

# **The Communitarization of the Council Presidency: Dimensions and Interinstitutional Effects**

Ana Mar Fernández Pasarín

Universidad Autónoma de Barcelona/Sciences Po Paris (CEE)

[Ana.fernandez.pasarin@uab.es](mailto:Ana.fernandez.pasarin@uab.es)

The Commanding Heights of the European Union.  
The European Council: institution, actors, resources.  
International Conference  
Fondation Universitaire, Brussels, 10-11 March 2011

## **Introduction**

The reform of the presidential system exerts an influence over the dialectic of power between EU main institutions. Since the late 90s, several key innovations have been introduced to the rotating system in order to improve the continuity of the Council's work. The result of this process is the modification of the principles of representativeness, equality and uniqueness upon which the functioning of the Presidency has been based since 1952. Innovations such as stable, team and *super partes* presidencies involve a break from the traditional 'national profile' of the Presidency and raise questions about the inter-institutional effects of these measures. The aim of this paper is to analyse this process of institutional conversion and to draw the attention to how it seems to affect, in particular, the relationship between the Council Presidency and the European Commission. The starting hypothesis lies in the claim that the reform of the presidential system, and in particular, the increasing tendency towards communitarisation that it sets in motion is an intervening variable for the development of a co-operative rather than conflictive inter-institutional dynamic.

The paper proceeds in three steps. The first part provides an analysis of the reform of the Council Presidency. This section examines the main changes that have affected the functioning of this meso-institution since the 90s. The second part seeks to assess

the extent to which this change affects the relationships between the Council Presidency and the European Commission. The main conclusion is that, at least in legal and procedural terms, the reform of the Presidency seems to have created the conditions for the development of a co-operative rather than conflictive inter-institutional dynamic. More precisely, the reconceptualization of the role of the Presidency into a partially collective and supranational performance has paved the way for a new synergy with the European Commission. Supranational role convergence is the main force behind this evolution. Yet, further empirical analyses are required to determine how this works in practice.

### **1. The reform of the Presidency: collectiveness and asymmetry**

During the first two decades of European integration, the Council Presidency was essentially conceived as a national performance endowed with an intergovernmental mission. At that time, the Presidency was based on two functional principles, rotation and symmetry, which were the expression of political criteria such as representativeness and equality; an institutional design that reflected member states' willingness and, in particular, that of the smaller ones, to guarantee a mechanism of extraordinary representation within the Council (Fernández, 2008b). In this sense, in addition to the functional need to provide the Council with an administrative body, the creation of the Presidency could be considered an attempt to reconstitute sovereignty on the European level. In inter-institutional terms, this internal evolution occurred at the same time as the Council's willingness to counterbalance the supranational dynamic embodied by the European Commission. As a result, for decades, the nature and the tasks of the Presidency were mainly associated with intergovernmental objectives. The shift in the balance of power between the Council and the Commission, sparked by events such as the Luxembourg Compromise in 1966, the creation of the European Political Cooperation (EPC) in 1970 or the institutionalization of the European Council in 1974, was a scope condition for such a development.

Since the mid-1980s, however, these *ad intra* and *ad extra* parameters of institutional development have been qualified. In intra-institutional terms, The Presidency has progressively become a system *à géométrie variable*; a partially collective and supranational duty. In inter-institutional terms, the modifications that

have been introduced in the rotating system have contributed to partially detaching this institution from its original institutional design.

To start with, the recently completed reform of the Council Presidency has deeply eroded the national profile of this institution. Until the 1990s, some modifications were introduced in the rotating system but these did not call into question the guiding functional principles of the Presidency. On occasions, the duration of the mandate has been modified. For example, in January 1962 and 1978, the mandates of the outgoing Presidencies were prolonged in order to finish off some complex negotiations (issues regarding agriculture and fishing, respectively) which had been interrupted due to the Christmas break (Di Bucci, 1988, p.31). More significant in terms of change, have been the successive modifications of the order of rotation, and in particular, of the criteria used to establish it. Unlike the previous adhesions, the accession of Spain and Portugal in 1986 implied the first revision of the regulations for attributing the Presidency. The origins of this change can be found in Portugal's decision to pass on its turn in that same year<sup>1</sup>, and in the member States' desire to balance, on the other hand, responsibilities, preventing a member State from always having to exercise the Presidency during the same semester (as had happened in the EC-6 and, later, in the EC-10). Hence, a new formula combining alphabetical and para-alphabetical systems was developed (Di Bucci, 1988; Verbeke and Van den Voorde, 1994). In principle, the new order of rotation was to be applied until the end of 1998. However, the accession of Austria, Finland and Sweden to the EU in 1995 led to a new, and this time substantial, modification of Art.146 of the TCEE (Art.203 of the Maastricht Treaty), specifically, the end of the alternated alphabetical system and the establishment of a new order of rotation based on political criteria by which a 'large' country would always figure in the "troika" that was responsible for representing the Union in the international arena (Hayes-Renshaw and Wallace, 2006, p.139. Westlake, 1999, p.48; Doc. SN 373/93). This change inaugurated by France and Spain in 1995 involved no modifications to the principle of representativeness, namely the idea that the Presidency is assumed by the member states themselves and not by a collective

