Simulation Overview

Target audience: The *Counter-Terrorism EU Legislation* simulation-game is constructed as a teaching tool for high-school, undergraduate and graduate courses on such topics as European Union studies, international organizations, international relations, international security, comparative politics, conflict analysis and resolution, negotiation, mediation, and international law. The simulation can be used successfully in introductory courses (e.g., Introduction to the European Union, Introduction to International Relations, Introduction to International Organizations) but it may reap higher benefits in a mid-level course for 2nd or 3rd year students with some exposure to introductory courses on one or more topics such as European government, negotiation, international relations, or comparative politics. It can be used to prepare, train, and test the negotiation skills of groups of participants in preparation for Model European Union and Model United Nations conferences. This simulation can also be used for conducting a 1-2 day(s) Model European Union conference.

Topic: The simulation focuses on the European Union legislative process with an emphasis on counter-terrorism legislation, but it can serve as a model for developing simulations on other policy areas for which ordinary legislative procedure is applied.

Simulation method: The simulation is set in a scenario that is primarily fictitious – yet still blends in and incorporates real events, history and detail, forming a "pseudo-reality": a situation familiar and compelling enough to spark interest, motivation and identification, yet controlled and constrained through incorporating fictitious elements to allow for maximum learning and skill-building.

Simulation synopsis: The simulation comprises two concurrent negotiation processes (separate negotiations within the Council of the EU and the European Parliament) and one mediation (assisted negotiation) process between representatives from the Council of the EU and the European Parliament in the Conciliation Committee. In more detail, these three processes involve:

- A multi-party negotiation at a meeting of the Council of the EU (Justice and Home Affairs) on a legislative text for a counter-terrorism EU law. This meeting is attended by the 27 ministers of interior, assisted by the 27 Member State ambassadors to the EU. The discussions in these negotiations are facilitated by the Minister of Interior of the Member state holding the rotating presidency[1] of the Council of the EU, in presence of the European Commissioner (assisted by a director general) who expresses the view of his/her institution. The European Commission, represented by the Commissioner for Home Affairs and the director general, tables and presents the draft legislation at the beginning of the meeting.

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[1] To preserve realism, designate the participating minister of the Member state holding the rotating Presidency of the Council of the EU in the real world, at the time of the simulation's conduct, as the President of the Council of the EU in your simulation. A list of scheduled presidencies of the Council of the EU can be found here: http://www.consilium.europa.eu/en/press/press-releases/2016/07/26-council-rotating-presidencies-revised-order/. In reality, the Presidency is also assisted by the Secretary General of the Council (EU civil servants), but that role is not included in this simulation.

Preparing the draft legislation[2] should be a preliminary, preparatory assignment for the European Commission representatives, before the beginning of the simulation[3]. The Commissioner and the director general then remain in the Council meeting, helping the chair of the meeting. Later on, in the Conciliation Committee, the European Commission representatives intervene as "honest brokers" to reach a compromise between the Council and the European Parliament. For this exercise, there are 29 parties participating in the negotiation (27 EU Member States, plus the 2 representatives from the European Commission). All parties receive private information describing their separate interests and positions. The ministers and ambassadors representing a EU member state receive the exact same information. In deciding the legislative text in the Council of the EU, it is up to participants to decide whether they wish to act in a competitive manner - or if they prefer to use collaborative approaches seeking win-win, integrative solutions for overall benefit to the European Union.

- A multi-party negotiation in the European Parliament (Civil Liberties, Justice, and Home Affairs Committee - LIBE) on a legislative text for a counter-terrorism EU law. In this negotiation four MEPs from each of the following seven parties will participate: European People's Party (EPP), Progressive Alliance of Socialists and Democrats (S&D), Greens-European Free Alliance (Greens/EFA), European Conservatives and Reformists (ECR), Renew Europe (Renew), The Left in the European Parliament (The Left) and Identity and Democracy (ID)[4].
- In addition to these 28 MEPs, the negotiation involves the European Commission. Represented by the Commissioner and the director general, the Commission tables and presents the draft legislation[5] at the beginning of the meeting. Preparing the draft legislation should be a preliminary, preparatory assignment for the European Commission representatives, before the beginning of the simulation. The Commissioner and director general will then facilitate the discussions in the Conciliation Committee.
- A mediation/assisted negotiation ("trilogue") in the Conciliation Committee between 7

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[2] The exact same legislative draft text is introduced in both the Council of the EU and the European Parliament.

