

# Reforming the EU Presidency?

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*The presidency is a highly sensitive issue in the discussion on the EU's institutional reform. Catalysed by successive enlargements, complaints about the six-monthly rotating chair were raised for decades. Yet, the system proved difficult to reform. However, a number of changes have now been agreed upon, including the forming of presidential teams, fixed presidencies, and a formalisation of procedures for chairing Council meetings. In a way, this amounts to a communitarisation of one of the EU's intergovernmental characteristics. Building on a leadership model, this contribution evaluates the political compromises in reforming the presidency and concludes that these reforms are insufficiently based on empirical evidence. Among others, they may reduce incentives for individual EU Member States to live up to their presidential duties and may lead to new problems of coordination.*

*In der Diskussion um die institutionelle Reform der Europäischen Union nimmt der Ratsvorsitz eine zentrale Rolle ein. Durch die sukzessiven Erweiterungen unterliegt das bestehende Rotationssystem mit sechsmonatigem Rhythmus schon seit vielen Jahren andauernder Kritik. Nachdem sich dieses Verfahren als schwer reformierbar erwies, wurden jetzt Änderungen vereinbart, wie etwa die Bildung von Team-Präsidentschaften, ein fester Vorsitz sowie eine Formalisierung von Verfahren. In diesen Maßnahmen kann man eine Vergemeinschaftung eines bislang intergouvernementalen Merkmals der EU sehen. Auf der Grundlage eines führungsbezogenen Modells evaluiert der folgende Beitrag die politischen Kompromisse zu einer Reform des Ratsvorsitzes und kommt zu dem Schluss, dass diese nur unzureichend auf empirischer Analyse basieren. Sie können unter anderem die Anreize für einzelne Mitgliedstaaten reduzieren, ihren mit dem Vorsitz verbundenen Verpflichtungen nachzukommen, und neue Koordinationsprobleme hervorrufen.*

## I. Introduction

The rotating presidency of the EU Council forms a key issue in the discussions on the reform of the EU. Some major changes have been accepted with the adoption of the 2007 Reform Treaty (and its – expected – entry into force in 2009). This does not mean that it is now clear how the reformed presidential system will look like. Much will have to become clearer in the run-up to 2009 and, even once the reforms have been implemented, the discussions are likely to continue given the many loose ends in the Treaty provisions.

Apart from being multifarious, this discussions on a reform of the presidency are highly sensitive as they concern the balance between a more supranational or intergovernmental EU.<sup>1</sup> Allegedly, the system has been in need of change but it has been remarkably stable nevertheless. Only marginal adjustments have been implemented since the start of the EU. It is unclear whether this is a blessing, as the presidency functions may be better than acknowledged, or whether it is a sign of the EU's inability to manage change. Enlargement, the ongoing discussions on a revision of the EU Treaties, and a change in the geo-political context put the presidency debate back on the agenda, leading to concrete reform proposals in the context of the Reform Treaty.

The Laeken Declaration, which provided the political kick-off to the EU's reform debate, specified that the EU should be made simpler and stronger and brought closer to the public. However, the subsequent debates in the Convention on the Future of Europe, at least as far as the presidency is concerned, were based on "caricatures" of the presidency (in the words of a senior negotiator) for lack of analysis of the real problems. What seems to have been missing in the reform debate is a systematic consideration of the strengths and weaknesses of alternative presidency systems. This poses the question of whether what is now on the table lives up to the expectations of "Laeken".

This article presents a model to structure the main arguments and to compare the proposals under discussion. We subsequently analyse the reform proposals based on interviews with national key players at ministerial and interministerial level in countries that have been preparing for the presidency (Ireland, the Netherlands, Slovenia and the Czech Republic) and from the General Secretariat of the Council. These included presidency coordinators in charge of national preparations and coordination with previous and consecutive presidencies as well as national and EU (senior) policy officials involved in the Treaty reform discussions. In this way, we were able to compare the day-to-day work of (team) presidencies with the highly political – and potentially constitutional – debates.

In the remainder of this article, section two discusses the influence of the presidency in order to indicate the importance of the reform debate. Section three groups the many presidency tasks in three basic leadership roles: organiser, mediator and provider of transformational leadership. We analyse the implications

1 *Hoffmann, L.*: Making Europe Less Democratic – the New Permanent President of the European Council, Paper Presented at the EUSA Conference, 31. 03.–02. 04. 2005, Austin.

of the reform proposals for these roles in terms of the effectiveness and efficiency in managing the Council agenda and we address the legitimacy considerations of the proposals. This leads to our analytical model. Using the model, section four assesses the impact of the reforms on the three leadership roles. To ensure a manageable focus, this paper concentrates on the first pillar (Community policies) even though discussions on its roles in the second pillar (Common Foreign and Security Policy) cannot be avoided due to increasing interdependence between the pillars and to spill-overs from the debates in the second into the first pillar. The final section draws conclusions on the reform agenda, and building on that, on the rationality of the reform process.

