse, 2003 and Egeberg et al., 2003).

With regard to the issue of PCD, also the Council actors can be divided in those looking after the general interest, sector specific interest and development cooperation interests (see table 2). In the Council actors seem to play a more important role to ensure coherence, than mechanisms. Mechanisms include an agreement to publish regular reports, such as the reports on the coherence of external policy, joint meetings of Council bodies, or a decision to discuss at regular intervals an issue within the European Council or another Council formation.

Table 2 – EU Council actors and their primary interests

General (European) interest	Sector specific interest	Development cooperation interest
European Council GAERC EU Presidency	Council formations	GAERC meeting in which Development Cooperation Ministers meet
Coreper I and II	Senior Committees, Working Parties	CODEV

The European Council

The European Council is a key actor for brokering trade-offs on major cross-cutting topics, especially of high political significance, such as the Lisbon agenda, security or long-term climate change strategy. Although its formal and informal summits and decisions are for the most part not legally binding – its so-called ‘Presidency Conclusions’ have considerable political weight for EU developments. In our empirical studies the European Council, reinforced at times by the EU presidency, played a significant role in promoting policy coherence. For example, it ensured a comprehensive approach to migration, climate change, energy and sustainable development. The European Council emphasised the importance it attaches to PCD by explicitly acknowledging the European Consensus on Development. With regard to the CFSP, where the European Council is particularly influential since it decides on the Common Strategies (the instruments used to pursue foreign policy aspirations), development concerns were explicitly taken into account in connection with discussions on countries with which the EU has extensive development cooperation ties.

EU Presidency

⁹ See Hayes-Renshaw & Wallace (2006) for a comprehensive overview on the EU Council of Ministers.

¹⁰ It is disputed whether comitology committees fall within the remit of the Commission (as it chairs them) or the Council (since the committees are installed by Council decisions and composed of member states’ representatives). We have placed comitology in the Commission section, but some of its features are very similar to those of Council Working Parties, since both are composed of member states’ representatives and both can refer to voting for taking a decision.

The EU Presidency can be an important source of leadership in the EU, and member states see their turn at the helm as a chance to leave their imprint on the EU agenda (Tallberg, 2004, Schout and Van Schaik, forthcoming). The presidency chairs and sets the agenda of the Council meetings and represents the Council vis-à-vis other EU institutions and externally. Since it oversees the work in the Council, it takes the final decision on which Council formation deals with an issue. The Presidency also has the authority to establish high-level working parties, to ask questions to different Council formations and to establish “Friends of the Presidency” groups.

Various recent Presidencies have given the issue of PCD due attention. Finland, EU Presidency in the second half of 2006, in particular has emphasised the importance of PCD. Our empirical studies find various examples of Presidencies pushing for development objectives to be taken into account in specific policies. The Irish and Dutch Presidencies of 2004 looked after the relationship between climate change and development, and the Austrian Presidency of 2006 was very successful in placing the energy-development interface on the agenda. Another example was migration where the Dutch Presidency set the agenda by organising a conference on brain drain caused by migration of well-trained people to the Western world. Also the Greek Presidency in 2003 had emphasised the potential role of migration as a tool to achieve development goals. An example of a High-Level group is the ‘Economic Partnership Agreements (EPA) Expert Group’, consisting of representatives from member states, DGs Trade and Development and chaired by the European Commission, that was established by the UK Presidency in 2005. A clear Presidency-lead process on a cross-cutting theme has been the preparations on the 2006 European Council discussions on the Sustainable Development Strategy, where the Austrian Presidency had asked all Council formations to answer a specific set of questions. Moreover, it established a ‘Friends of the Presidency Group’ to prepare the meeting at the Council Working Party level. In this group, environment and development interests have been represented among others.