[3] While you could assign highly knowledgeable participants in these roles to prepare draft legislation of their own before the meeting, you should consider assigning them to review an existing proposal for a directive (Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32017L0541); this proposal contains EU draft legislation regarding counter-terrorism measures. The European Commission representatives can select several of the articles from the proposal, alter them if they wish, and submit them in the meetings as the draft to be discussed. We recommend against submitting the *full* proposal included in the document as the draft for discussion in the meetings, as it is too extensive and too detailed to be developed and formed in the limited course of the simulation; still, if there is little time to prepare ahead, using the full text is an option. Another good document for participants to draw inspiration from is the directive of the European Parliament and of the Council (COM(2015)0625 – C8-0386/2015 – 2015/0281(COD)) (http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015PC0625&from=EN)

[4] These political groups reflect the major political groups of the European Parliament as of January 26, 2024. You can play this simulation as a historical simulation and keep these political groups. Otherwise we advise you to check the membership of the European Parliament at the moment you plan to play this simulation and update political group names, positions, and interests accordingly. In some cases these updates mean only minor tweaks, but in other cases, and especially if political group membership has changed significantly, it may require significant updates. Of course, one easy option for instructors is to ask the participants to conduct their research on the current positions and interests of the political groups.

[5] The exact same legislative draft text is introduced in both the Council of the EU and the European Parliament.

representatives of the Council of the EU (in this simulation, the Minister of Interior from the Member state holding the rotating Presidency of the Council of the EU helped by six other representatives chosen by the members of the Council of the EU) and 7 representatives of the European Parliament (one per political group). The representatives of the European Commission try to reconcile the different positions. The representatives of the Commission will rotate as needed in order to give all the mediators the chance to use their skills.[6]

Participants:

The recommended number of participants for this simulation is 86: Council of the EU (27 Member States * 2 – Minister of Interior & Member state Ambassador to the EU = 54) + European Parliament (7 parties * 4 MEPs/party = 28) + Commission (4 representatives) = 86 participants. However, the simulation can be played well with as few as 15 roles (7 Council Member States; 7 European Parliament parties, plus one representative for the Commission). See Section 3(a) Game Variations, below.

Learning goals: Through taking part in this simulation, participants will:

- Deepen their understanding of the European Union and its legislative process
- Understand the dynamics of negotiation and alliance-building within the Council of the European Union;
- Understand the dynamics of negotiation and alliance-building between political groups within the European Parliament;
- Experience the pathways to deciding the legislative text between the legislative institutions of the European Union
- Apply negotiation skills in a multi-party setting; and
- Apply mediation skills in a multi-party setting.

Roles - structure and balance: The roles given to the representatives of the Member States in the Council of the EU, and the MEPs in the European Parliament, represent as accurately as possible the views of their country/party ideology circa 2017. These reflect differences of opinion on several major issues, including security, privacy, civil liberties, appropriate sources of funding for tackling terrorism in Europe, and appropriate EU agencies which should be taking the lead on combating terrorism.

Simulation outcome: **The decision making mechanism in the Council of the EU, for the purposes of this simulation, is accepting a legislative text through a process of qualified majority voting, following the rules laid down by the EU Treaties. In the European Parliament, for the purposes of this simulation, the decision making mechanism is accepting**

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[6] For more information about the way the Conciliation Committee works, please check here: https://eur-lex.europa.eu/EN/legal-content/glossary/conciliation-committee.html and here: https://www.europarl.europa.eu/olp/en/conciliation/overview

a legislative text through a process consisting of a simple majority vote.[7] During the mediation session in the Conciliation Committee, both parties (the Council of the EU and the European Parliament) have to agree for the legislative text to be adopted, following qualified majority for Council representatives and simple majority for Parliament representatives (calculate the votes taking into account the relative power of each political party in the real world at the time you play the simulation). Power imbalances and time pressure will require participants to create alliances and think quickly, with regards to protecting their country's individual interests as well as promoting the EU's interests as a whole.