---

<sup>1</sup> In accordance with the alphabetical system being used, the Portuguese presidency should have happened during the second semester of 1986, i.e. just 6 months after Portugal joined the EC.

representative<sup>2</sup>. However, it did reflect a new way of applying the principle of equality defined as the member states periodical accession to the Council Presidency, regardless of its demographic size or economic and political power (Fernández, 2008b). Indeed, we moved from a system of automatic attribution based on alphabetical criteria, expressly contemplated in the treaties, to a system fixed by a unanimous Council decision that considered political criteria.

In principle, representativeness was not affected by the remodelling of the order of rotation. However, it was affected by another dynamic: the progressive affirmation of the role of the General Secretariat of the Council. In 1982, the principle of uniqueness or symmetry of the Presidency, namely the idea that chairing Council also implied being in charge of all of its auxiliary organs *tant en amont qu'en aval*, that is including the holding of the European Council Presidency, was revoked. The Member States opted to entrust the preparation and management of the negotiations of the European Summits to the General Secretariat, thus substituting the Permanent Representatives who, since 1974, had been responsible for this duty (Mangenot, 2002; see also Christiansen and Vanhoonacker, 2008). In 1992, a second exception arose. The creation of the procedure of co-decision in the Maastricht Treaty had the effect of attributing a right to the Secretariat that had, in principle, been reserved for the Presidency: that of representing the Council on European Parliamentary Commissions. Overall, since the mid-80s, the founding principles of the Presidency have been made more flexible, especially in terms of representativeness. The successive phases of enlargement have led to a remodelling of the order of rotation, while the General Secretariat, in turn, has started taking on the chairperson roles that were previously only assigned to the Presidency.

From the late 1990s, what was the exception has increasingly become the norm. The principles of representativeness, equality and uniqueness started becoming more and more relative, in turn implying the progressive dilution of the national profile traditionally associated with the exercise of the Presidency. We find the first symptom of this phenomenon in the modification of the composition of the troika in the field of the Common Foreign and Security Policy (CFSP). Following the London Report in

---

<sup>2</sup> See Council Decision of 1 January 1995 which established the order for exercising the Presidency of the Council, *Official Journal (OJ) of the EC*, L 1 of 1 January 1995, p. 220.

1981 (EC Bulletin 11-81, pp.7-11), the Presidency in office was assisted in its activity by the outgoing and the forthcoming Presidencies in order to reinforce the continuity of Council's work in relation to foreign and security policy. The Treaty of Amsterdam drastically modified this system, by flanking the Presidency in office with the European Commission and the new High Representative for the CFSP, in addition to the assistance of the forthcoming Presidency (Art. J 8, OJ C 340, 10/11/1997).

A second indicator of this change of dynamic can be found in the joint programming of the Presidency's activities which started being applied to matters concerning the Single Market from the late 90s. Luxembourg, the United Kingdom and Austria were the first member States to inaugurate the practice of so-called 'relay programmes' in 1997-1998 (Doc. 11835/97). In January 2003, following the recommendations of the General Secretariat of the Council, the Sevilla European Council extended and standardized this procedure by adopting a 'Russian doll' programming system, namely the inclusion of the individual semester programme of the Presidency in office within a bilateral operational programme (substituted with a trilateral programme in January 2007)<sup>3</sup>, framed, in turn, in a strategic and multi-annual programme elaborated by six Presidencies. This institutional innovation has contributed to revisiting the idea that the exercise of the Presidency is an exclusively national performance. Besides, the systematic interlocking of the Presidency's individual six-month programme into a 18-months programme acting within the framework of a Multi-Annual Strategic Programme (MASP), have contributed to reshape the idea that governments can significantly influence the selection of priorities. As a matter of fact, if we compare the strategic (2004-2006 and 2007-2010), operational, trio and semester-based programmes, regularity and cohesiveness regarding the definition of priorities is quite striking. In all programmes under scrutiny, we observe the presence of the same four priorities: the future of Europe (institutional, financial and geographical), the strategy of Lisbon and sustainable development, the development of justice and home affairs and the reinforcement of the EU on the international stage<sup>4</sup>. If we go into the