## II. The Influence of the EU Presidency

Whether it is important to analyse the reform depends on whether the presidency is merely symbolic with many tasks but little power, or whether it is a key player with an actual influence on EU decisions.<sup>2</sup> Following isolated studies<sup>3</sup>, a stream of research on the presidency has only recently emerged.<sup>4</sup> One research question concerns the influence of the presidency. A second issue is whether its influence should be regarded as a positive contribution or a hindrance. Practitioners and scholars alike can be wary of a “pushy” chair and have stressed the advantages of a prudent chair.<sup>5</sup>

*Tallberg* concludes that the scholarly literature is overwhelmingly sceptical about the significance of the presidency.<sup>6</sup> However, even though agendas may seem identical at a general level, preferences regarding individual topics and the

- 2 *Bassompierre, G. de*: Changing the Guard in Brussels. An Insider’s View of the EC Presidency, New York, 1988.
- 3 See for instance *Kirchner, E. J.*: Decision-making in the European Community: the Council Presidency and European Integration, Manchester, 1992.
- 4 *Wurzel, R.*: The Role of the EU Presidency in the Environmental Field, in: *Journal of European Public Policy*, 3/2 (1996), 272–291; *Schout, A.*: The Presidency as Juggler. Managing Conflicting Expectations, in: *Eipascope*, 2/1998, 2–10; *Elgström, O.* (ed.): *European Union Council Presidencies*, London, 2003; *Tallberg, J.*: *Leadership and Negotiation in the European Union*, Cambridge, 2006; *Schout, A./Vanhoonaeker, S.*: Evaluating Presidencies of the Council of the EU: Revisiting Nice, in: *Journal of Common Market Studies*, 44/5 (2006), 1049–1075.
- 5 *Ludlow, P.*: Preparing for 1996 and a Larger European Union. Principles and Priorities, CEPS Special Report no. 6, Brussels, 1995; *Hayes-Renshaw, F./Wallace, H.*: *The Council of Ministers*, New York, 1997, 146.
- 6 *Tallberg, J.*: The Agenda-shaping Powers of the EU Council Presidency, in: *Journal of European Public Policy*, 10/1 (2003), 1–19.

strategies pursued to achieve them clearly reveal the choices of chairmen. Presidency workshops, background studies and informal ministerial meetings have had major impacts on the EU's agendas.<sup>7</sup> Many policy innovations have taken place thanks to the initiatives of the rotating chair. To name just a few, the Union's Northern Dimension, the integration of environment in "Lisbon" and the incorporation of Schengen into the first pillar were pushed by presidencies. Hence, presidencies have contributed to the expansion of the EU's pallet of policies. Besides such landmark initiatives, less visible policies and ambitions can equally be related to strategic choices of chairs, such as the EU's input into the UN's Kyoto agenda, the strive for higher environmental ambitions in the Auto-Oil Directive or the deregulation of the Plant Health Directive under British chairmanship. Probably every presidency left its mark one way or the other. This influence goes beyond moving issues up and down the agenda or adding topics. Using their central position, chairmen can influence the tone of negotiations, summarise discussions, formulate ambitions and build bridges. Presidencies can take things forward as the Irish showed in concluding the IGC in June 2004, whilst bad presidencies may reinforce deadlocks.<sup>8</sup>

It is hard to isolate the influence of the presidency. In interviews, officials stressed that 90% of the agenda is fixed and pointed to other limitations. However, the interviews also point to the intrusive powers which the chair has to focus on specific topics and to the ability of chairs to tilt outcomes towards, for example, deregulation. Without wanting to overstate its power in the complex EU negotiations, and acknowledging the many constraints, it is clear that presidencies can make a difference. Much depends however on the support from the Commission, other Member States, the European Parliament, availability of resources, obligations *vis-à-vis* the rolling agenda, tact, and careful priority setting and preparations.<sup>9</sup>

7 See for instance *Institute for European Environmental Policy: Exploration of Options for the Implementation of the Open Method of Coordination (OMC) for Environmental Policy*, Brussels, 2005.

8 Cf. *Gray, M./Stubb, A.*: The Treaty of Nice – Negotiating a Poisoned Chalice?, in: *Journal of Common Market Studies*, 39/1 (2001), 5–23.

9 See for instance *Schout, J.A./Bastmeijer, C.*: The Next Phase in the Europeanisation of National Ministries: Preparing EU Dialogues, in: *Eipascope*, 1/2003, 13–24.

Similarly, its influence is also evident in the field of foreign policy.<sup>10</sup> The EU's foreign relations prove to be particularly precarious to manage for the presidency.<sup>11</sup> Without going into details<sup>12</sup>, with regard to the presidency's influence in world politics it is important to also consider how third countries perceive the representation of the EU (see below).

### III. Tasks and Roles

The rotating presidency developed during the formative decades of the EU by default rather than by design.<sup>13</sup> The Treaty establishing the European Community says little more than that the chair rotates and convenes meetings (Articles 203 and 204). In general, the chair has to help in finding common positions in the Council and in concluding negotiations between Council, Commission and European Parliament (EP). This involves management and administration; shaping the agenda; being a point of contact; mediation; initiating new subjects; internal and external representation of the EU Council; and finally, ensuring horizontal coordination with other policy fields.<sup>14</sup>

These tasks can be presented at different levels of detail.<sup>15</sup> To determine the essence of the presidency, we group the various tasks into a limited number of roles. These are the roles of organiser, mediator and agenda setter. In most negotiations, the chair's activities encompass each of these.<sup>16</sup> The roles have specific conceptual origins<sup>17</sup> and relate to three key aspects of leadership: task-oriented leadership, group-oriented leadership, and transformational leadership (see *Table I*).<sup>18</sup>

10 *Groenleer, M.L.P./Schaik, L.G. van*: United We Stand? The European Union's International Actorness in the Cases of the International Criminal Court and the Kyoto Protocol, in: *Journal of Common Market Studies*, 45/5 (2007), 969–998.