The EU presidency exercises a key role in many international negotiations where it is the EU’s main representative, usually in the context of the ‘troika’.¹¹ For instance, the presidency is in the lead in most environmental negotiations, except for those that are clearly trade-related or of a bilateral nature, in which case the Commission takes the lead. In the negotiations, the EU presidency negotiates on behalf of the EU member states and the European Community on the basis of a mandate from Council meetings or ‘EU coordination’¹² taking place at the international negotiations. It usually is the EU presidency that drafts the initial version of these mandates. This strongly influences how the topic is framed and whether development aspects are incorporated from the start. The drafting of negotiating positions by the Presidency is however not subject to an inter-service type of process, as occurs in the Commission. This means there is a higher risks for related interests not to be taken into account. In our empirical studies, we did however not encounter instances where a Presidency flagrantly ignored development aspects when leading EU negotiations.

¹¹ Only in fields where the European Community has an exclusive competence does the Commission negotiate on behalf of the EU (e.g. in trade negotiations). In other areas, it is up to the EU member states to decide whether to grant the Commission authority to represent the EU. They often decide not to mandate this authority, thereby leaving the EU presidency the task of handling external representation. Many court cases have been fought over whether the EC has exclusive competence (Eeckhout, 2004).

¹² In the course of negotiating international agreements, it is common practice for EU representatives to sit together on a daily basis to coordinate a common position. In fact, these can be considered Council meetings on location.

Ministerial formations

The coherence of decisions taken in the different Ministerial Council formations has been an issue of continuous concern. For this reason in 1999 and 2002 it was decided to reduce the number of formations from 21 to 9¹³. The Council of Development Ministers, for example, was absorbed by the General Affairs and External Relations Council (GAERC). In order to keep the agendas manageable, however, some Council configurations continued to meet in sub-configurations (e.g. only transport ministers meet when transport issues are discussed in the Transport, Telecommunications and Energy Council), which implies that the coherence issue is still not resolved. Our empirical studies confirmed that it matters which Council formation deals with a file. It influences to a large extent how the issue is discussed and which aspects are prioritised.

As could be expected, our empirical studies indicate that the GAERC configuration is particularly important for PCD because one of its task is to coordinate Council business and because Development Cooperation falls within its direct remit. Hayes-Renshaw & Wallace (2006) have argued that the GAERC has lost some of its coordinating powers in the last decade, due to the increased time it spends on EU external relations. For PCD this seems not to have been detrimental. For example, in the areas of climate change, energy and trade, there were Council Conclusions that explicitly addressed development cooperation. Involvement of the GAERC formation furthermore justified involvement by the Development Cooperation Working Party (CODEV), since it prepares development related files for the GAERC. The GAERC is also important because it is the primary body that prepares the meetings of the European Council. The preparation of European Council meetings provides opportunities for the GAERC to ensure the incorporation of the development perspective in presidency conclusions. Sustainable development and climate change strategies are two areas where the GAERC has clearly been involved in a substantive way.

Another Council configuration that influences cross-cutting policies is the Economic and Financial Affairs (ECOFIN) Council. Our research found some instances where ECOFIN was marginally involved, for instance with regard to compensation measures being paid to developing countries. In this case it appeared that development cooperation aspects did not play a role in the decision-making.

Coreper, senior committees and working party's

Coreper is the best point in the Council system where a broad overview of the entire range of Council activities exists. In most policy areas, the work of the various sectoral working parties and senior committees comes together in Coreper, before being channelled up to the relevant Council formations. Coreper is in a key position as it can agree 'A points', which are issues on which Coreper has reached agreement and that are therefore usually adopted by the Council without further discussion. This important function for the Council and the European Council's agenda offers important scope for improving policy coherence. With regard to PCD, the differentiation between Coreper I and Coreper II is problematic. Whereas Coreper I prepares the Council meetings on employment, internal market, industry, energy, and other Community policies, the Councils that discuss politically sensitive areas – external relations and notably development issues (GAERC, ECOFIN, JHA) – fall within the competence of

¹³ The most important decision on Council reform was taken at the Seville European Council meeting in 2002 (Schout and Van Schaik, forthcoming).

