

BULLETIN

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President of the European Council Ahead of His Second Term: An Assessment and Perspectives

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The re-election of Herman Van Rompuy for a second term as European Council president constitutes a recognition of his working methods, proven by a lack of opponents put forward by Member States. The experience he has gained as president might be useful in the negotiations on the multiannual financial framework, which in its final stage will be debated in the European Council. Additionally, by chairing the Euro Summits, the president may also strengthen his role in the process of establishing a new economic governance model.

On 1 March, heads of state or government of the EU Member States decided to re-elect President of the European Council Herman Van Rompuy to a new two-and-a-half-year term starting in June. He was also designated president of the Euro Summits formalised by the Treaty on the Stability, Coordination and Governance in the Economic and Monetary Union (fiscal compact) concluded by 25 EU member states on 2 March.

Prerogatives of the European Council President. The Lisbon Treaty (LT) institutionalised the European Council and introduced its permanent president, who prepares and convenes the European Council, which until the LT entered into force was chaired by the Member State holding the rotating presidency. European Council preparations are conducted on the basis of the work of the General Affairs Council (GAC), which is chaired by the presidency. However, the European Council president, supported by a cabinet and the General Secretariat of the EU Council, prepares the initial draft agenda and conclusions. Although, the European Council rules of procedures point to close cooperation with the presidency, this depends on one hand on the will of the European Council president and, on the other, on the determination of the Member States to maintain the role of the presidency and GAC in the process of gaining agreement to the conclusions.

The European Council president represents the EU externally in common foreign and security policy (CFSP) at the level of heads of state or government. The president's activity should not coincide with competences of the High Representative for foreign affairs and security policy who carries the CFSP on behalf of the EU Council. In the European Council president's first term, no significant competence disputes with the High Representative were signalled.

In the face of the eurozone sovereign debt crisis, the European Council's meetings are gaining importance in EU decision-making. In 2010, the European Council was held six times (five formal, one informal), while in 2011 it met seven times (five formal, one informal and one extraordinary). In the same period, Van Rompuy also chaired six eurozone summits, two in 2010 and four in 2011. This importance stemmed from the need to take decisions on matters vital to the EU's future at the heads of state or government level, which seemed appropriate given the desire to also calm financial markets. In this perspective, the role of the European Council president as the coordinator of all the Member States' positions on key issues increased.

Prerogatives of the Euro Summit President. The fiscal compact will allow for a formal extension of the prerogatives of the European Council president. Article 12 of the fiscal compact envisages the designation of a Euro Summit president by signatories of the fiscal compact whose currency is the euro. A decision on that appointment is taken at the same time as the European Council elects its president. The re-elected Van Rompuy will ensure a continuity of the Euro Summits and will report their course to the European Parliament (EP). The Eurogroup will be responsible for the summit's

preparations, with whom Van Rompuy probably will closely cooperate. The fiscal compact also imposes on the Euro Summit president an obligation to inform compact signatories that are not euro area members about the courses of the summits in which they do not participate.

The Course of the First Term. The European Council president influenced the improvement of its sessions. Van Rompuy also sought to make European Council discussions more efficient by organising meetings devoted to particular matters (the European Council devoted to strategic partnerships in 2010, and in 2011, to EU energy policy). However, the implementation of this idea has been hampered because of the difficult situation in the eurozone, which has dominated the agenda of the European Council. During his first term, Van Rompuy was particularly active on economic governance issues. In March 2010, the European Council entrusted him with the work of a task force consisting of Member State finance ministers and representative of the European Central Bank. In October 2010, the task force issued a report covering proposals to strengthen EU economic governance. Van Rompuy also held consultations with Member States on an unpopular revision of the treaties for the establishment of the permanent European Stability Mechanism. Entrusting this role to Van Rompuy was a consequence not only of the treaty provisions defining the European Council as competent to take decisions on treaty revisions but also may have been to express a belief in the conciliation abilities of this president. However, the activity of the European Council president was affected by the domination of German and French concepts of the economic governance architecture. Also, Van Rompuy has not played any particular role in the negotiation process of the fiscal compact.

The European Council president managed to establish advantageous cooperation rules with the EP, to which the president reports after European Council meetings. The EP does not have treaty influence on the election of the European Council president, which allows Van Rompuy to more freely shape those relations. The European Council president introduced regular meetings with political party leaders after European Council meetings, aimed at increasing the transparency of the decision-making process at that level. In shaping relations with the EP, the European Council president can count on his cabinet member—Richard Corbett, a long-time deputy to the EP. The areas of interest in economic governance held by the European Council president to some extent overlap with the prerogatives of the president of the European Commission (EC), which influences the relationship of both presidents. Entrusting Van Rompuy with the chairmanship of the economic governance task force signalled the possibility of future competence conflicts and a general weakening of the EC in the decision-making process.

Conclusions and Recommendations. The activities of the European Council president, which were influenced by the sovereign debt crisis in the eurozone may be assessed positively. This is justified, especially by the fact that the election of Van Rompuy for the first term was not motivated by any particular expectations of the Member States towards this function. He was expected to efficiently manage the European Council and not to pretend to be the “EU president”. The implementation of tasks entrusted to Van Rompuy was also probably affected by the support of his cabinet, headed by F. Van Daele.

In the coming months, the growing activity of the European Council president in the negotiations on multiannual financial framework (MFF) can be considered. Final decisions concerning the MFF will be undertaken at the European Council. In this context, the Cyprus presidency might be significant, which takes over the negotiations on the MFF from Denmark, and its potential will to involve the European Council president in its work.

The designation of Van Rompuy as chairman of the Euro Summits proves the growing significance in his second term of affairs related with the Economic and Monetary Union. The European Council president's involvement in the eurozone work might bring more transparency to its decision-making process. This will greatly depend, however, on the EP's determination to enforce Van Rompuy's duty to inform deputies about the course of the Euro Summits. Since Poland is obliged to adopt the common currency, it should strive to develop a new practice to inform non-eurozone members about the Euro Summit draft agenda at its earliest planning stage. A regular dialogue with the European Council president might turn out to be significant for Poland in establishing this practice.

Development of institutional relations between the European Council president and the EC, as well as the EP, might influence the debate about possibly merging the positions of the presidents of the European Council and the EC. The scope of competences of the European Council president, however, seem to be further evolving, *i.a.*, by supplementing the treaty-granted basis for his prerogatives with elements of international law. Assessing the direction of the development of the competences of the European Council president will facilitate active Polish participation in the debate on EU institutional reform.