Setting, timeframe, and interventions: This instructor's guide assumes that the simulation will be played in a face-to-face environment, with full monitoring by the instructor (for discussion of conducting the simulation online. The instructors should provide time for preparation and debriefing, before and after the simulation, respectively, as discussed below. The simulation can be adapted to be conducted in 2 ½ hours, or played out over the course of three full days. One method for achieving this versatility involves the instructor intervening with 'breaking news' which require participants to either re-assess and prolong the simulation, in the unlikely situation that there is overly or artificially rapid agreement, or provide them with opportunities and assistance for moving past 'stumbling blocks,' speeding up the process.

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[7] This exercise uses a modified legislative process as this type of role-play simulation does not allow for a full legislative process for the ordinary legislative procedure. For an actual EU legislative process please see here: http://www.europarl.europa.eu/external/html/legislativeprocedure/default_en.htm

Logistics, Setup and Simulation Management

Number of participants: As discussed above, this simulation is ideally designed for use with large classrooms. The simulation was created to be used with 86 participants.

Physical surroundings and props: The simulation requires two large rooms (or one very large room split into two areas), each of which should be able to accommodate participants' sitting around two large rectangular tables (which can be formed of regular desks placed side by side), or in seats placed in two large circles. It would be helpful to have a map of Europe and its surroundings handy, as well as a whiteboard or flipchart. As negotiations between smaller groups are likely to develop, try to provide a second room, or an adjacent hallway (one in which the participants will not disturb other activities), for conducting such caucuses.

To add a sense of reality to the situation, teachers should consider asking participants to dress up formally for the occasion, and (as resources permit) add touches to convey a sense of the real- life setting (such as by providing name tags for the countries, placards with countries' flags printed on them, actual miniature flags on the table in front of the country's seats, etc.). When teachers take this kind of initiative, participants will often augment it through efforts of their own, such as by adding an element of national dress to their garb. Conditions permitting, follow seating order dictated by protocol. For the Council of the EU, this can be found here: http://publications.europa.eu/code/pdf/370000en.htm. For the European Parliament, this can be found here: http://www.europarl.europa.eu/plenary/en/hemicycle.html. When instructors take this kind of initiative, participants will often augment it through efforts of their own, such as by adding an element of national dress to their garb.

Convening an in-person/online meeting with a representative from the EU or a transatlantic expert at some point before the game may give an even more realistic dimension to the simulation.

Required / optional material: To conduct the simulation itself, all that is strictly required are the roles to be handed out to each team, provided at the end of this instructor's guide. Instructions to the group regarding procedural issues, decision-making, and timeframe can be imparted orally. Depending on preparation time and participants' previous studies, teachers can consider assigning participants to review the material found on some of the websites provided. Teachers might decide to add in material of their own, or ask participants to conduct independent research.

Simulation setup role assignment, instructions and initiation: In this phase, you designate participants to their individual roles, and assign them the material they need to prepare. This can be done on the spot, by handing out roles to participants and instructing them to be ready to begin the meetings in one hour, or in the following class session. When circumstances allow it, or, when you wish participant preparation to go beyond the role material provided in this guide, assign the material at least one day (or, one lesson) before the simulation is to take place, allowing participants to prepare themselves fully. Announce precisely when and where the meetings are to take place, stressing that everybody must be present, prepared, and ready to begin the meetings at that time. Stress that absences will threaten the meetings' success. Give any group instructions you feel necessary to the group. At the designated starting time, gather the group, and announce that the simulation has begun; all their behavior, from now on, must be in-role.

MEU Rules of Procedure

Council of the EU

The Council of the EU is chaired by the Minister (of Interior, for the purposes of this exercise), representing the Member States holding the rotating Presidency of the Council of the European Union in the real world at the point in time that the simulation is conducted.[8] The minister chairing the meeting will present the issue on the agenda, based on the individual role provided to them as representative of their country. The Minister/chair should introduce the representatives from the European Commission to the assembled representatives. The two representatives from the European Commission will introduce the draft legislation text to the Council of the EU. The chair then proceeds to open the meeting for statements by those Member States who wish to state their opinions. At this starting point of the meeting, the chair should ask that participants' opening statements be limited to 2 minutes, and that speakers focus on substantive matters rather than issuing lists of demands. After opening statements, the chair can suggest structured or unstructured break-out meetings (to allow for informal negotiation) with just a few of the participants or full plenary meetings, as she/he sees fit in order to promote successful negotiations within the Council of the EU. The chair can facilitate dialogue, or allow participants to engage without facilitation/moderation. Instructors should be very mindful in assigning the role of the chair, and also that of the representatives from the European Commission, as the way the simulation plays out depends to a certain extent on their ability to facilitate an effective group process, and to promote the positions and interests of the Commission, respectively.