Coreper II. In our empirical research, we saw no evidence of Coreper emphasising the need for policy coherence, let alone policy coherence for development. Nor did we identify instances where the Mertens and the Antici Group, which prepare the agenda's of Coreper I and II respectively, played an explicit role in ensuring policy coherence.

To help in preparing the Council's work, Coreper has set up about 250 preparatory committees and working parties. It is estimated that they solve some 70% of all Council work without further discussion at Coreper or the ministerial level (Hayes-Renshaw & Wallace, 2006). This degree of fragmentation constraints coordination among the policy areas. Research indicates moreover that there is often a considerable rivalry between those who sit in Coreper and those in working groups. Working group members, and particularly those sent from capitals, are generally unwilling to pass on files to Coreper out of fear that the limited knowledge on the part of the permanent representatives will dilute the quality of decision-making (Fouilleux et al., 2005). This is fuelled by a recurrent criticism on Permanent Representations that their diplomats 'go native' in Brussels. In practice the committees and working parties try to reach agreement on as many issues as possible, so that there is little or not need for Coreper to reopen discussion.

In some areas Coreper's powers are curtailed by powerful senior committees. The Special Committee on Agriculture (SCA), which covers both agriculture and fisheries, is in a special position, since it has officially obtained the right to directly submit 'A points' to the Agriculture and Fisheries Council on most of the topics under its remit. Although Coreper's involvement is still required on politically sensitive and budgetary issues, many decisions with key implications for the agricultural sector in developing countries are taken without its involvement. The same holds true for the Political and Security Committee (PSC). Formally, the PSC reports to Coreper II, but in practice, Coreper II has allowed security issues to be handled in the Council by the PSC. Coreper II becomes involved only when financial issues are at stake. Also, the Article 133 Committee, where trade matters are discussed, operates rather on its own. At international trade negotiations, it sidelines Coreper, as the negotiating mandate is adjusted in the course the negotiations without the involvement by Coreper.

There is by no means a standing operating procedure for the interaction between CODEV and the other working groups covering non-development policy areas. In our research we found, for example, little evidence of contact between the Working Party on Sugar and Iso-glucose and CODEV, when the former discussed the nature of the EU's sugar reform, and the latter the compensation measures offered to developing countries. CODEV has also not been an integral participant in core trade policy debates. Although CODEV and the ACP WP attended the meetings on the EPAs of the Article 133 Committee in May 2005, they only played a limited role in its discussions. It has also been very rare for development officials to attend meetings of the Council Working Group on Conventional Arms Exports, although the Code of Conduct on Arms Exports has been discussed at several occasions within CODEV. On the other hand, CODEV was officially in the lead with regard to the EU energy initiative and an Action Plan on climate change and development cooperation. In the climate change case the WP on International Environmental Issues and its subordinate Developing Countries expert group were invited by CODEV to assist in the preparations. We did not encounter other instances where both working parties from development and non-development streams were involved. We did however find an example where a so-called 'Friends of the Presidency' group was established to conduct the preparations on a cross-border file, the Sustainable Development Strategy, as mentioned above.

In October 2006 the Council (2006b) decided to strengthen Coreper's role, in particular over the committees. It stated: "*Coreper will continue to be the main forum for ensuring policy coherence. Where an agenda item for Coreper is not primarily concerned with development policy, but where there is an important development dimension, the Presidency and General Secretariat should ensure that documents for Coreper fully reflect the various sectoral and horizontal considerations. The coordinating role of Coreper in this regards will be particularly important in cases where other senior committees (e.g. Article 133 Committee, EFC, SCA, PSC) have input into the policy-making process.*"

These Conclusions are remarkable in various ways. First of all, the Council acknowledges that policy preparations in the Council can be segmented and incoherent, and that national coordination is apparently not sufficient to cure this. Secondly, it appears as if Coreper, which undoubtedly has been involved in the preparations of these Council Conclusions (they may not even have been explicitly discussed by the Ministers), had been keen to emphasize its central position with regard to policy coherence for development. Thirdly, Coreper appears to have obtained explicit powers to reopen files when PCD concerns are suspected, even when these files have been prepared by the senior committees. Finally, the role of the Presidency and General-Secretariat are explicitly acknowledged as being responsible for ensuring development considerations are made explicit during policy discussions in the preparatory bodies of the Council.

