
Implementing Lisbon: the EU Presidency's other (rotating) half

By Antonio Missiroli and Janis Emmanouilidis

BACKGROUND

After almost a decade of agonising, the Lisbon Treaty entered into force on 1 December 2009. This is good news for Europe: while the new Treaty is by no means perfect, it certainly has the potential to enhance the efficiency, transparency and legitimacy of an EU of 27-plus. There are, however, still many grey areas and pending issues which need to be clarified and addressed as Lisbon is implemented in practice.

One of these relates to the introduction of a more centralised Brussels-based institutional set-up following the election of a semi-permanent President of the European Council (Herman Van Rompuy) and the installation of a new foreign policy structure with an EU foreign policy 'chief' (Catherine Ashton), supported by a European External Action Service (EEAS).

The new institutional architecture will challenge previous institutional arrangements, including the six-monthly rotating EU Presidency. However, the rotating system – while sometimes considered as a thing of the past – is in fact here to stay, albeit in a different form.

What the Treaty says

In an attempt to provide more continuity and predictability in EU policy-making, the Lisbon Treaty establishes a new presidency 'system' for the European Council, the Foreign Affairs Council, the General Affairs Council, the specialised Council formations and the Council's preparatory bodies.

European Council: The rotating Presidency is replaced by an elected semi-permanent President of the European Council appointed for a two-and-a-half year term, renewable once.

Internally, the President is tasked with driving forward the work of the European Council and ensuring the preparation of – and continuity in – this work. Externally, the President "shall, at that level and in that capacity, ensure the external representation of the Union in issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy."

Foreign Affairs Council: The Foreign Affairs Council (FAC), which the Lisbon Treaty separates from the General Affairs Council (GAC), will be chaired by the High Representative, who is appointed by the European Council with the Commission President's agreement and is also a Commission Vice-President (HR/VP).

General Affairs Council and specialised Councils: In line with the previous system, the Presidency of all other Council formations – with the exception of the FAC – will be held by each Member State in turn on the basis of equal rotation.

Details of exactly how this will work will be decided on by the European Council (by qualified majority). According to a draft decision added to the Lisbon Treaty, the Presidency of all Council formations, except Foreign Affairs, will be held by pre-established groups of three Member States for periods of 18 months, with each member of the 'trio' chairing the Council for six months.

Eurogroup: The ministers of the euro-zone Member States

will continue to elect a President for a two-and-a-half year term.

Preparatory bodies: The Committee of Permanent Representatives (COREPER), which is responsible for preparing the Council's work, will be chaired by a representative of the Member State chairing the GAC, i.e. the rotating Presidency. The Political and Security Committee (PSC), which monitors the international situation in areas covered by the common foreign and security policy, will be chaired by a "representative" of the HR/VP.

All the other preparatory bodies of the various Council configurations (working groups, committees etc.), with the exception of foreign policy-related ones, will fall to the rotating Presidency.

In short, many elements of the old six-monthly Presidency will remain in place for all Council formations, with the notable exceptions of the European Council, the Eurogroup, the Foreign Affairs Council, and the Political and Security Committee.

The rotating Presidency will therefore continue to play a key role in the Union's new institutional architecture. In particular, it will chair the General Affairs Council and COREPER, which both have a significant bearing on decision-making.

The GAC is not only tasked with ensuring consistency in the work of the specialised Council formations, but will

also play a significant role in preparing European Council meetings, as its President shall ensure the preparation and continuity of the institution's work "on the basis of the work of the General Affairs Council." Consequently, the GAC and specialised Councils will also be responsible for preparing Summits.

The role of the rotating Presidency is not limited to the European Council, the GAC and specialised Council formations: it will also continue to exercise influence in the foreign policy arena as chair of COREPER, which gives it a strong influence over the preparation of FAC meetings, even though the latter will be chaired by the HR/VP.

STATE OF PLAY

To sum up, the new presidency 'system' creates a *hybrid* situation in two areas where the original aim was to establish a non-rotational and thus more stable system: general affairs and foreign policy. In fact, the new system is no less complex and multi-layered than the previous one.

Making it work will not be an easy task. It will take some time for the new institutional 'architecture' to be put into place fully and even longer to reach a new equilibrium.