11 *Ott, A./Wessel, R.*: The EU's External Relations Regime, in: *Blockmans, S./Lazowski, A.* (eds.): *The European Union and its Neighbours*, The Hague, 2006, 19–60.

12 *Everts, S./Keohane, D.*: The EU Convention and EU Foreign Policy, in: *Survival*, 45/3 (2003), 167–186.

13 *Westlake, M.*: *The Council of the European Union*, London, 1999.

14 *Hayes-Renshaw F./Wallace, H.*: *The Council of Ministers*, Basingstoke, 2006.

15 See for instance the *Presidency Handbook* by the General Secretariat of the Council (2000) or the 2006 version of the *Council Rules of Procedure*.

16 *Elgström, O.* (ed.): *European Union Council Presidencies. A Comparative Perspective*, London, 2003.

17 *Schout, A./Vanhoonacker, S.*, op. cit.

18 *Yukl, G.*: *Leadership in Organisations*, 4<sup>th</sup> edition, Upper Saddle River, NJ, 1998.

Table 1: Presidential Roles

	<b>Organiser</b> (Task-oriented leadership)	<b>Broker</b> (Group-oriented leadership)	<b>Political leadership</b> (Transformational leadership)
<b>Tasks</b>	<ul style="list-style-type: none"> <li>• Planning</li> <li>• Representation</li> <li>• Drafting agendas of meetings (listing the agenda items)</li> <li>• Chairing (i.e. organising the debates)</li> <li>• Preparing documents</li> <li>• Mapping aspects of the topic</li> <li>• Devising strategies for moving forwards</li> <li>• Background studies</li> </ul>	<ul style="list-style-type: none"> <li>• Sounding out</li> <li>• Creating a good atmosphere</li> <li>• Creating understanding for each other’s problems</li> <li>• Identifying main-streams</li> <li>• Identifying bargains and trade-offs</li> <li>• Formulating compromises</li> <li>• Serving group processes</li> </ul>	<ul style="list-style-type: none"> <li>• Putting current discussions in a long term perspective of EU challenges</li> <li>• Steering debates in specific directions</li> <li>• Convincing delegations to look beyond short-term or narrow interests</li> <li>• Reducing frictions by recasting the debate in a long-term perspective</li> </ul>
<b>Focus</b>	Efficiency	Fairness in the search for a common position (preserving trust)	Long-term objectives

Source: Schout, A./Vanhoonacker, S., op.cit., 1053.

*Task-oriented leadership* (or organiser) is about chairing efficiently as emphasised in the Rules of Procedure. It is highly demanding but, if all goes well, hardly noticed. However, if neglected – e.g. if papers are late – it causes delays and much frustration. This organisational role is highly important since only a limited number of rooms are available for meetings. Moreover, preparation of documents involves internal (language and legal) checks and severe time constraints that have to be respected. Crucially, hundreds of people in the Member States, EP, Commission and General Secretariat of the Council are dependent on the actions of an individual chairman.

*Group-oriented leadership* involves mediation tasks and includes sounding out positions and finding common ground. Task-oriented leadership and group-oriented leadership aim at a common denominator and facilitating group processes irrespective of their quality.

*Transformational leadership* is related to the level of ambition. It is long-term oriented and aims at finding solutions beyond the common denominator. This

political leadership implies adding issues to the agenda or settling negotiations from a different perspective. Examples include the British efforts to push towards deregulation in specific directives or initiatives of several presidencies to raise awareness of the EU's relations with specific parts of the world (Finnish and Spanish presidencies). This third role is risky and not undisputed. Some scholars<sup>19</sup> and practitioners from the General Secretariat and permanent representations prefer presidencies to refrain from political leadership.

A discussion of the effects of the reform proposals on these roles has to take place in the context of the contributions which the presidency makes to European integration. A successful presidency performs the roles effectively (bringing the EU agenda forward, not just from a lowest common denominator but by finding compromises in the longer-term interest of the EU) and efficiently (respecting the resource constraints). In addition, the preparations of the presidency and the results produced contribute to the visibility of its efforts for the domestic constituencies (national parliament, civil society organisations and citizens at large). It thus plays a role in building national support for the EU and for raising the public awareness that “we are part of the Union”. Hence, in our discussion below we also include legitimacy considerations. There are different kinds of definitions of legitimacy, some related to the quality of output, others focusing on the wider design of the EU polity including visibility and accountability.<sup>20</sup> We cannot analyse every part of the legitimacy implications but our assessment does include how the reform proposals affect transparency and equal opportunity to influence the agenda.

#### IV. The Rotating Presidency Re-considered

Shortcomings of the system of the rotating presidency are often mentioned in literature and political discussions. There is a widely shared feeling that the rotating presidency is no longer suitable. Many observers have criticised the inefficiency and style of chairs and have pleaded for reform.<sup>21</sup> The arguments for

19 *Schoutete, P. de/Wallace, H.*: The European Council, Notre Europe, Research and European Issues no. 19, Paris, 2002.

20 *Weiler, J.*: Legitimacy and Democracy of Union Governance, in: Edwards, G./Pijpers, A. (eds.): The Politics of the European Treaty Reform: the 1996 Intergovernmental Conference and Beyond, London, 1997, 249–287; *Scharpf, F. W.*: Governing in Europe: Effective and Democratic?, Oxford, 1999.