In November 2007 the Council reiterates Coreper being the main forum for ensuring PCD. It adds that policy coherence should start at national level and furthered at Council Working Parties.

Council General-Secretariat and High Representative for the CFSP

The Council Secretariat underpins the entire Council hierarchy. Its tasks include being a negotiations 'manager', a political counsellor to the Presidency, a 'good offices' mediator and a political secretariat for the Secretary-General/High Representative, as well as assuming an executive role in planning and organising military and civilian crisis-management operations. According to the Council's Rules of Procedure (Art. 23.3), the Secretariat is responsible for "organising, coordinating and *ensuring coherence of the Council's work*" (emphasis added). The Council Secretariat is however also expected to act in a politically neutral way in order to gain the confidence of the EU member states. It is therefore particularly unusual for Council Secretariat staff to emphasise a specific viewpoint, such as arguing for a more explicit integration of development concerns into a policy, as was also confirmed in our empirical studies.

The Council however wants the Secretariat to play a larger role. It 2007 Conclusions on PCD state that "*the GCS shall assist the Presidency in ensuring that PCD relevant issues are identified and discussed according to existing Council procedures in relevant Working Parties.*"

In the field of the CFSP, the Council Secretariat has a special role as its Secretary-General is the High Representative for the CFSP. The Council Secretariat is however far from being a supranational entity for CFSP in the way that the European Commission is in other areas, as it has limited capacity, resources and competences (Westlake & Galloway, 2004: 341). Our empirical research on the CFSP did not point to development concerns being at the forefront

in the Secretariat’s activities. This may have changed though through the increased attention for the nexus between security and development (Council, 2007).

Mechanism to ensure a focus on PCD within the Council bodies

Mechanisms to foster PCD in the Council’s activities include the reports by the Presidencies, the screening of Council agenda’s by the General-Secretariat and the Presidencies, and joint meetings of different Council bodies (Council, 2007). In 2006 a GAERC meeting was organised in which both Trade and Development Ministers participated to discuss the nexus between trade and development (particular focus on the EPA negotiations). In 2007 a meeting was organised with Defence and Development Ministers to discuss the relationship between security and development cooperation. This meeting focused on the EU’s policy on fragile states.

In summary it appears as if despite the strongly segmented structure of the Council there still are a number of actors and mechanisms in a position to look after policy coherence, notably the European Council, the GAERC, the EU Presidency, Coreper and the Council General-Secretariat. In particularly the first three actors have already demonstrated their willingness at times to advocate development concerns, whereas with regard to Coreper and the Council Secretariat it is still difficult to identify efforts to strengthen to PCD in EU decision-making.

Comparing PCD in the Commission with PCD in the Council: much about the same?

It appears that policy coherence in general, and by extension PCD, is easier to ensure in the Commission than in the Council. The main reason is that decisions are ultimately taken by the college of Commissioners as a whole, thereby allowing interests to be represented and cleared at the central level, whereas decision-making in the Council must navigate the nine sectorally-divided ministerial formations and numerous subordinate bodies, where the majority of decisions are taken (see figures 3 and 4). In the Council there is more scope for a common sector-specific focus in meetings. To put it differently, the Commission is clearly an institution where intra-governmental coherence could be achieved, whereas in the Council the challenge is to achieve intergovernmental coherence (Christiansen, 2001).