There is likely to be a first, transitional phase in 2010, followed by a consolidation period, which will most probably last until the end of Herman Van Rompuy's initial mandate in 2012. By then, the new system should be fully tested and (hopefully) somewhat stabilised.

Installing the new system will also be a complex undertaking because the Lisbon Treaty lacks

clarity, and entails checks and balances, opportunities and constraints that are not spelled out in detail.

Now that the preliminary decisions on the office holders have been taken, the functioning of the new presidency system will depend on: (i) the decisions on their staffing and resources; (ii) the specific arrangements for their practical *modus operandi*, including new Rules of Procedure for the European Council and changes to the existing ones for the Commission and Council; and (iii) the way in which the Spanish and Belgian Presidencies in 2010 will create precedents that might then be followed by their successors.

It is no secret, however, that a majority of Member States want to continue exercising their influence via the rotating Presidency – regardless of whether they are big or small, old or new, more intergovernmentally-minded

or community-oriented – and articulating their own 'priorities' for their six months at the EU helm.

The specific role of the rotating Presidency nevertheless needs to be (re)defined.

Two issues appear particularly important in this respect, notably the role of the rotating Presidency in the European Council and *vis-à-vis* its President, and in the realm of foreign policy (in the broadest possible sense of the term).

These issues also highlight the hidden problem of the new system as compared to the previous one: namely, the fact that the two pivotal figures in the traditional six-month Presidency – the holder's prime minister (and, in a few cases, president) and foreign minister – will become virtually jobless or, at best, subsidiaries of Herman Van Rompuy and Catherine Ashton respectively.

PROSPECTS

The Lisbon Treaty makes the European Council a separate EU institution in its own right, with specific competences. It will bring together its semi-permanent President, the Heads of State and Government, the Commission President and the HR/VP, and have the fundamental task of providing the EU with the necessary impetus and defining its general political orientations and priorities.

However, the new Treaty does not specify the role of the rotating Presidency in the European Council or *vis-à-vis* its President. For their part, Member States want the rotating Presidency – and especially the Head of State or Government of the country holding it – to continue to play a key role in the framework of the European Council. National governments are not ready to give up the opportunity to demonstrate to their own public and to the outside world that they are (co)leading the EU – even if this opportunity only arises once every 14 or more years in an EU of 27-plus members. In other words, quests for visibility and relevance dovetail with concerns about familiarising national publics with EU affairs.

These aspirations may well impinge upon the organisation of European Council meetings and the role of its President. One could argue that a strong role for the rotating Presidency would undermine the agreed objective of more continuity at the EU's highest political level. This argument is, of course, valid. However, the rotating Presidency may prove to be the indispensable 'enabler', due to its (residual, but resilient) role at Council level.

The country holding the six-month Presidency could literally 'make or break' policy-making – by design or by default – thanks to its responsibility for chairing the

GAC, specialised Councils and COREPER. On top of that, the offices of the prime minister of the Presidency country will continue to play a key role in supervising and coordinating the activities of the different ministries responsible for chairing specialised Council formations and the GAC itself.

A new role at the top...

So how can the rotating Presidency be involved in the work of the European Council without waging turf wars with the new Brussels-based bodies? Here are a few tentative ideas.

The rotating Presidency's Head of State or Government could chair the (normally-important) meeting of the General Affairs Council immediately preceding an EU Summit – jointly with Herman Van Rompuy – and then brief the media about its results. He or she could also report, at the start of European Council meetings, on the preparatory activities in the different Council formations chaired by the rotating Presidency.

The rotating Presidency could also host a few *thematic* meetings, with a view to raising and discussing strategic issues dear to the country concerned but relevant to the Union as a whole. These could include top-level extraordinary summits along the lines of the October 2005 Hampton Court meeting, at which *ad hoc* papers are presented, circulated and discussed by EU leaders without aiming to reach operational consensus or take concrete decisions.

Such thematic 'specialisation' could also partially redefine the function of the Presidency Reports which, especially over the past decade, have been increasingly used to launch new common initiatives or even

policies (the European Security and Defence Policy being a major case in point).

Within the Lisbon Treaty system, Herman Van Rompuy's leading role notwithstanding, thematic reports not linked to immediate policy and legislative decisions could offer an important niche for the rotating Presidency holder and a precious opportunity for strategic reflection by all EU leaders.

