



Brussels, 27 April 2015
(OR. en)

8338/15

POLGEN 61
CODEC 604
PE 84

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	5084/12
Subject:	Terminology to be used in the agendas of the Council and Coreper

I. PURPOSE

With a view to facilitating the work of the Council and its preparatory bodies, delegations will find attached a list of the terminology used to describe the items on the agendas of Coreper¹ and the Council in Annex I and Annex II respectively. The list aims to clarify which terms should be used at which stage of the proceedings, particularly regarding the type of procedure, whether it concerns the first, second or third reading, and whether a vote by the European Parliament has taken place, or not.

II. BACKGROUND

A number of terms are generally used to indicate the outcome sought in respect of every item of Council's and/or Coreper's agendas, such as "adoption", "general approach" or "approval of the Parliament's amendments", among others.

¹ Where reference in this Note is made to the agenda of Coreper, it applies also to the agenda of the Special Committee of Agriculture

Such a description is not necessary, but it is often used by the Presidency to facilitate the preparation of the Council and/or Coreper meetings. It should in particular be used when the Council discusses and adopts legislative items. Furthermore, the outcome sought, as stated by the Presidency, is merely indicative; it cannot prevent the Council from voting and adopting an act if all the preconditions for a vote are fulfilled, as indicated by the asterisk. The Presidency may further modify or complement the indication on the outcome sought before or at the adoption of the agenda.

Finally, for the terminology to be useful for facilitating the preparation of Council and Coreper meetings, it should be used consistently. In order for it to improve transparency, the meaning of any of the terms should be known and well understood by all the participants. To this end, the list attached aims to provide a complete overview of all possible steps in a given procedure. It can be assumed however that only some of those terms will be used regarding each particular file, depending on the circumstances.

TERMS TO BE USED IN THE AGENDAS OF COREPER (PART I AND PART II)

A. LEGISLATIVE ACTS UNDER THE ORDINARY LEGISLATIVE PROCEDURE

Where Coreper discuss and prepare the adoption of legislative acts under the ordinary legislative procedure, the standard terminology set out below should be used.

However, where the item in Coreper relates to the preparation of a specific Council meeting and for I/A items, the agenda of Coreper should reproduce the terms used in the agenda of that Council meeting.

a. First reading

i. Before and after an EP plenary vote in first reading

- state of play and guidance for further work
(if the Working Party needs guidance)
- preparation for a general approach²
- mandate for negotiations with the European Parliament

² In special circumstances, notably linked to the end of a legislature of the European Parliament, this term may be used after the EP plenary vote if the Council wishes to reach a preliminary agreement on a text with a view to negotiate with the European Parliament.

- Presidency debriefing on the outcome of the trilogue
 - Preparation of the (next) trilogue
 - information from the Presidency (under AOB items)
 - analysis of the final compromise text with a view to agreement
 - confirmation of the final compromise text with a view to agreement
- ii. Only after an EP plenary vote in first reading
- preparation for a political agreement
 - preparation for adoption of the legislative act
- (if there is agreement at first reading)*
- preparation for the adoption
 - of the Council's position at first reading
 - of the statement of the Council's reasons
- (if there is no agreement at first reading)*

b. Second reading

- i. Before the EP plenary vote in second reading
- state of play and guidance for further work
 - Information from the Presidency (under Aob items)

- Presidency debriefing on the outcome of the trilogue
- Preparation for the (next) trilogue
- analysis of the final compromise text with a view to agreement
- confirmation of the final compromise text with a view to agreement

ii. After the EP plenary vote in second reading

- extension of the time-limit
- preparation for the approval of the European Parliament's amendment(s)
- preparation for the non-approval of the European Parliament's amendment(s)

c. **Third reading**

- preparation for the trilogue
- Presidency debriefing on the outcome of the trilogue
- Preparation for the conciliation
- Information from the Presidency (under AOB items)
(including information on the outcome of the trilogue)
- extension of the time-limit
- preparation for the adoption of the legislative act

B. LEGISLATIVE ACTS UNDER A SPECIAL LEGISLATIVE PROCEDURE WHEN THE EUROPEAN PARLIAMENT IS CONSULTED

For legislative acts adopted under a special legislative procedure, the same terms should be used for the same type of steps in the procedure:

- state of play and guidance for further work
(if the Working party needs guidance)
- preparation for a general approach
(a position on a text or part of a text before the all the procedural preconditions prior to a vote have been fulfilled)
- preparation for a political agreement
(a final position on a text, subject to its finalisation by the JLS)
- preparation for the adoption of the legislative act