21 See for instance *Gray, M./Stubb, A.*, op. cit.

reform are not new. In fact, reports dating back to the 1970s still seem accurate in many respects.<sup>22</sup> The 2004 enlargement has refuelled the debates. On the political level, *Blair's* statement that “we cannot go on like this” summarises the feelings well. Representing small countries, Prime Ministers *Kok* and *Verhofstadt* noted, in the shadow of the Barcelona Summit (2002), that the EU presidency is too much work. These complaints have to be taken seriously as bad leadership can be very disruptive for the overall functioning of the EU and there is little doubt that the presidency makes heavy demands on national politicians. Moreover, after a bad presidency, it is easy to find many highly frustrated national and European officials begging for change. Inefficient meetings are highly disruptive for all concerned.

Alleged shortcomings include:<sup>23</sup> discontinuities of agendas, workload due to the growing agenda and increase in the number of member countries, over-ambitious agendas and hobbyhorses (i.e. pet projects which satisfy a national audience but are of dubious longevity within the EU), number of years between the presidencies of a Member State, doubts about the abilities of new countries, and high costs. Our interviews show that maybe even more important in explaining the recent concerns is the – rarely openly admitted – fear of the East European and “micro” countries representing the EU externally. EU foreign policy literature often refers to *Kissinger's* famous question of which phone number to dial to reach Europe, which allegedly illustrates the need for a well-organised international actor. The implicit or sometimes explicit assumption is that the rotating presidency would not be able to perform this function.

A problem with the presidency debate is that it focuses on its weaknesses. One of the questions is whether these weaknesses are indeed caricatures, or real. A closer look at the complaints shows that some are overdone and that others could probably be addressed without major overhauls. For example, the first Portuguese presidency was much better than the subsequent British presidency under *John Major*.<sup>24</sup> Hence, fears for new and small countries in the chair may be exaggerated. Second, compared to the weaknesses, much less consideration has

22 *Tindemans, L.*: European Union. Report to the European Council, Brussels, 1976; Report of the Three Wise Men: Report on European Institutions, presented by the Committee of Three to the European Council, Luxembourg, 1979.

23 *Schout, J.A./Vanhoonacker, S.*: Naar een versterkt Voorzitterschap, in: Internationale Spectator, 56/6 (2002), 309–315.

24 *Dinan, D.*: Ever Closer Union? An Introduction to the European Community, Boulder, CO, 1999.

been given to the strengths of the EU's presidency system, such as the impact of presidencies on the Europeanisation of administrations (e.g. investments in EU knowledge and upgrading of EU planning and coordination mechanisms) and the socialisation of officials and politicians in European cooperation (by having to manage the formulation of compromises).<sup>25</sup>

A range of alternatives for leading the EU were considered.<sup>26</sup> The smaller states, although suffering in particular from the workload, were quick to oppose a permanent chair, fearing it would originate from one of the large Member States.<sup>27</sup> Many options that were presented resembled the earlier discussions from the 1970s onwards. They included lengthening the period, team presidencies and measures to discipline Member States.

## V. The Reform Agenda

The wealth of reform ideas makes any review here incomplete. We will concentrate on three main issues that have featured prominently in recent discussions. These are cooperation between presidencies in terms of agenda setting and workload (team presidencies), a (more) permanent chair for the European Council (and, where relevant, the new function of High Representative of the Union for Foreign Affairs and Security Policy) and extended rules of procedure to curtail the freedom of presidencies.

25 See for instance *Pasarín, A.F.*: Change and Stability of the EU Institutional System and their Impact on the Member States: the Case of the Council Presidency after the Adoption of the Constitutional Treaty, paper presented at CONNEX Conference on Institutional Dynamics and the Transformation of European Politics, Oslo, 2005.

26 *Coussens, W./Crum, B.*: Towards Effective and Accountable Leadership of the Union – Options and Guidelines for Reform, EPIN Working Paper no. 3, January 2003; *Pasarín, A.F.*, op. cit. Key documents included amongst others: the Trumpf-Piris Report: Council of the European Union. Operation of the Council with an Enlarged Union, Secretary-General of the Union, SN 2139/99, 10.03.1999; *Grant, C.*: Restoring Leadership to the European Council, Centre for European Reform Bulletin, April-May 2002; *Solana, J.*: Préparer le Conseil à l'élargissement ("Solana report"), Brussels, 12.03.2002; *Straw, J.*: Speech by the Foreign Secretary, Jack Straw, Instituut Clingendael, The Hague, 21.02.2002; *Chirac, J.*: Discours de Monsieur Jacques Chirac, European Parliament, Strasbourg, 06.03.2002; the "Benelux Paper" of 08.05.2003, CONV 457/02; Intergovernmental Conference documents CIG 1/03, CIG 36/03 and CIG 39/03.

27 See *Euractiv* of 07.04.2003 or the "Benelux Paper", op. cit.

## 1. Team Presidencies: Joint Agenda Setting and Shared Workload

The idea of team presidencies comprises two aspects: joint agenda setting and sharing the burden of the organisation of the presidency and the chairing of the Council meetings. For both issues, the Seville European Council (2002) adopted mechanisms for cooperation between the presidencies. Since then, each member of the group chairs for six months but together the Member States of the team agree a longer-term programme and may decide alternative working arrangements among themselves. This formulation leaves open whether the Member States merely want to coordinate agendas or whether they want to divide tasks within the team so that some chairs will preside for a longer period. In addition, a framework agenda of three years was introduced which would allow for a stronger link with the Commission's multi-annual programme.