Figure 3 Policy-making processes and key actors within the European Commission (intra-governmental coherence)

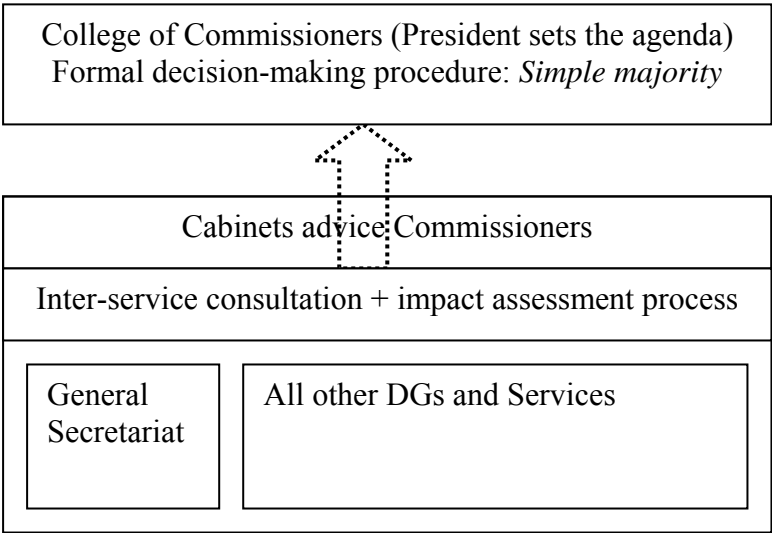
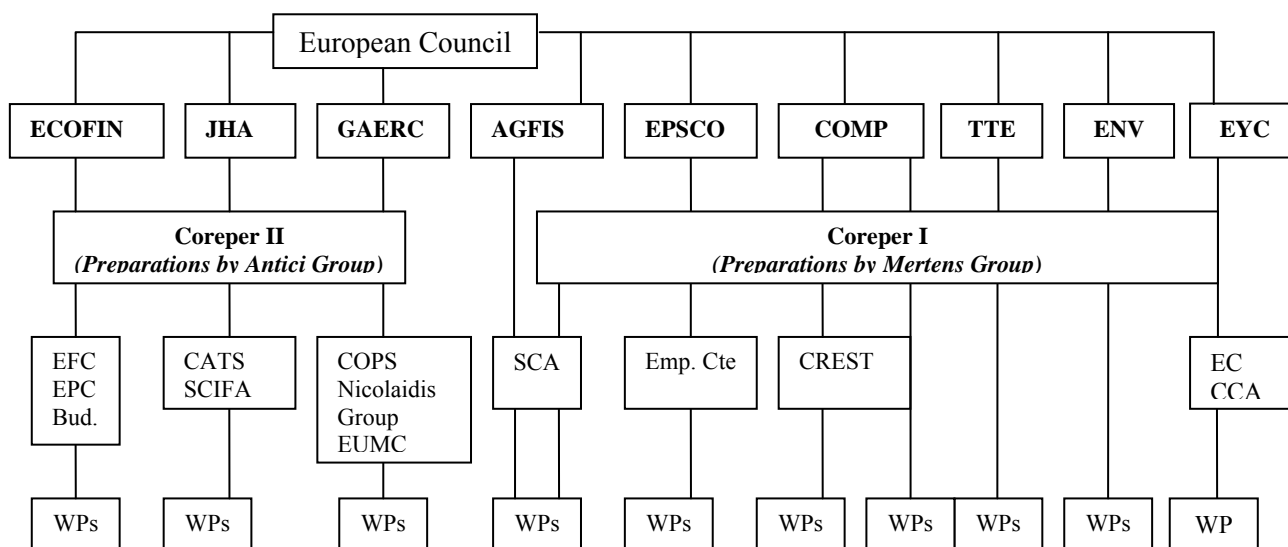


Figure 4 Decision-making in the Council – navigating through Council bodies (intergovernmental coherence)



Legend (in order of appearance):

