



Premier ministre

SGAE

AN OVERVIEW OF THE GENERAL SECRETARIAT FOR EUROPEAN AFFAIRS



In October 2005 the General Secretariat of the Interministerial Committee for European Economic Cooperation Affairs (SGCI), which was set up in 1948, became the SGAE (General Secretariat for European Affairs)

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THE SGAE, ENSURING A UNIFORM FRENCH POSITION WITHIN THE EUROPEAN UNION

Interministerial coordination of European affairs in France is handled by the General Secretariat for European Affairs (SGAE).

The General Secretariat of the Interministerial Committee for European Economic Cooperation Affairs (SGCI) was set up in 1948 to prepare the French Government's decisions in connection with rebuilding Europe's economy in the immediate aftermath of the Second World War.

Its role was subsequently developed and strengthened in each phase of European integration, as its main tasks became to formulate France's positions on Community matters and to coordinate links between French administrative and governmental authorities and the European institutions. The SGCI became the SGAE on 18 October 2005.

Reporting directly to the Prime Minister, the SGAE covers all the areas laid down in the Treaty on European Union with the exception of the Common Foreign and Security Policy (CFSP), for which the Ministry of Foreign Affairs is solely competent, provided that policy does not use Community instruments.

The SGAE also deals with matters arising in the Organisation for Economic Cooperation and Development (OECD) and, for the last few years, the Codex Alimentarius Commission; it also handles issues dealt with in other international institutions or organisations where they fall within Community competence and are therefore coordinated at Community level (World Trade Organisation (WTO), UNCTAD, etc.).

HISTORY

The Prime Minister's department with responsibility for coordinating ministerial activity on Europe changed its name on 18 October 2005: it became the General Secretariat for European Affairs.

In 1948, in the immediate aftermath of the Second World War, the General Secretariat of the Interministerial Committee for European Economic Cooperation Affairs (**SGCI**) was set up. It was to provide interministerial coordination with a view to preparing the French Government's decisions on Marshall Plan aid, which was being implemented through the OEEC (Organisation for European Economic Cooperation), the first European economic cooperation organisation which subsequently became the OECD (Organisation for Economic Cooperation and Development).

The SGCI's role has been strengthened in each phase of European construction. When the Treaty of Rome was signed, it was responsible for **preparing France's positions on Community matters and for coordination between French public institutions and the European institutions.**

Reporting directly to the Prime Minister, the SGCI has progressively taken on tasks covering all the areas laid down in the Treaty on European Union with the exception of the Common Foreign and Security Policy (CFSP), for which the Ministry of Foreign Affairs is solely competent. **The name it had originally been given therefore no longer reflected its actual functions.**

As a sign of his intention to place European affairs at the centre of the French political debate following the "no" vote in the referendum on 29 May 2005, **the Prime Minister decided to chair an Interministerial Committee on Europe once each month**, a policy coordination tool which would make it possible to devise and present a strategic and coherent vision of France's European plans. The SGCI, under its new name, the General Secretariat for European Affairs (SGAE), would act as its secretariat under the Decree on the Interministerial Committee on Europe and on the General Secretariat for European Affairs, which was published in the Official Gazette on 18 October 2005.

Since May 2002 the SGCI, and now the SGAE, has been led by Pascale Andreani, who is also an advisor on European affairs to the Prime Minister.

THE ROLE OF THE SGAE (1)

The SGAE is the Prime Minister's department with responsibility for interministerial coordination of European affairs and OECD activities. It ensures a coherent and uniform French position within the European Union and the OECD.

Today, its interministerial coordination role on European matters extends to all the areas covered by the Treaty on European Union with the exception of the Common Foreign and Security Policy (CFSP), which falls within the remit of the Ministry of Foreign Affairs.

✓ INTERMINISTERIAL COORDINATION

A simple principle lies at the heart of the SGAE's role: France must speak with a single voice in European fora. The General Secretariat therefore harmonises the positions of French administrative authorities on current European issues and, in the event of differences, arbitrates as necessary. In cases of disagreement between ministries on more sensitive political issues, it asks the Prime Minister to arbitrate. It forwards the Government's instructions to France's Permanent Representation in Brussels.

✓ ADVICE AND EXPERTISE

Since it follows European issues from day to day, the SGAE has become a true centre of expertise which is capable of directing and coordinating in-depth debate on subjects concerning the future of the European Union. The complexity of certain subjects, the SGAE's analysis of negotiation issues and its knowledge of the interests of the European partners make the SGAE the Government's leading adviser in this field.

✓ APPLICATION OF COMMUNITY LAW

Like its partners, France is required to apply the rules of Community law. The SGAE ensures that this procedure runs properly. In particular, it monitors the transposition of directives in conjunction with the Government's General Secretariat (SGG).

THE ROLE OF THE SGAE (2)

✓ BRIEFING OF THE FRENCH PARLIAMENT AND FRENCH MEMBERS OF THE EUROPEAN PARLIAMENT

Briefing of the French Parliament

Under the procedure laid down in Article 88-4 of the Constitution, the SGAE must ensure that any draft act of the European Union containing provisions of a legislative nature – or any other European instrument which the Government wishes to submit to this procedure – is given a prior examination by the French Parliament before its adoption by the Council of the European Union. It ensures that the timetable for parliamentary work and the timetable for the adoption of European legislation are synchronised. More generally, it checks compliance with the Law on the briefing of the delegations of the National Assembly and of the Senate for the European Union.

Briefing of French Members of the European Parliament

The SGAE monitors matters examined by the European Parliament together with the *chargés de mission* in each ministry, the Permanent Representation to the European Union and the office of the Minister for European Affairs. It provides French MEPs with information notes on the key items on the agenda of the specialised committees or the plenary sessions. In addition to this written information, meetings are held with representatives of the parliamentary groups in order to encourage information sharing on technical matters.

