

BULLETIN

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Editors: Marcin Zaborowski (Editor-in-Chief), Agnieszka Kopeć (Executive Editor),
Łukasz Adamski, Beata Górka-Winter, Artur Gradziuk, Leszek Jesień,
Beata Wojna, Ernest Wyciszkwicz

The “Supporting Presidency”: A Model of the Rotating Presidency’s Activity in the European Union’s External Actions

Agata Gostyńska, Dorota Liszczyk

A significant limitation of the rotating presidency’s powers within the area of the European Union’s external activities, arising from the provisions of the Treaty of Lisbon, entails the need to develop a new formula of cooperation between the country holding the presidency of the EU Council and EU policy-makers responsible for implementing the EU’s foreign policy. The experience of the Belgian as well as Hungarian presidencies shows that a model for a “supporting presidency,” which is being shaped, is likely to prevail as the most optimal in this type of inter-institutional relation.

Background. The Treaty of Lisbon limited the powers of the rotating presidency in the coordination of substantive works in the external activities of the European Union and in representing the EU on the international stage. The rotating presidency lost in favour of the High Representative for Foreign Affairs and Security Policy (HR) the chairmanship in the Foreign Affairs Council (FAC), except for when trade issues are on the agenda. The HR also appoints the chairs of most working groups that prepare meetings in this Council format. However, the presidency continues to chair the FAC’s preparatory bodies for trade and development and the working groups of Foreign Relations Counsellors, Terrorism, the application of specific measures to combat terrorism, Public International Law, the Law of the Sea and Consular Affairs. The presidency’s powers related to the European Union’s external representation were passed by the Lisbon Treaty to the HR, the European External Action Service (EEAS) and the President of the European Council when fulfilling its mandate.

The presidency’s loss of prerogative in EU external actions does not, however, make it a passive observer in the shaping of EU foreign policy. The rotating presidency, while taking full advantage of powers left to it by the Treaty, can further strengthen its position through active cooperation with EU policy-makers who are competent in the conceptualization and implementation of the EU’s external action agenda.

The Practice of Cooperation. The first post-Lisbon trio presidency, acting during the period of the Treaty implementation, has participated in the process of shaping new rules of cooperation between the presidency and its institutional partners. Taking over the presidency of the EU Council, Spain was the first member state after the entry into force of the Lisbon Treaty and declared its willingness to work closely with both HR Catherine Ashton as well as the permanent president of the European Council, Herman Van Rompuy. Nevertheless, its ambitions and international activity in EU foreign policy went beyond the logic of the new treaty. Contrary to the practice shaped by the Belgian and Hungarian presidencies, the HR only participated in the informal meeting of foreign ministers of EU member states in early March 2010 in Cordoba (Gymnich formula), which was chaired by the Spanish Minister. Unilateral declarations issued without consultation with the HR undermined the importance of the reforms introduced by the Lisbon Treaty. It should be stressed, however, that when Spain carried out the presidency’s mediation function, it was particularly committed to establishing consensus on the organisation and functioning of the EEAS.

Taking over the presidency in the second half of 2010, Belgium efficiently continued negotiations on the adoption of the legislative package, which enabled a start-up of the EEAS on 1 December 2010. At the same time, the presidency made its diplomatic and administrative corps available

to the HR and repeatedly represented Ashton at various levels. Thus, the newly formed practice of cooperation greatly facilitated the fulfilment of the HR's mandate at the beginning of her term.

In finishing the trio's work, the Hungarian presidency seems to be following well the trend set by Belgium for inter-institutional cooperation. Its activities, particularly in the face of the political crisis in Libya, were performed in accordance with the treaty's division of powers between the EU and its member states as well as among the respective EU institutions. The embassy of Hungary in Tripoli, cooperating with the European Commission (EC) and EEAS, played a coordinating role in the evacuation of EU citizens from Libya. On the presidency's motion, the EU Civil Protection Mechanism to support the operation was activated. Hungary also cooperated closely with Commissioner Kristalina Georgieva, who is responsible for humanitarian aid and crisis management. The representative of the Hungarian presidency *inter alia* has visited a refugee camp on the Tunisian-Libyan border in order to assess the amount and nature of the humanitarian aid needed.

The experiences of the first post-Lisbon presidencies, mainly Belgium and Hungary's, diminish the initial concerns regarding the results of the marginalisation of the presidency's position in EU foreign relations. Having not questioned the new legal order, the rotating presidencies have had an overall positive value in their respective areas, thus contributing to the formulation of the new practice of the presidency's cooperation with EU institutions responsible for external actions.

Challenges and Recommendations. The model of the "supporting presidency," which is currently being formed, seems not only optimal from the perspective of the new treaty, but also is attractive for participants of the decision-making process. It guarantees the presence of the presidency on the international scene and complements the efforts of institutions involved in external actions. It also offers support to the HR, services subordinated to the HR and the permanent president of the European Council.

Political destabilisation in various parts of the world constitutes an actual and serious challenge not only for the HR and EEAS, but also for the rotating presidency of the EU Council. The concept of "Lead State" has existed in consular cooperation between EU member states since 2007. According to the rules governing the concept, each member state may volunteer to coordinate the consular activities of other EU member states in a third country. Because member states usually do not show interest in taking up the function, it is the rotating presidency that is required to take up coordinating such activities. In practice, it may result in the necessity to coordinate consular actions in areas in which the presidency does not have sufficient resources or operational recognition. Taking into consideration the fact that the country holding the presidency in the EU Council chairs the FAC working group for consular affairs, successive presidencies should take actions aimed at improving unsatisfactory cooperation procedures within the scope of consular protection.

The support function of the presidency applies also to internal policies of the EU that have external implications. The presidency's activities on policies on border checks and asylum and immigration—particularly important because of the dynamic development of the situation in the EU neighbourhood—enables an international presence for the member state holding the presidency of the EU Council. It also assures the coherency of EU external actions. It is important that the postulates for reform of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX), maintained by the Hungarian presidency, do not grow stale. The European Council on 24-25 March 2011 obliged EU institutions to reach political consensus in adopting regulation widening the capabilities of the agency (until June 2011). The next trio of presidencies also should actively coordinate actions completing the establishment of the common asylum system as well as moderate discussion on the future of Schengen.

Consolidating the model of a "supporting presidency" depends on the will of the member states holding the rotating presidency to cooperate with the HR, EC and the president of the European Council in their mandates. Such cooperation should be based on permanent communication with European institutions, flexibility of actions to be undertaken and, if necessary, the representation and substantial support of the HR. From this perspective, particular importance should be put on the presidency's activities that aim to build the capacity and prestige of the EEAS. Examples of good cooperation on the eve of the coming Polish presidency would constitute a valuable Polish contribution to the process of establishing certain code of conduct with these EU structures.