C. LEGISLATIVE AND NON-LEGISLATIVE ACTS WHEN THE EUROPEAN PARLIAMENT'S CONSENT IS REQUIRED

For acts requiring the consent of the European Parliament, the same terms should be used for the same type of steps in the procedure:

- state of play and guidance for further work
(if the Working party needs guidance)

- preparation of a general approach

(a preliminary agreement on a text, pending the request by the Council for the EP's consent³)

- agreement in principle

(verification, following legal linguistic revision, of the intention to adopt an act if consent is received from the European Parliament)

- preparation for the request for the consent of the European Parliament

(decision by the Council to seek the consent of the European Parliament)

The agreement in principle and the request for the consent of the European Parliament could be combined where the verification of the intention to adopt an act if consent is received and the decision to seek this consent are dealt with simultaneously. However, this latter decision to request the consent must be adopted by the Council

- preparation for the adoption of the act

(final adoption of the act by the Council following receipt of the consent of the European Parliament)

³ This indication is intended to cover cases where the preliminary agreement is intended to be used to check informally if the EP would give its consent, before formally requesting it.

TERMS TO BE USED IN THE AGENDAS OF THE COUNCIL

A. LEGISLATIVE ACTS UNDER THE ORDINARY LEGISLATIVE PROCEDURE

Where the Council discusses and adopts legislative acts under the ordinary legislative procedure, the following standard terminology should be used:

a. First reading

i. Before and after an EP plenary vote in first reading

- policy debate/progress report

(any discussion at Council level which does not involve vote counting)

- general approach⁴

(a preliminary agreement on a text. The terms "partial general approach" describe situations where agreement on the totality of the text is not possible)

- information from the Presidency (under AoB items)

(where the Presidency wishes to inform on the state of play or to announce that a first reading agreement has been provisionally reached with the European Parliament at a trilogue)

⁴ In special circumstances, notably linked to the end of a legislature of the European Parliament, this term may be used after the EP plenary vote if the Council wishes to reach a preliminary agreement on a text with a view to negotiate with the European Parliament. In such cases, the Council agenda must contain a footnote after the label "General approach" containing the following wording: *"When adopting a General approach after the European Parliament has adopted its position at first reading, the Council is not acting within the meaning of Article 294(4) and (5) TFEU."*

ii. Only after the EP plenary vote in first reading

- political agreement

(where a definitive position is to be agreed on a text, pending legal linguistic revision)

- adoption of the Council's position at first reading and of the statement of the Council's reasons

(for adoption of a text, following legal linguistic revision)

- adoption of the legislative act

(for final adoption of a legislative text resulting from a first reading agreement)

b. Second reading

i. Before the EP plenary vote in second reading

- information from the Presidency (under AoB items)

(any information at Council level including, if the Presidency so wishes, for the purpose of announcing that a second reading agreement has been provisionally reached with the European Parliament at a trilogue)

- progress report/policy debate

ii. Only after the EP plenary vote in second reading

- approval of the European Parliament's amendment(s)
- non-approval of the European Parliament's amendment(s)

c. **Third reading**

- adoption of the legislative act.

B. LEGISLATIVE ACTS UNDER A SPECIAL LEGISLATIVE PROCEDURE

For legislative acts adopted under a special legislative procedure, the same terms should be used for the same type of steps in the procedure:

- general approach

(a position on a text or part of a text before all the procedural preconditions prior to a vote have been fulfilled)

- political agreement

(a final position on a text, subject to its finalisation by the JLS⁵)

C. LEGISLATIVE AND NON-LEGISLATIVE ACTS WHEN THE EUROPEAN PARLIAMENT'S CONSENT IS REQUIRED

For acts requiring the consent of the European Parliament, the same terms should be used for the same type of decision:

- general approach

(a preliminary agreement on a text, pending the request by the Council of the EP's consent and subject to its finalisation by the JLS)⁶

- agreement in principle

(verification, following legal linguistic revision, of the intention to adopt an act if consent is received from the European Parliament)

⁵ This indication may only appear if the title of the item in question is followed by an asterisk (*). In this case the vote will, in principle, only be indicative.

⁶ This indication is intended to cover cases where the preliminary agreement is intended to be used to check informally if the EP would give its consent, before formally asking for it.

- request for the consent of the European Parliament

(decision to seek the consent of the European Parliament)

The agreement in principle and the request for the consent of the European Parliament could be combined where the verification of the intention to adopt an act if consent is received and the decision to seek this consent are dealt with simultaneously.

- adoption

(final adoption of the act following receipt by the Council of the consent of the European Parliament)