ECOFIN	Economic & Financial Affairs	Bud Cte	Economic & Financial Committee
JHA	Justice & Home Affairs	CATS	Comité Article 36 (JHA)
GEARC	General Affairs & External Relations	SCIFA	Strategic Committee on Immigration, Frontiers and Asylum
AGFISH	Agriculture & Fisheries	COPS	Comité de politique et sécurité (Political & Security Committee in English)
EPSCO	Employment, Social Policy, Health & Consumer Affairs	Art 133 Cte	Article 133 Committee (trade)
COMP	Competitiveness: Internal Market, Industry & Research	SCA	Special Committee on Agriculture
TTE	Transport, Telecommunications & Energy	Emp. Cte	Employment Committee
ENV	Environment	CREST	Committee on Scientific & Technical Research
EYC	Education, Youth & Culture	EC	Education Committee
EFC	Economic & Financial Committee	CCA	Committee on Cultural Affairs
EPC	Economic Policy Committee	WPs	Working Parties

Source: Hayes-Renshaw & Wallace (2006: 71, with modifications).

However, from the empirical data we can learn that in practice the coherence question can be just as pertinent in the Commission as in the Council. For instance with regard to international negotiations more concerns were raised with regard to the Commission's attention for development implications, than with regard to the EU Presidency. This may have to do with the issues covered by the Commission being more susceptible to development interests (e.g. trade, agriculture). It may however also be the case that the Commission's external activities are not as closely coordinated with all services and Commissioners when being compared to the proposals for EU legislation.

Also in the Council we find decision-making not to take into account development cooperation objectives. Lack of knowledge and information seem to play a role, but perhaps more importantly is the focus on reaching consensus, which is made more difficult the

moment a larger number of objectives needs to be traded-off in the negotiations between the member states' representatives. Only in a few cases (e.g. trade, climate change) attention has explicitly been paid to development cooperation aspects. It is furthermore culturally not done to mind the business of other Council formations, Senior Committees and Working Parties. New mechanisms put in place, such as the reporting system on PCD and the strengthening of the position of Coreper over Senior Council Committees (e.g. the Special Committee on Agriculture, Article 133 Committee or Political and Security Committee) may improve the situation. Still, achieving the more coherent policies the EU is increasingly aiming at, is likely to remain difficult as long as the Council's fragmented system stays in place. More is to be expected from the European Commission with its strengthened emphasis on better regulation, stakeholder consultations and impact assessments.

Towards more coherence in the EU institutions?

Whether development concerns are taken into account during the policy-making process in the Commission and EU Council depends on a number of structural factors. Based on rich empirics covering 12 different policy areas, this study helps to identify coherence challenges for the next years to come. Several actors and mechanisms shape the potential for policy coherence of EU policies for development. More specifically, they include which Commission DG assumes the lead in drafting proposals, which Council Working Party, Coreper and Council formation are in charge; and the extent to which the European Council, the EU Presidency and the General Affairs and External Relations Council actively promote the consideration of development implications in the decision-making process.

Although we will need to test whether these findings hold against evidence from other matters of coherence (energy, gender etc.), another issue will require attention: inter-institutional coherence. Apart from being institutions with own decision-making processes that have to be coordinated to improve policy coherence there is also a lot of interaction between the Commission and the Council, which affects the success of EU objectives with regard to coherent outputs and outcomes. For instance, the choice of a leading Commission DG does not only directly influence the focus of a policy, but also implicitly guides which Council formation will subsequently be in the lead to adopt the policy. In our empirical material we found only one example – migration – where a file was assigned to CODEV and the GAERC, while not being prepared by DG Development.

It is moreover not uncommon for member states to lobby for specific policy developments in the Commission. They are often dependent on the Commission for new policies and have realised that it can be easier to influence policies in an early drafting stage than to renegotiate them at a later stage in Council. The Commission in turn is interested in creating support for its policy initiatives to increase the chances for their adoption and also realises support is crucial in order to ensure effective implementation of EU policies. In practice Commissioners have an important role to keep the link with their national governments and therefore provide an important clearing house for difference between national governments and the Commission.

Once a proposal has reached the Council, the Commission is involved in the negotiations and is in charge of introducing amendments. In that way, the Commission can ensure that the draft laws are in line with the EU policy stance on development. The empirical data, however, do not provide examples where Commission officials participating in Council bodies have emphasised the importance of development concerns when member states argued for

amendments diluting development interests (e.g. the increased income support level for EU sugar producers or the stance on agricultural subsidies in the WTO negotiations). On the contrary, saw several instances where individual member states have pressed the Commission to take more account of development concerns.