✓ CIRCULATION OF INFORMATION TO THE MINISTRIES

The SGAE provides information to the different ministries and parliamentary assemblies. It serves as a central point of contact for information from the Council and the Commission in particular and circulates it to the relevant administrative authorities.

✓ MONITORING THE FRENCH PRESENCE IN THE EUROPEAN INSTITUTIONS

The SGAE coordinates the interministerial mechanism for monitoring the French presence in the European institutions. It advertises job vacancies, oversees the posting of Detached National Experts (DNE) and circulates information on other staff contracted by the Communities and information on Community civil service competitions.

COMMUNITY LAW

The Community legal order is integrated into the domestic legal order of the Member States.

The form this integration takes varies depending on whether the acts adopted by the European institutions are directly applicable, as is the case with regulations under Article 249 of the Treaty establishing the European Community (ECT), or whether they require national implementing measures, as is the case with directives or framework decisions under Article 249 of the ECT and Article 34 of the Treaty on European Union (TEU) respectively.

Failure by the Member States to comply with their obligations in transposing directives or, more broadly speaking, in the application of Community law may lead the European Commission, in its capacity as guardian of the Treaties, to bring proceedings against them on the basis of Articles 226 and 228 of the ECT, which could lead to the Court of Justice of the European Communities finding that they have failed to fulfil their obligations and even ordering pecuniary sanctions.

In addition to formulating the French negotiating positions, the SGAE monitors the transposition of directives and framework decisions into domestic law in accordance with the [circular of 27 September 2004 from the Prime Minister](#). Overall monitoring is carried out by the legal section, whilst each section is responsible for organising interministerial work for the directives in its own area.

The French authorities' responses to the European Commission in pre-litigation procedures (letters of formal notice, reasoned opinions) are prepared at interministerial level under the aegis of the SGAE. The sections concerned, together with the legal section, coordinate the preparation of those responses.

Cases before the Community courts are also handled at interministerial level under the aegis of the SGAE, whether those cases concern France directly (actions for failure to fulfil obligations brought against France or, conversely, actions brought by France, questions referred for a preliminary ruling by national courts or tribunals) or indirectly (questions referred for a preliminary ruling by other Member States or actions brought by other Member States or by institutions). On the basis of the decisions adopted at interministerial level the Directorate for Legal Affairs in the Ministry of Foreign Affairs drafts the written pleadings to be submitted to the Community courts on behalf of the French Government or presents arguments on behalf of the Government in the oral phases of the proceedings.

PARLIAMENTARY RELATIONS (1)

In areas falling within its competence, the SGAE oversees interministerial coordination of the Government's relations with the European Parliament and the French Parliament.

✓ EUROPEAN PARLIAMENT

Under the [circular of 21 March 1994 of the Prime Minister on relations between the French administrations and the institutions of the European Union](#), the SGAE monitors the work of the European Parliament. Together with the Ministry of European Affairs and France's Permanent Representation to the European Union (PR), it coordinates contacts made with MEPs on behalf of the French Government.

Within each ministry, one or more *chargés de mission* follow the work of the European Parliament and, more specifically, the work of the parliamentary committees dealing with subjects falling within the remit of their ministerial department. These *chargés de mission* convey the French Government's position to MEPs. In addition to these direct contacts, information notes prepared by the ministries and rubber-stamped by the SGAE on the key issues before the European Parliament are passed on, in particular issues connected with legislation which is subject to the codecision procedure.

At the beginning of each Presidency of the Union, a meeting, chaired by the SGAE, is held with all the ministries to draw up the list of subjects examined by the European Parliament which are priorities for the French Government. The SGAE ensures that all the administrative authorities make a particular effort in terms of monitoring and information for these priorities.

To that end, fortnightly meetings of the coordination unit, led by the SGAE's Parliaments Section together with the office of the Minister for European Affairs and composed of ministerial *chargés de mission* and parliamentary advisers from the Permanent Representation, are held to keep tabs on Parliament's work and to ensure that the positions expressed orally or in writing to MEPs are consistent.

These meetings also prepare the monthly meeting with the secretaries of the French delegations of the European Parliament's groups, which is organised in the SGAE before each plenary session in Strasbourg to discuss items on the agenda of the forthcoming session.

PARLIAMENTARY RELATIONS (2)

✓ FRENCH PARLIAMENT

The SGAE also briefs the French Parliament on the legislation being worked on in the European Community and the European Union (except for Common Foreign and Security Policy measures, which fall within the competence of the Ministry of Foreign Affairs).

Its role is to implement the parliamentary consultation procedure under Article 88-4 of the Constitution and the “Josselin” law of 10 May 1990 on the functioning of the parliamentary assemblies (amended by the Law of 10 June 1994 amending Article 6a of Order 58-1100 of 17 November 1958), which governs the briefing of the parliamentary delegations for the European Union of the National Assembly and of the Senate.

This mechanism, for which detailed arrangements are laid down in the [circular of 22 November 2005 of the Prime Minister on the application of Article 88-4 of the Constitution](#), requires the SGAE, in collaboration with the Government’s General Secretariat and after hearing the opinion of the Council of State, to transmit to all members of the National Assembly and of the Senate all European acts containing legislative provisions and all European legislation subject to the codecision procedure under Article 251 of the ECT, so that the National Assembly and the Senate are in a position to express a view on such draft legislation.

Since 2002, as well as transmitting European proposals and draft legislation, the SGAE has also provided “simplified impact files” to provide the Parliament with information on the effects in national law of draft legislation to be negotiated.

Under the “Josselin” law, more than a thousand texts, in particular in the field of Justice and Home Affairs, are also transmitted for information purposes each year by the SGAE to the parliamentary delegations for the European Union.