

THE BELITTLED TRIO

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FOR THE ROTATING EU COUNCIL PRESIDENCY

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TOWARDS A NEW MANAGERIAL IDENTITY FOR THE ROTATING EU COUNCIL PRESIDENCY



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- The presidency of the Council of the European Union rotates every six months among the 27 member states. Presidencies are divided into groups of three called ‘trios’, with a common programme for 18 months. This form of tripartite leadership is formalized by the Treaty of Lisbon, and member states are explicitly encouraged to share their responsibilities to a greater degree than before.
- The Council presidency no longer represents the EU externally due to the prerogatives of the European Commission and the High Representative. Nor does it have any special role to play when general political guidelines are determined at the highest political level, since the European Council has become a formal institution with its own permanent presidency.
- Under the new regime, the Council presidency is tasked with ensuring that the decision-making process in the Council runs smoothly. It has a limited but clear mandate to manage the Council and link this legislative body with other EU institutions. As the Council moves closer towards resembling the second chamber of the Union’s emerging bicameral parliament, the presidency in office is required to offer more procedural expertise and less political leadership skills.
- The Council presidency still presides over nine out of ten Council configurations, which cover most policies from institutional and budgetary affairs via enlargement policy to economic and financial regulation. Although the Council presidency’s mandate excludes the Foreign Affairs Configuration’s chairmanship, administrative tasks remain significant in number.
- While the Council presidency has lost political leadership functions to other institutional actors, chairmanship of the Council comprises managerial aspects such as agenda-shaping or brokerage. A strong identity in the management of decision-making would, however, have a greater chance of emerging if six-month presidencies succeeded in creating a sense of shared destiny among trio members and embedded this in a more far-reaching division of labour.

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The Treaty of Lisbon entered into force on 1 December 2009. Photo: The Council of the European Union.

The presidency of the Council of the European Union¹ is still alive and rotating, albeit in a somewhat modified form, after the entering into force of the Treaty of Lisbon on 1 December 2009. At the same time as the prerogatives of the Council presidency were decreased in number by the new treaty, it was overshadowed by two new political figures with presidential mandates—the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy. The post-Lisbon role of the Council presidency was tentatively deemed politically unimportant and limited to administrative assistance only. After a year with the Treaty of Lisbon in place, a more nuanced analysis of this new role is, however, justified.

The groups of three member states—known as ‘trios’—continue to hold the Council presidency. Even if their responsibilities have changed a great deal, working procedures are much the same as those put in place when the first team of three six-month presidencies with a common 18-month programme took office in January 2007. The Treaty of Lisbon reformed these procedures slightly in order to increase cooperation within the trios, with the result that group dynamics have become more important than before. Six-month presidencies are explicitly urged to ask other trio members to take over some of their responsibilities in situations where this is believed to increase efficiency in the Council’s work. The effort to establish closer cooperation between presidencies is embodied in the common work programme. In the case of the current Spanish-Belgian-

Hungarian trio, their fellowship is even symbolized by a common logo and website, eutrio.eu.

The rest of this briefing paper is devoted to discussing the mandate which this updated team presidency now has in the reformed institutional architecture of the EU. The policy-making arrangements in both general affairs and foreign affairs are especially noteworthy from the point of view of the post-Lisbon Council presidency. With this analytical focus in mind, it is suggested that the Council presidency’s administrative and managerial functions in EU decision-making are still central, while many formal political powers were lost during the latest round of treaty reform. In this context, it is safe to say that a common identity among trio members would serve the purpose of the reform. It would enhance effective decision-making, increase continuity in the Council and, as such, point to a new managerial identity for the Council presidency.

State of play under the Treaty of Lisbon

The European Council decision of December 2009 states that while “each member of the [trio presidency] shall in turn chair for a six-month period all configurations of the Council, [...] the other members of the group shall assist the Chair in all its responsibilities on the basis of a common programme”.² According to this decision, “members of the team may decide alternative arrangements among them-

¹ Also known as the Council of Ministers; henceforth ‘the Council’.