In particular in the field of external relations there is a propensity for the Commission and Council Secretariat to develop a competitive approach given the overlap in responsibilities. There are concerns over an alleged duplication of tasks and expertise. The Council Secretariat is more directly linked to the foreign ministries of the EU member states, but the Commission is in charge of most of the instruments needed for the deployment of an effective foreign policy, such as financial or technical assistance, humanitarian aid or economic sanctions.

To complicate matters there are also competitive forces at work with regard to development cooperation policies as such. Policy-makers from non-aid policy areas often complain that PCD is a two-way street and that EU development cooperation activities should also integrate other EU policies concerns, and not only focus on poverty reduction. With regard to development cooperation policies the EU member states are still very much in the lead. Hence, even when achieving coherent EU development cooperation policy there is still a large challenge with regard to the development cooperation policies of the EU member states. In 2007 the Council acknowledged that the Commission and Member States should better integrate the PCD approach into Country and Regional Strategy Papers.

The Lisbon Treaty as vehicle for PCD?

Perhaps the most important development for PCD is the new Treaty agreement that was signed in 2007 and is now subject to ratification in the EU member states. It contains various provisions created with a view to enhance the coherence of EU external relations. A major development is that the Lisbon Treaty will introduce the function of “High Representative of the Union for Foreign Affairs and Security Policy”. This function will merge the current function of the HR CFSP and the European Commissioner for external relations. Within the Commission the person will be Vice-President and in this function will presumably preside over the “Relex” group of Commissioners. The importance of this position in the Commission has led to an increased use of the abbreviation HR/VP, which also clearly distinguishes the new function from the current HR CFSP position. The HR/VP will chair the (newly to establish) Foreign Affairs configuration of the Council and will hence take over the current responsibilities of the rotating Presidency in representing the Council in external affairs¹⁴. He or she will supervise a newly to establish External Action Service composed of diplomats currently working in the Council Secretariat, Commission and foreign Ministries of the EU member states. Since the HR/VP is mandated to coordinate EU external relations and combines a number of crucial external relations positions it is generally expected that the function will provide greater coherence and unity to the EU’s external action (Missiroli, 2007).

Much still depends on how the mandate of the HR/VP will be operationalised. Currently its tasks and remit are in the process of being defined, although officially such discussions should not pre-empt the ratification of the Treaty by the member states. In the discussions on the Reform Treaty it could be observed that member states, and particularly the UK, were keen on emphasising that decision-making in the CFSP will remain intergovernmental. This resembles

¹⁴ However; it is still unclear whether the HR/VP will represent the EU externally on matters decided in other Council formations, such as the Transport Council or the Environment Council.

a trend of member states guarding over their sovereignty when it comes to sensitive foreign policy questions. At the same time it is likely to lead to a continuation of some of the coherence problems. What if member states for instance cannot agree on an important foreign policy question, such as a war in a developing country, but the HR/VP is still to represent the EU with regard to giving aid? It is generally expected that the HR/VP will become responsible for monitoring PCD and it has already been suggested to appoint a special representative for PCD under its responsibility. However, this person for many policy issues could find himself in competition to the representative of the rotating Presidency (still prevailing for the other Council formations, such as the Environment Council), the Commission (other Commissioners) and even the newly to establish European Council President, that will represent the EU externally at his or her level. Nevertheless it is generally expected that the position of the HR/VP will lead to an increased coherence of external action. It is however less clear whether he or she will also succeed in injecting an awareness on external impacts when “EU internal policies” are being discussed, such as the reform on the Common Agricultural Policy.

All in all, it will be interesting to monitor future developments and to see whether PCD will be taken into account more structurally in the EU institutions in the years to come. It is likely that dealing with the EU’s fragmented structures will continue to remain a challenge policy coherence advocates will have to face.

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