### *a) Joint Agenda Setting*

Hence, in 2002, the six-monthly rotating agenda was formally abolished and replaced by a formal annual agenda backed up by a tri-annual agenda. Soon thereafter, the European Council lengthened the joint presidency programme from two to three presidencies.<sup>28</sup> The Decision resulted in an amendment of the Council's Rules of Procedure in September 2006<sup>29</sup> abolishing the annual and tri-annual agendas and replacing them by the 18-month agenda, the first of which entered into force in January 2007<sup>30</sup>. In addition, provisional agendas were made for the forthcoming six-month period. This underlines that individual presidencies are part of the 18-month programme but also that the traditional 6-month agenda is back again – even though, in practice, it never ceased to exist. The succession of changes seems symptomatic of the tinkering with the reform of the presidency system. It also shows the apparent persistence of EU traditions and the fact that practical difficulties of the alternatives are easily ignored beforehand.

28 CIG 87/04; official decision: *Council of the European Union*: Press Release. 2630<sup>th</sup> Council Meeting. General Affairs and External Relations, 15460/04 of 13. 12. 2004.

29 2006/683/EC, Euratom: Council Decision of 15. 09. 2006 adopting the Council's Rules of Procedure, OJ L 285/47 of 16. 10. 2006.

30 *Council of the European Union*: 18-month Programme of the German, Portuguese and Slovenian Presidencies, 17079/06 of 21. 12. 2006.

The background to these agenda innovations is that six months seem insufficient for achieving results and supposedly leads to discontinuities. Our interviews with presidency coordinators show the positive contributions as well as the difficulties of these agenda reforms. As regards the organisational role, Member States still have presented their own agendas. These displayed remarkable continuity, which however to some extent has been cosmetic as Member States strike deals during the formulation of the longer-term annual agenda so that they can include their priorities while paying less attention to those of the partners. One explanation for this is that politicians cannot plan too much ahead and cannot introduce new agenda items shortly before the presidency. Hence, annual or 18-month agendas end neither discontinuities nor overload.

Nevertheless, a closer examination shows that the longer-term agenda has played a major role in aligning presidencies. They give Foreign Affairs and other presidency coordinators a tool to limit all kinds of initiatives that ministries want to take by pointing to the need to be consistent with the longer-term agendas. Moreover, it gives these coordinators – especially within the ministries – additional weight and allows them to call attention to the obligations early on in the preparations.

The early and formal involvement of the General Secretariat of the Council and the Foreign Ministry acts as a wake-up call and has institutionalised formats for the preparations (e. g. reserving resources, starting with formulating scenarios for the negotiations, arranging training and discussing realistic ambitions, holding coordination meetings within the team). However, this advantage seemed to apply mainly to the “second” presidency. Interviews indicate that the early warning works less well for the first presidency since they are too close to their term. Particularly with regard to the tri-annual agenda it has become evident that the longer the presidency is away, the less effect the wake-up call produces. Hence, the effect on preparations is uneven within the team.

The prospects of an agenda of more than a year seem meagre. Interviewees underlined the uncertainties that grow with time, and much will depend on the record of the previous chairs, the Commission’s proposals and the extent to which ministers think ahead. In addition, governments still present their own agendas because they have to inform, and be accountable to, their national parliaments. This easily develops into “updated” versions of the agreed longer-term agendas. Moreover, cooperation within teams seems to be smooth, but cooperation between teams has proved more difficult. Finally, there is little reason to assume that states will only work with the presidencies in their team. Coopera-

tion with like-minded countries over longer periods continues as before, adding to possible differences between presidencies within the team.

These organisational advantages support the broker role. The longer-term preparations and the establishment of a national and EU framework for agenda coordination lead to better awareness of suitable strategies. According to our interviews, joint agenda setting makes presidency coordinators more aware of the dangers of “pushy” chairs and gives them additional leverage for pressing for careful preparations. Moreover, our interviews suggest that the chairs are more exposed to EU colleagues and are forced to discuss their strategies, moving them away from national perspectives and styles. Also, individually as well as in combination with preceding and next presidencies, a chair may find it easier to focus discussions on the actual sticking points.

Legitimacy may benefit from the transparency which longer-term agendas offers. Parliaments and stakeholders (NGOs and other Member States) have somewhat more time to prepare themselves. Also, the longer-term agenda may support the efforts of the Commission to arrive at better interinstitutional cooperation with a view to creating more realistic agendas and more focus.<sup>31</sup> In addition, individual presidencies might feel less of an urge to get a long tally sheet and opt for useless presidency or Council conclusions, because the team rather than the individual presidency has to succeed.

The flipside may be that agenda setting becomes less transparent. Interviewees stressed the danger that the Commission, EP and Council (General Secretariat and presidency) agree on priorities and approaches early on, so that it is now much harder for countries outside the “iron triangle of Commission, presidency and EP” to influence outcomes (in the words of a senior official from a permanent representation). Furthermore, the emphasis on continuity means that governments have less leeway for calling attention to specific problems or preferences.

There seem to be mainly organisational advantages related to the preparation and professional running of meetings. The reform ideas ensure neither continuity nor fewer hobbyhorses. Politicians can still inflate agendas in the weeks and months before the presidency. The interviews indicate that major inter- and intraministerial planning capacities – such as coordinators with sufficient rank, means and

31 *European Commission: Better Lawmaking 2003*, COM (2003) 770 final of 12. 12. 2003.

hierarchical support – are required within the ministries and Member States. Whether these are available depends on the commitment of the political leaders and of senior management. Neither the General Secretariat of the Council nor anyone else will press governments to build these capacities. In any case, the 18-month planning relates to the rolling agenda and not to the issues that Member States may want to raise additionally.