The proceedings can be as informal or formal as the instructor desires based on the learning goals of the simulation. If you want the group to follow more formal proceedings, prompt the chair to use the Council of the EU's Rules of Procedure,[9] of which the following are a part:
- "8. At the start of a meeting, the Presidency [the chair] shall give any further information necessary regarding the handling of the meeting and in particular indicate the length of time it

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[8] A list of scheduled presidencies of the Council of the EU can be found here:
http://www.consilium.europa.eu/en/press/press-releases/2016/07/26-council-rotating-presidencies-revised-order/

[9] For detailed rules please check here: http://www.consilium.europa.eu/en/documents-publications/publications/2016/council-rules-procedure-comments/

intends to be devoted to each item. It shall refrain from making lengthy introductions and avoid repeating information which is already known to delegations.

● 9. At the start of a discussion on a substantive point, the Presidency shall, depending on the type of discussion which is needed, indicate to delegations the maximum length of their interventions on that point. In most cases interventions should not exceed two minutes.

● 10. Full table rounds shall be proscribed in principle; they may be used only in exceptional circumstances on specific questions, with a time limit on interventions set by the Presidency.

● 11. The Presidency shall give as much focus as possible to discussions, in particular by requesting delegations to react to compromise texts or specific proposals.

● 12. During and at the end of meetings the Presidency shall refrain from making lengthy summaries of the discussions and shall confine itself to concluding briefly on the results (substance and/or procedure) achieved.

● 13. Delegations shall avoid repeating points made by previous speakers. Their interventions shall be brief, substantive and to the point.

● 14. Like-minded delegations shall be encouraged to hold consultations with a view to the presentation by a single spokesperson of a common position on a specific point.

● 15. When discussing texts, delegations shall make concrete drafting proposals, in writing, rather than merely express their disagreement with a particular proposal.

● 16. Unless indicated otherwise by the Presidency, delegations shall refrain from taking the floor when in agreement with a particular proposal; in this case silence shall be taken as agreement in principle."

European Parliament (LIBE Committee)

The representatives from the European Commission will introduce the draft legislation text to the European Parliament. Following, the first task of the LIBE Committee members will be to elect a Chair for their meetings. The chair then proceeds to open the meeting for statements by those MEPs who wish to state their opinions. At this starting point of the meeting, the chair should ask that participants' opening statements be limited to 2 minutes, and that speakers focus on substantive matters rather than issuing lists of demands. After opening statements, the chair can suggest structured or unstructured break-out meetings (to allow for informal negotiation) with just a few of the participants or full plenary meetings, as she/he sees fit in order to promote successful negotiations within the European Parliament. The proceedings can be as informal or formal as the instructor desires based on the learning goals of the simulation.

Conciliation Committee

The instructor should set a time limit for the negotiations within the Council of the EU and the European Parliament, in order to allow the representatives from these two institutions to participate in a follow-on process of assisted negotiation (mediation) in the Conciliation Committee. The time limit should be communicated to the four representatives from the European Commission who participate in the meetings of the Council of the EU and of the European Parliament.

Once the two institutions have agreed on their versions of the legislative text, a Conciliation Committee is called upon by the four representatives from the European Commission. The Council of the EU will elect six representatives[10] plus the chair of the Council, the Minister of Interior/ Justice and Home Affairs holding the rotating presidency of the Council of the EU. The MEPs will elect seven representatives from the LIBE Committee to participate in the Conciliation Committee. Agreements in the Conciliation Committee require simple majority from the MEPs and qualified majority voting from the representatives of the Council of the EU, following the Council of the EU's voting rules mentioned[11]. **During the Conciliation Committee the team of representatives from the European Commission try to reconcile the different positions.** In order to give all four representatives from the European Commission the chance to mediate the process, there should ideally be 2 teams of 2 mediators each, rotating as the instructor sees fit. The participants from the two initial negotiations (in the Council of the EU and the European Parliament), with the exception of the chosen representatives from these two institutions who participate in the Conciliation Committee, should observe the proceedings of the Conciliation Committee from the sidelines, but not intervene. The observers should pay attention to the way their representatives represent the views of the two institutions, but also note the legislative process, and the mediation process. For the rules of procedure in the Conciliation Committee, please check here: https://www.europarl.europa.eu/olp/en/conciliation/overview and here: https://www.europarl.europa.eu/olp/en/conciliation/overview.