² European Council decision of 1 December 2009 on the exercise of the Presidency of the Council (2009/881/EU).

selves”. In short, three member states at a time form a trio presidency with a common programme for 18 months. Each member state is responsible for all the duties of the Council presidency during their six months in office providing the trio does not decide otherwise—or invite a fourth player to join the fold: the member state that is first in line when the next trio presidency takes over will also, where appropriate, assist the acting presidency.

The aim is to increase continuity in the Council’s proceedings and, hence, efficiency in the Council’s decision-making processes. For example, it is preferable for the same presidency to hold the chairmanship throughout the lifespan of a dossier even if this process exceeds the six-month period. There is also an aspiration to create a sense of shared institutional memory among trio presidencies and to foster a process of socialization among national governments and civil servants by using an each-one-teach-one method. The order in which the office of presidency is held by the 27 member states is planned accordingly: each trio has been designed to include at least one ‘old’ and one ‘new’ member state.

The efficiency of decision-making in the Council was also the reason why the Council presidency’s tasks were narrowed down to exclude the external representation and strategic leadership of the Union. The tasks of the rotating presidency are now limited to administrative and managerial tasks ‘only’. They include, for example, meeting preparations, agenda-setting, chairmanship, conclusions drafting and brokerage. Although such responsibilities are familiar to the previous Council presidencies, scholars continue to debate whether or not such responsibilities come with political influence. With the Treaty of Lisbon in place, the Council presidency’s administrative and managerial powers have nonetheless become equated with its overall power to impact policy-making.

In comparison with the political influence exercised by strategic leadership, this type of power is informal and inconspicuous. Still, total ignorance of its possible impact would be a mistake. In the case of the Council presidency, it is good to remember that nearly all policy-making in the EU goes through the Council. The European Council does not legislate, while the European Parliament and the Council usually adopt legal acts together. In general, the Lisbon Treaty has reformed legislative procedures in

the EU to such a degree that the Parliament and the Council can rightfully be described as the two legislative bodies of the Union—the first and the second chamber of a bicameral parliament.³ Their functions are much more comparable since the Lisbon Treaty, although the decision-making powers of the Council still extend further than the Parliament’s, due in part to the decision-making that takes place outside the framework of legislative procedures.

As a consequence, the contemporary institutional role of the rotating presidency is best understood against the role of the Council as a legislator and decision-maker which has the responsibility to ensure that the positions of the EU member states are taken into account in policy-making. What the Council as a decision-making body demands from its presidency is legislative and procedural expertise, as well as intra-institutional negotiation and inter-institutional conciliation skills. The Council presidency is expected to manage bargaining in the Council as a broker among the 27 member states. It is also the Council’s representative before the Parliament.

When playing out this role, it has several assets. The Council presidency may, together with the other two members of the trio, try and influence the agenda and timing of decision-making, while it has superior access to information concerning the negotiation positions of other member states and institutions. In the context of the Council’s internal negotiations, it even has the advantage of assumed neutrality and proven willingness to deliver during its limited term in office.

From an *administrative* or a *managerial* perspective, the situation pretty much resembles the way things were before the Treaty of Lisbon. Changes under the Lisbon regime are largely related to the narrower scope of responsibilities given to the rotating presidency as a *political* actor. Indeed, many of its most visible political powers were transferred to the European Council President and the High Representative. That is why the mandate of trios in comparison with other chairpersons in the EU ‘Councils’ makes for an interesting study.

3 For a recent analysis of the EU’s political system, see e.g. FIIA Briefing Paper No. 65 / October 2010.

Trios and decision-making in general affairs

For over a year now, the European Council has been a formal EU institution with a separate presidency from that of the Council's. In comparison with the Council's rotating presidency, the President of the European Council is (semi-)permanent and elected for a once renewable term of two and a half years. Importantly, the President of the European Council only operates at the European Council level and has no formal functions or powers in the Council, since (s)he does not have a seat in any of the Council's ten configurations.

With the notable exception of the Foreign Affairs Council (FAC) discussed in the next section, nine out of ten Council configurations and their sub-structures are prepared, executed and followed-up by the rotating Council presidency. These configurations cover most policies from EU institutional and budgetary affairs via enlargement policy to internal market, economic regulation, financial supervision and monetary union.