*b) Sharing the Workload*

“Seville” formalised the possibility to share the work of chairing Council meetings. In practice, countries such as Luxembourg, Belgium and Sweden already have a tradition of working with others. The organisational advantages concern the continuity in chairs and the management of the rolling agenda. The risk of issues moving up and down the agenda will be less and there will, for instance, be more continuity in terms of international cooperation. However, it will not reduce the workload as chairs have to operate longer. Yet, the danger that the national agenda will be virtually blocked for six months will be less, since fewer officials from one Member State will be involved.

There is little chance that governments will use this possibility of sharing the workload beyond the Luxembourg-type pragmatism of unloading minor topics. As regards merely technical dossiers, particularly the smaller countries such as Slovenia may be happy to invite others to chair. However, it is difficult to imagine a true team presidency in which Councils are distributed among the team members or in which important dossiers are shared. This could lead to major coordination costs between the Member States if not outright fights over the major Councils. Moreover, as apparent from the interviews, a presidency wants to display its diplomatic skills in sensitive topics and to attract the attention of the media.

It could facilitate brokerage as the chair will be much more socialised in the EU debates and may become detached from its national position. However, brokerage may suffer due to the loss of time pressure (18 months instead of a six-month deadline). Secondly, “new brooms sweep clean”. As the interviews underlined, (Council) officials have often been happy with a new chair. Having a new lead every six months offers fresh perspectives and new opportunities.

The possibility to swap files may contribute to legitimacy as countries can avoid dossiers that could cause political problems at home. On the other hand, frag-

mentation may not help transparency and fights within the team may harm the image of an effective Union.

## 2. Permanent Chairs: the President of the European Council

Transforming the political apex would be a major breakthrough and a move towards communitarisation and depoliticisation. The position of a President of the European Council has been created in parallel with the move towards a “Mr. Euro” and the “foreign policy coordinator” (High Representative for the Common Foreign and Security Policy – HR).<sup>32</sup> As the Economic Policy Committee shows, fixed chairs are not new. Their use is increasing in sensitive areas such as employment and political cooperation (elected chairs and vice-chairs) and in highly technical areas such as data protection where the relevant working party is chaired by the General Secretariat of the Council.

The debate about the European Council goes back to, at least, *Tindemans* (1976) and has been re-emerging ever since.<sup>33</sup> The Treaty of Lisbon proposes to install a President for a period of two and half years, renewable once, chosen by the European Council by qualified majority. His or her tasks will be to “drive forward” the work of the European Council, to “ensure the preparation and continuity” of its work, and to “endeavour to facilitate cohesion and consensus” (Art. 9b Treaty of Lisbon).

Apparent lack of organisation, overloaded agendas, compounded external representation and ill-prepared discussions were reasons for opting for the permanent President.<sup>34</sup> Moreover, the team presidencies (though not as drastically implemented as originally foreseen) would be impossible to match with the European Council. No head of government would share this role or, in view of the workload, assume it for more than six months.

Discussions on this President position were very sensitive during the 2003/04 IGC. Particularly the smaller countries were afraid of domination by the large states and of centralisation of power. The responsibilities of the President could

32 The function is almost identical to the Union Minister of Foreign Affairs envisaged in the Constitutional Treaty. In this analysis we focus on the president of the European Council. For a detailed discussion of the HR see *De Ruyt, J.*: A Minister for a European Foreign Policy, Policy Papers 05/03, Robert Schuman Centre for Advanced Studies, European University Institute, 2005.

33 See footnote 27.

34 *Schoutete, P. de/Wallace, H.*, op. cit.

move beyond the European Council and include horizontal coordination within the Council. Hence, in the negotiations, due to the threat to national prerogatives, the tasks were limited to the European Council (thus excluding legal responsibilities). Hence, overall leadership within the Council is not likely to be concentrated at one point and fragmentation is likely to persist – if not grow. The most important contribution of the European Council remains providing impetus to the development of the Union and to discuss major policy issues. The latter includes problem solving and coordination between Councils, which implies that the European Council President will always have to work closely with the rotating chair of the General Affairs Council (which, apparently, will be separated from the Foreign Affairs Council).

In the first pillar, similarly to the reforms mentioned, the main contribution seems to be in terms of organisational leadership. Major themes such as the Lisbon process or IGCs will benefit from continuous and consistent leadership. However, we have to bear in mind that such topics are also on the agenda of rotating presidencies and that there is already considerable continuity in presidency agendas.<sup>35</sup> Moreover, the different approaches may also have their benefits. For example, the emphasis of the Swedish Presidency on environment balanced the economic focus in the Lisbon process.

National and EU officials have expressed considerable doubts about the abilities of the European Council President to provide continuity and consistency. Prime Ministers from the rotating presidencies may not keep their hands off the European Council, especially when they have international aspirations. Secondly, coordination challenges are to be expected. The European Council president will have to work closely with the Commission President. In addition, he or she is supposed to cooperate closely with the High Representative as both have external obligations (resembling the tension between national Prime Ministers and Foreign Affairs Ministers). Besides being the chair of the Foreign Affairs Council, the HR will also be Vice-President of the European Commission (coordinating the Union's external action (Article 9e, 4 Treaty of Lisbon). Coordination problems may occur with regard to external policies decided upon in Council formations other than the Foreign Affairs Council (e.g. international environmental issues). Turf wars may emerge between the HR and (presidencies of) other Council formations and between the HR and other Commissioners respon-

35 *Wurzel, R.*, op. cit.

sible for external relations aspects (e. g. trade, fisheries, environment, neighbourhood policy, enlargement, terrorism, migration). It remains to be seen to what extent the European Council President or the President of the Commission will be able to intervene.

