

# Representation of Belgium within the Council of the European Union

**During the Belgian Presidency, depending on Council configurations, the Presidency's seat will be occupied either by a federal minister or by a minister of a federal entity (Region or Community). This mixed representation is dictated by the way in which Belgium functions as a federal state. Belgium is represented within the European Council by the level of government corresponding to the internal division of power. The minister representing Belgium will defend a position coordinated in advance between all the competent authorities. Ministers of Regions or Communities also chaired Council configurations during the previous Belgian Presidency in 2001.**

## Representation of States

Representation is rooted in Community law. According to article 16.9 of the Treaty on European Union, 'The Council shall consist of a representative of each **Member State** at ministerial level, **who may commit the government of the Member State in question**'. This wording was included in the Treaty of Maastricht at the request of Germany and Belgium and this article makes provision in practice for regional entities to sit on the Council of Ministers and make commitments on behalf of the State which they represent. Thus, in domains which fall predominantly under the jurisdiction of regional entities, the regional representative at ministerial level attends certain meetings of the Council, which it will chair during the Presidency.

## Belgian federalism

The way in which Belgium is represented is dictated by the way in which Belgium functions as a federal state. Powers are divided between the various levels of government (federal state, Regions, and Communities) in different ways. Numerous federal services and regional departments share power in political domains. Also, the federal entities in Belgium have real power at international level pursuant to the principle 'in foro interno, in foro externo', i.e. the federal state and the Regions and Communities are responsible for foreign policy issues for which they are responsible within the country. Finally, there is no hierarchy of legislation in Belgium and regional decrees have the same status as federal laws.

## Cooperation agreement

The European principle requiring Member States to be represented on the Council by a minister is at odds with Belgian federalism. In numerous domains, European policies are mixed issues in Belgium. A cooperation agreement was signed on 8 March 1994, setting out the internal rules governing representation of Belgium within the Council.

The cooperation agreement recognises six categories of representation within the Council of the European Union:

- I. **Representation by federal state only:** General Affairs, ECOFIN, Budget, Telecommunications, Consumer Affairs, Development Cooperation, Civil Protection.
- II. **Federal representation with federal entity assessor:** Internal Market, Public Health, Energy, Transport, Social Affairs.
- III. **Competence of federal entities with federal assessor:** Industry, Research, Environment.
- IV. **Competence of federal entities only:** Culture, Education, Tourism, Youth, Housing, Regional Planning.
- V. **Competence of a Community or Region only:** Fisheries (Region of Flanders).
- VI. **Federal representation, assisted by federal entities, no system of rotation:** Agriculture.

A system of rotation applies between the representatives of Regions and Communities in categories II, III and IV. In order to maintain a balance, representatives of the Regions and Communities rotate every six months, when the Presidency of the Council of the European Union changes.

The minister who represents Belgium within the Council of the European Union defends Belgium's interests, regardless of whether they are of a federal, regional or community entity. The minister is able to enter into commitments on behalf of the country. This position is coordinated in advance by the Directorate General for Coordination and European Affairs (FPS Foreign Affairs), on the basis of a consensus between all the competent authorities.

## The Belgian Presidency

During the Belgian Presidency, Category III, IV and V Councils will be chaired by a minister of a federal entity. In order to guarantee the continuity needed in the exercise of this function, the period of rotation has been exceptionally extended to 18 months during the trio Presidency (Spain, Belgium, and Hungary). This has applied as of 1 January 2010.

The Regions and Communities have agreed on the following division of responsibilities:

		BE/ES/HU: 1 January 2010 to 30 June 2011	
Cat II	Internal market Health Energy Employment/Social Affairs Transport	Region of Wallonia/French Community Region of Wallonia/French Community Region of Flanders/Flemish Community Region of Flanders/Flemish Community Brussels-Capital Region	
Cat III	Industry Research Environment	Region of Wallonia/French Community Brussels-Capital Region Region of Flanders/Flemish Community	
Cat IV		BE spokesperson 18 months <sup>1</sup>	BE chair during BE Presidency six months <sup>2</sup>
	Culture/Audiovisual	Region of Wallonia/ French Community	Region of Flanders/ Flemish Community
	Education	Region of Flanders/ Flemish Community	Region of Wallonia/ French Community
	Youth (including Sport)	Region of Flanders/ Flemish Community	German-speaking Community
	Tourism	German-speaking Community	Region of Wallonia/ French Community
	Regional Planning/ Housing	Region of Wallonia/ French Community	Brussels-Capital Region
Cat V	Fisheries	Region of Flanders/Flemish Community	

<sup>1</sup> Acts as Belgian spokesperson from 1 January 2010 and chairs the Council during the Belgian Presidency.

<sup>2</sup> Represents Belgium during the Belgian Presidency.