Of these configurations, the potential embedded in the General Affairs Council (GAC) deserves particular attention. This is not only because horizontal policies like institutional development in the EU or enlargement of the Union belong to its agenda. It is also because it *formally* performs one of the most important coordination tasks in the EU. It is supposed to ensure consistency in the work of Council configurations as well as collect their input ahead of the European Council meetings. At least on paper, it also prepares and follows up these meetings.

Even if it is still questionable to what degree the GAC is actually allowed to prepare the European Council agenda and how such input is embraced by the Office of the European Council President, this configuration officially persists as a link between the Council Presidency and the European Council. The President or Prime Minister of the member state holding the rotating presidency has, in turn, lost his/her chairmanship of the European Council to the new permanent president and now merely has the responsibility to report to the European Council about the work done in the Council configurations—in the same way as (s)he presents the priorities and results of the Council presidency to the European Parliament.

When it comes to the Council presidency's administrative workload in general, this remains heavy due to the large number of preparatory bodies. According to a recent account, there are a total of 162 preparatory bodies in the Council, 15 of which have a fixed chair and about 21 of which are—or will be after a transitional period—chaired by a representative of the High Representative.⁴ This means that the Council presidency currently has some 126 preparatory bodies to chair, which include Coreper I and II. In other words, close to 78 per cent of all Council preparatory bodies are still chaired by the rotating Council presidency even after the implementation of the Lisbon Treaty.

Trios and decision-making in foreign affairs

Generally speaking, the Council presidency's mandate excludes the FAC chairmanship. In principle, the High Representative or his/her representative presides over this configuration, which is responsible for the EU's external action including the CFSP and the CSDP, external trade, development policy and the ENP. In the sphere of external representation, the President of the European Council together with the President of the Commission represent the Union externally at the highest political (presidential) level, and the High Representative at the ministerial level.

International treaty negotiations are furthermore driven—without the Council presidency's involvement—by the European Commission or the High

4 This calculation is based on the list of Council preparatory bodies published by the General Secretariat on 11 February 2010 (5869/1/10 REV 1). The bodies marked as no longer existing are not included in the calculation. According to this list, 38 preparatory bodies are entitled to belong to the foreign affairs category. Of these bodies, two no longer exist and one has a fixed chair. Of the remaining 35 bodies, 19 are chaired by a representative of the High Representative, while 16 remain to be chaired by the rotating Council presidency. The Political and Security Committee and the Committee for Civilian Aspects of Crisis Management chaired by the High Representative's appointee as well as the Military Committee, which has an elected chair, are placed under a separate category for committees established by the Treaties and Council Acts. Altogether, there are consequently 39 bodies that logically belong to the sphere of foreign affairs: two of these have a fixed chair, 16 are chaired by the Council presidency and 21 presided over by the High Representative's appointee.



Political and managerial leadership of the Union at the European Council meeting in Brussels in October 2010 from left to right: High Representative Catherine Ashton, Prime Minister of the acting Council presidency Yves Leterme, President of the European Council Herman van Rompuy, President of the European Parliament Jerzy Buzek and Secretary General of the GSC Pierre de Boissieu. Photo: The Council of the European Union.

Representative, while the latter is also in charge of the Union's diplomatic corps and coordinates cooperation among national embassies in third countries.⁵

If there is a single voice that can speak on behalf of the Union in international arenas, it is therefore certainly not that of the Council presidency. As a general rule, foreign relations are no longer the rotating presidency's business. Administratively speaking, this does not fully apply, however. Although the High Representative or his/her appointee *in principle* presides over the FAC as a whole, only around 57 per cent of foreign affairs preparatory bodies are also *in practice* chaired by the High Representative's team.

For sure, this calculation is only a directional indicator based on the above-mentioned regularly changing account of the Council's preparatory bodies, but it still implies that a large number of the FAC preparatory bodies remain for the time being beyond the scope of the High Representative's mandate. Trade and development as well as some horizontal, mostly CFSP-related preparatory bodies remain chaired by six-month presidencies.