Furthermore, there may be an important effect on the *organisation* of the presidency in general. With the removal of major political functions (due to the creation of a European Council President, Mr. Euro, HR), governments may see the presidency as an administrative affair. In particular, the European Council presidency, being the heart of each presidency and a major focus of evaluation, has stimulated governments to work hard. Without these functions, the presidency will be less of an issue for governments as a whole, less politically salient and less interesting for parliaments. As a result, proactive political attention and incentives to invest in it may become limited. “Decapitation” of the rotating presidency may mean better summits but at the price of less organisation in other areas.

Brokerage will be an essential part of the work of the European Council President (also in foreign affairs). Whatever previous positions and experience, the person is likely to be seen as a Eurocrat. As a “Brussels” representative, (s)he is likely to be compared – by the heads of state or government – to the President of the Commission. The risk is that he or she will not be the *primus inter pares*. On top of this, the other heads of state no longer have to chair, so being uncooperative may be easier. Finally, the number of potential brokers will imply additional complications.

Transformational leadership has been the essence of the European Council. Major initiatives in which summits were highly instrumental include the launching of the monetary union (Hanover 1988), enlargement (Copenhagen 1993 and the tumultuous meeting in December 2002) as well as climate change and energy policy (March 2007). Hence, it has been presented as the “primary source of history making decisions”.<sup>36</sup> Commission presidents have exploited this meeting to float ideas. *Delors* used it to get the Single European Act, Monetary Union and the “*Delors* packages” off the ground.<sup>37</sup> There may be a winning coalition if the European Council and Commission presidents get along well. However, the

36 *Peterson, J./Bomberg, E.*: Decision-making in the European Union, Basingstoke, 1999, 33.

37 *Hainsworth, S.*: Coming of Age: the European Community and the Economic Summit, Country Study no. 7, University of Toronto Centre for International Studies, 1990.

federal-based Commission and the intergovernmental-based European Council may compete for leadership and complicate transformational leadership.

With a fixed chair, the European Council may be less inclined to fall victim to Euro-scepticism. Similarly, an “overconfident” rotating presidency may not be conducive to finding agreement.<sup>38</sup> Nevertheless, the rotating presidency of the (European) Council has stimulated governments to provide transformational, organisational and group-oriented leadership already in the years before their turn in office. At any one time, there are at least three presidencies preparing, providing background studies, contacting actors across the EU, finding compromises, etc. This creates an enormous, albeit hardly visible, push for European integration. Hence, the fixed presidency may remove considerable leadership capacity.

As the rotation is a symbol of equality between small/large, rich/poor and old/new countries, limiting it may have a negative impact on legitimacy. Similarly, policy circuits may become even more concentrated in Brussels, which may increase the distance to the public. Governments may lose a vital instrument for making their mark on European integration or for raising national dilemmas. More than being a symbol of equality, the presidency offered equal opportunities for initiatives. A permanent chair may be more visible in the EU as a whole and to the outside world,<sup>39</sup> but in combination with other presidencies it may make the EU even more opaque externally. Nor should the importance of the visibility of a national head of government be downplayed: it boosts the legitimacy of the EU at the national level.

### 3. Rules of Procedure

The Wise Men Report of 1979 led to a formalisation of the planning and running of meetings. The rules of procedure have been adapted ever since and have raised the expectations of good behaviour. Underlining its wish for more efficiency, the General Secretariat of the Council revised these rules five times between 1999 and 2006.<sup>40</sup> The “dull procedural precisions” present the organisational details that make the presidency more reliable but also limit its responsi-

38 *Quaglia, L.*: The Italian Presidency, in: *Journal of Common Market Studies Annual Review of the European Union*, 42 (2004), 47–50.

39 *Schoutheete, P. de/Wallace, H.*, op. cit.

40 *Pasarin, A.F.*, op. cit.

bilities.<sup>41</sup> To accommodate enlargement, the rules of procedure since 2004 emphasise limits on speaking time, negotiations outside the room and “proscribes” *tours de table*.

These measures are primarily meant to ensure organisational efficiency. It is doubtful whether the 2004 version has really made much difference. As appeared from interviews with chairmen, the emphasis on efficiency takes a lot of preparation in the form of sending out questionnaires, “massaging” positions outside the meetings, building *ex ante* understanding for the selection of sticking points that will be discussed in the meetings, etc. Only a limited number of dossiers can benefit from such an approach. Moreover, the efficiency-oriented style of chairing does not seem to suit each chairperson’s nature. More importantly, the interviews underlined the importance which officials attach to group-oriented chairing, including *tours de table* and opportunities for expressing at length national frictions and sensitivities. In 2004, some Dutch chairmen tried to operate on the basis of a strict speaking time, but by now the way of working has become more relaxed again.

The practical constraints of group size, limited number of suitable rooms, and scarce translation and interpretation resources, have made efficiency essential. However, careful planning does not seem to depend on rules of procedure (national officials and some Secretariat officials were not even aware of them). What seems equally vital are the identification of priorities and preparations in the year before. Here, the presidency stands largely on its own, although it does receive some assistance from the General Secretariat<sup>42</sup> and the longer-term agenda setting acts as a wake-up call.