Participant-driven simulation conduct: Make sure that the chairs of the meetings are aware of the point of time at which to shift into a meeting of the Conciliation Committee, and the simulation's overall ending time. Other than that, the simulation design allows for the entire process to be driven, start to finish, by participants, without instructor guidance or intervention.

Instructor interventions: During the simulation's run-time, the instructor's task is largely to be attentive to the proceedings and discussion, noting interesting elements to raise for discussion in the post-simulation debrief session. There are three situations in which instructor intervention is desirable: Participants will sometimes pose questions to the instructor – for example, about procedural rules in any of the settings (Council of the EU, European Parliament, Conciliation Committee), the simulation storyline, information they see as 'missing,' or how they should be playing their role. When possible, the instructor would do best to point participants towards sources for procedural rules or the information provided in their roles. Sometimes, however, the instructor needs to take on the responsibility of clarifying a point or explaining something in the instructions. To this end, instructors should review the simulation before engaging in it so they will be able to clarify or adjust details without upsetting the fundamental balance between participants. A second – fairly rare - trigger event for instructor intervention is disruptive behavior on the part of participants. This might be unusually inappropriate or abusive behavior by participants in-role, but will more likely be occurrences of participants suddenly slipping out of role during the course of the simulation, and engaging in discussion that bursts the 'bubble' of

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[10] Using simple majority.

[11] For the voting system in the Conciliation Committee please check: http://www.consilium.europa.eu/en/council-eu/decision-making/ordinary-legislative-procedure/conciliation/

simulated reality. This often happens for short moments, with the simulation self-restoring; however, if things get out of hand in this regard, the instructor can encourage participants to regroup and restore the simulation bubble. Finally, instructors may intervene to add in news of new information or events that s/he wishes to introduce into the simulation.

Final stages and simulation ending: A non-intrusive intervention, such as a note to the chair of the meeting, or catching their eye whilst tapping one's watch, should be enough to help participants keep their eye on the clock as the deadlines approaches. As the deadline approaches in the first pair of meetings, the chairs of each meeting (the chair of the Council of the EU and the chairs of the European Parliament committee), together with leading Member state / political group representatives, should work on drafting the language of any agreement participants have come to. When there is a written draft agreement the chairs of the respective meetings should distribute it (or, at least, read it aloud or) to all participants, and call for a vote. If it passes both institutions[12], the chairs of the respective meetings present the legislative text that will be then negotiated with the other institution in the Conciliation Committee. If it does not, and there is time remaining, negotiations can resume with the hopes of achieving agreement, drafting it and voting on it anew. If the allotted time for the negotiations in the Council of the EU and the European Parliament runs out with no solution being passed by vote in both institutions, you can allocate to the negotiations in these two institutions the time you have initially put aside for the Conciliation Committee. If still there is no solution passed in both institutions (or if it passes in one institution but not in the other one), then the legislative text negotiation fails and there is no Conciliation Committee needed. Of course, if parties realize they are not going to reach agreement on all the issues, they can attempt to carve out issues for which there is sufficient agreement to vote on, and agree to attempt to settle the rest at a later date.

Transitioning from simulation to debrief: If the meeting has ended with an agreement, or a successful vote, you might ask parties to sign it, or stage a group photo, in order to have a moment of celebration during which participants will shift slowly back into their natural selves. Continue this by announcing that in a couple of minutes all representatives will be leaving back to their embassies, and they can use the time to say goodbye to other representatives. Then, announce the end of the simulation, and ask participants to return to their seats to discuss what happened.

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[12] **For the Council of the EU the requirements to pass are: 55% of Member States vote in favour** - in practice this means 16 out of 27 the proposal is supported by Member States representing **at least 65% of the total EU population –** see threshold for 65% by using the Council of the EU Voting calculator: https://www.consilium.europa.eu/en/council-eu/voting-system/voting-calculator/ .
The **blocking minority** must include at least four Council members representing more than 35% of the EU population.(Source: http://www.consilium.europa.eu/en/council-eu/voting-system/qualified-majority/).
For the European Parliament, simple majority voting is needed for it to pass (calculate the votes taking into account the relative power of each political party in the real world at the time you play the simulation).