The rotating presidency's role in foreign affairs is thus limited to administration and management, but it should also be remembered that notwithstanding the special arrangements of its chairmanship, the FAC remains the 10th configuration of the Council. This is reflected in the way the deputies for the

⁵ For an analysis of international negotiations under the Lisbon rules, see e.g. CEPS Policy Brief No. 207/March 2010.

chairpersons are chosen. The High Representative's deputy in his/her capacity as the FAC chair is the foreign minister of the acting Council presidency, whereas the other 26 foreign ministers may also, upon request, act as his/her representatives 'in the field' on the basis of expertise.

From the Council presidency's perspective, it will be intriguing to follow how working relations between the FAC and the General Secretariat of the Council (GSC) develop once the European External Action Service (EEAS) is running at full speed. The GSC is responsible for assisting the Council's work under the guidance of the rotating presidency, while this secretariat also assists the European Council. In most Union policy-making, close cooperation with the GSC thus enables the Council presidency to focus on untangling the internal dissonances of the Council instead of only carrying out administrative duties. The FAC is turning into a different case. Once the departments of the GSC specialized in 'external action' have been transferred to the EEAS, which works under the High Representative's responsibility, foreign policy expertise will not be as characteristic of the GSC as before.

Fostering a managerial identity by burden-sharing

The Council presidency's role as an administrator and a manager of decision-making in the Council is actually not that new in the literal sense of the word. This is rather a typical role for a presidency in general and the original reason behind the creation of the presidency in question. Nevertheless, the loss of political leadership functions to other institutional

players has not pleased everyone. Small member states in particular have been concerned because the rotating Council presidency used to make them feel more involved since, every now and again, it was their president or prime/foreign minister who spoke on behalf of the EU. The Spanish presidency, which was the first to take office under the Lisbon Treaty provisions, was even accused of not letting go of this leadership function.

Still, the Council presidency's institutional identity can no longer be sought from within the EU's external representation or strategic leadership. Since 1 December 2009, its identity has been attached to the Council as a decision-maker at the hub of day-to-day politics. The fact of the matter is that the post-Lisbon mandate of the Council presidency is narrower than before, but it also allows the presidency to stay focused on the decision-making in the Council. In order to exploit this window of opportunity for managerial influence in policy-making, the trio presidencies of the Council will quickly need to come to terms with these changes in the institutional division of labour. After executing their administrative responsibilities, they would be better off re-focusing their remaining energies on managerial tasks.

The number of configurations, committees and working groups chaired by the Council presidency is still extensive, especially for a presidency with limited experience or minimal resources. Acting as a brokerage among 27 member states and bargaining with the increasingly powerful co-legislator European Parliament demand both procedural and policy-related expertise. The latter will become particularly important as more and more policies are decided at the European level. The Council presidency's workload should not be underestimated, even though it no longer has 'ceremonial' duties or the right to speak on behalf of the EU.

This is where the other trio members can come to the rescue. From the point of view of continuity and efficiency, a more far-reaching division of labour is preferable. This is especially true when the smallest member states act as leading presidencies, or when a member state takes office during turbulent times

in domestic politics—as Belgium did very recently. Acts of burden-sharing could reasonably even take into account the special expertise of member states in different fields of policy-making.

Expertise-based chairmanship has been proven to work as a driving force for policy development. Macro-regional strategies are good examples of this development, since the impetus given to certain geographical areas is often due to conveniently timed chairmanships. As a topical example, the 2011 Hungarian Presidency is—as a Danube state—well prepared and certainly self-motivated to kick off the implementation process of a brand-new EU strategy for the Danube region.

The delegation of tasks to other trio members for the sake of a more smoothly functioning Council—or changing turns in office in the event of temporary domestic disarray—would simultaneously represent the first steps towards a common identity among member states forming trio presidencies. This kind of common identity is difficult to achieve. In practice, the acting presidency would have to ask for help, which might happen with single dossiers but remains unlikely on a larger scale. After all, member states share the tendency to defend their prerogatives. For what it's worth, serious efforts to share the presidential burden transgovernmentally would surely be warmly welcomed in the Council of 27 member states. This would also enable the rotating presidency to create a new managerial identity in policy-making, instead of simply becoming an administrative machine.

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