Last, but certainly not least, the rotating Presidency could become the main interlocutor with the European Parliament on Council activities. In the same vein, its prime minister or president could present its programme to the Parliament at the beginning of each semester.

...and outwards

When it comes to the rotating Presidency's possible role in foreign policy, the inherent 'logic' behind the Lisbon Treaty – which was also in the minds of those who drafted the original Constitutional Treaty – entails a more centralised Brussels-based system of EU governance.

However, even in the foreign policy arena, elements of the new non-rotational system (President, HR/VP, PSC) will coexist with elements of the previous one (GAC and COREPER) and encroach on some sensitive grey areas, such as those where the community dimension is paramount (trade) or quite significant (enlargement). This also applies to Council working groups, some of which do not fit neatly in either 'box'.

On top of that, the Commission President is expected to play a decisive role within the College in coordinating other relevant dimensions of the Union's external actions.

While transitional solutions can be envisaged in the initial phase (i.e. the first 12 months), it will be important to agree in advance on the overall direction to avoid leaving too much to improvisation, discretion, precedent or even accident.

With a view to a more centralised and coherent 'foreign policy system', the HR/VP – supported by the newly-created EEAS – is set to play a leading role both within the Commission and in the Council. On virtually all issues, however, cooperation, coordination and (hopefully) synergy between the Commission President, the HR/VP, the European Council President and the rotating Presidency are required, in order to guarantee more efficient and effective EU policy-making. It is within this new 'system' that the HR/VP should play the role of foreign policy 'chief'.

The holder of the rotating Presidency could still find ample opportunities to play an appropriate role. To start with, its foreign minister could chair the GAC – although EU Member States could also adopt other solutions (as Sweden has during its term at the helm) – while its Permanent Representative in Brussels will chair COREPER.

It could also: (i) be consulted by the HR/VP on the agenda for FAC meetings; (ii) host – in association with the 'triad' of Van Rompuy, Barroso and Ashton – summits with third countries (strategic partners, neighbours and others) and regional organisations; and (iii) plan and host 'Gymnich'-type meetings (i.e. informal FAC

sessions) on issues it considers particularly important – in cooperation with 'Brussels' and along the lines illustrated above for the Head of State/Government. The foreign minister could also stand in for Catherine Ashton whenever her predictably-dense agenda prevents her from attending a FAC session in Brussels or other official meetings, thus *de facto* acting as her deputy.

This said, it may prove useful to work out and agree a 'code of conduct' for relations between Brussels-based bodies and countries holding the rotating Presidency, for example in the event of an unforeseen crisis in an EU neighbouring country that is particularly important for the Member State in charge. In such cases, the domestic pressure on the government holding the rotating Presidency to take a stance may lead to friction with Brussels.

One can only hope that some sort of 'étiquette' will also be respected by everyone involved to prevent the Union from speaking with too many voices on the international stage. The behaviour of the Member States' ambassadors to foreign capitals (especially Beijing, Moscow and Washington) and international organisations should follow a similar approach.

Threesomes

Lisbon creates the Barroso/Van Rompuy/Ashton 'triad' and does away with the old 'troika'. But what about the new 'trio' of rotating Presidencies? The record so far is quite poor: we barely remember the first one (Germany/Portugal/Slovenia), and the

second (France/Czech Republic/Sweden) has hardly ever functioned as such.

The forthcoming 'trio' (Spain/Belgium/Hungary) looks promising, at least on paper, but will operate in a completely different context. It will have to agree its 18-month programme with the European Council President – who will also be the ultimate guarantor of its implementation – and the chances are high that it will gradually fade away (or find some special niche) as the new system takes root.

It seems that the 'trio' plays a more significant role before it takes office – especially as a cooperative preparatory setting in which older Member States share their experience with newer ones – than when it is in full swing, as each country tends to act on its own when in charge and to 'disappear' thereafter.

In fact, the post-Lisbon EU leadership looks rather like a 'quad', with the rotating Presidency squaring the Brussels circle. Some call it a "quadrige" – but, if so, who holds the reins, drives the cart and sets the direction? That is one of the key questions which needs to be answered in the months and years to come.

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Centre. The issues raised in this paper are discussed within the EPC's EU Politics and Governance Forum.

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