## VI. Conclusions

The presidency is an important actor in EU decision-making, providing organisational, group and, to some extent, transformational leadership. These contributions influence the speed of the negotiations, the atmosphere within the group and even the direction of the negotiations. By providing these roles, the presidency has facilitated the European integration process at large. Due to the rotating system, there are at any point in time at least three countries preparing for the

41 Hayes-Renshaw, F./Wallace, H.: The Council of Ministers, 1997, op. cit., 139.

42 Tallberg, J., op. cit.

presidency and helping the EU forward by conducting background studies, initiating policies and devising new approaches to old problems. The provision of these leadership roles also contributes to the EU's legitimacy by offering governments the opportunity to influence priorities and by increasing the visibility of the EU through the involvement of national politicians. In addition, the office of the presidency helps to socialise officials and politicians in the European policy processes and stimulates investments in the Europeanisation of national administrations.

There are also many weaknesses associated with the traditional presidency format. These include discontinuities, inappropriate chairmanship styles, making the presidency part of the problem rather than of the solution, and insufficient preparations, causing all kinds of delays and frustration. Presidencies tend to focus on their individual successes at the expense of effective management of meetings. Even though these problems are real, the drawbacks seem to have become over-emphasised in the debates, with little attention for the positive aspects of the presidency. The arguments for reform are therefore not overly convincing.

Based on *Table 1*, we examined the implications of some reform proposals for the three leadership roles. Our interviews provided an initial assessment of the effects and results of the reforms that have already been initiated and helped to identify likely consequences of other reforms that are on the EU's agenda. One conclusion emerging from this study is that the reform of the presidency system is an issue of long-lasting debates while so far few real changes have been implemented. Nevertheless, Eastern Enlargement, the discussions on a revision of the Treaties and the progress with new policies have triggered reform proposals that imply a move away from the traditional intergovernmental way of chairing towards communitarisation with fixed presidencies and formalisation of behaviour. The question is what the consequences are for Council business and whether these proposals have been considered carefully enough.

Despite apparent advantages, especially for the organisational role, EU leadership hardly seems to benefit from an overhaul of the rotating system. Apart from the difficulties involved in foreseeing agendas sufficiently in advance and from the urge of governments to present their own agendas, a very important obstruction will be the decapitation of the presidency. If high profile political positions such as the presidency of the European Council and of the Foreign Affairs Council disappear, the rotating presidency may become less of a prestigious project for national governments and the interest from parliaments may diminish. The

presidency of the remaining Council formations may attract less political attention and may become just another – and inconspicuous – task for governments. Even less attention and preparation may be the result (possibly leading to more calls for reform). In addition, the assumption that team presidencies will share the workload beyond routine topics seems implausible.

Group-oriented leadership may gain from presidencies becoming more “European” because they operate in teams for considerable periods and are less bound by national constraints. However, confusion between presidencies and institutions due to overlapping responsibilities may complicate brokering. Moreover, removing politicians from the scene will reduce socialisation and political pressure so that brokerage might become much harder.

There are also high risks involved for transformational leadership and legitimacy. The total amount of transformational leadership will diminish considerably if governments have fewer opportunities to call attention to national issues – a major source of new EU initiatives.

Therefore, moving beyond the rotating presidency seems a risky business as, firstly, it creates “half-way houses” between rotation and fixed structures. Secondly, there is no guarantee that the reforms will solve the alleged problems, and new difficulties are likely to occur. The current reform agenda does not seem to advance the three leadership roles. As a result, it may not contribute to the simpler and stronger Union that “Laeken” demanded. Similarly, the Three Wise Men report of 1979<sup>43</sup> drew the conclusion that reforms may not lead to improvements and therefore pleaded for strengthening instead of changing the system. This time, however, the need for reform has not really been contested. In the search for alternatives, finding political compromises prevailed, with little analysis of strengths and weaknesses of the rotating system and of the proposals.

Changes *within* the system of the rotating presidency have hardly been considered. For example, providing presidencies with EU resources in order to enable them to live up to the high expectations of the office has not been considered, even though leadership is a collective good in which individual governments are less inclined to invest.<sup>44</sup> Such a solution might be particularly important for the

43 Report of the Three Wise Men, op. cit.

44 Schout, A.: The Rotating Presidency: Governance without Governance, Paper Presented at the 2004 Maastricht Forum on European Integration “Making the Constitution Work”, Maastricht, 19. 11. 2004.

new Member States. Moreover, financial support might offer an instrument to monitor the preparations for the presidency.

Furthermore, the reforms seem to demand considerable organisational support at national and EU levels. Better preparation in teams and the translation of team agendas into actions in the capitals require strong coordination between presidencies and between and within ministries. Given the sensitivities involved in discussing national coordination mechanisms, these capacities cannot be simply assumed, nor has the Secretariat been able to press governments to create the structures required for the presidency or to take preparations more seriously. The Secretariat is weak in supporting the crucial national preparations due to a lack of resources and political weight. There may be a need for the Secretariat to explore the use of new monitoring instruments, such as a benchmarking of presidencies. Particularly in case the “high politics” functions of the rotating presidency are removed, additional pressure from the General Secretariat of the Council will be necessary to ensure that Member States take agenda setting and preparations more seriously.

Discussions on the presidency are likely to continue in the years to come, since many of the reform proposals have not been fleshed out yet and their implementation may cause further problems. An analytical approach seems necessary in implementing an EU presidential system, complementing the predominantly political nature of the reform discussions. Just securing political compromises may not be sufficient to ensure effective leadership in the EU.