---

<sup>3</sup> See the trio-programme of Germany, Portugal and Slovenia framed in the strategic 2007-2010 programme (Doc. 17079/06)

<sup>4</sup> Strategic programme 2004-2006 (15896/03); Strategic (2007-2010) and team presidency programmes (2007-2008) (17079/06); semester programme Ireland 2004 (PRN1487); operational programme Luxembourg and United Kingdom 2005 (16299/04); operational programme Austria and Finland 2006

details of the programmes, there are some variations. For instance, in 2003, Greece and Italy jointly highlighted the need to strengthen cohesion policy as part of the Lisbon strategy (Doc. 15881/02)<sup>5</sup>; in 2007, Germany placed special emphasis on the environment, while Portugal promoted the development of the relationships between Brazil and the EU or the increasing involvement of Frontex at the external (Southern) borders of the EU ([www.EU2007.pt](http://www.EU2007.pt)). Slovenia, on the other hand, has focused on the Kosovo issue in 2008. These specificities, however, are still the exception rather than the norm. In brief, national issues are marginal and common goals are the rule. In fact, the collective programming of the Council's activities tends to increasingly foster the development of a harmonious approach, at least as far as the choice in general preferences is concerned (Fernández, 2009b).

Agenda inertia is probably part of the explanation. To ensure the proper function of the European political system and, particularly of its decision-making process, it is impossible for the Presidency to ignore the previous Presidencies' legacies. The Presidency inherits the dossiers from the previous six-month period and must follow up on them. It may focus on certain issues or minimize others, but under no circumstances can it depart from the path previously laid out. For example, a review of the four main priorities of the French Presidency for the second six months of 2008—immigration, energy, the environment and defence—reveals that the first one, even if considered with its original European Immigration Pact proposal, has been a recurring issue since the Tampere and Hague agendas. The second and third priorities were clearly in line with the work started under previous Presidencies, and especially under the Germany Presidency in the first six months of 2007. Only the fourth priority seemed to reflect France's more immediate interests, especially its rapprochement with the United States and the renewal of relations between the EU and NATO<sup>6</sup>.

Beyond agenda continuum, it is, however, probably also reasonable to consider the hypothesis that the collectivization of planning activities has led to an obligation for

---

(16065/05); German Presidency ([www.EU2007.de](http://www.EU2007.de)), Portuguese Presidency ([www.EU2007.pt](http://www.EU2007.pt)); Slovenian Presidency ([www.eu2008.si](http://www.eu2008.si)).

<sup>5</sup> Council of the EU, *Operational Program of the Council for 2003 submitted jointly by the Greek and Italian Presidencies*, Doc. 15881/02.

<sup>6</sup> Conseil de l'UE, 'Programme de dix-huit mois des présidences française, tchèque et suédoise'. Doc. 11249/08, 30 juin 2008.

greater consensus, and in doing so, has tended to reduce the member states' margin for manoeuvre, at least at the programming stage. Interestingly enough, in 2004, Ireland emphasized the reinforcement of the Area of Freedom, Security and Justice, and especially, external borders and visa issues, despite only being associated to the Schengen agreements (Doc. PRN1487).<sup>7</sup> Two main reasons accounted for the emphasis placed on Justice and Home Affairs by a country traditionally somewhat reluctant to promote them: the expiration of the Tampere Programme (1999-2004) which was expected to pave the way for the launch of the new and ambitious Hague Programme (2005-2010), and the environment of legislative urgency that preceded the European Union's Fifth Enlargement in May 2004.<sup>8</sup> The fear of a decisional stalemate hastened the progress made in all EU fields of activity under the Irish mandate, including those in which there could have been a potential conflict between Ireland's national interest and the Union's general interest due to the European preferences normally displayed by this country (Fernández, 2009b).

Finally, one last indicator of this phenomenon of institutional change affecting the rotating presidency can also be seen in the increasingly extended practice in recent years of designating stable presidencies with an average duration of two years for certain committees or working groups, therefore eliminating the rotating Presidency's control over a growing number of areas of intervention. In its report of June 2002, the Spanish Presidency indicated five exceptions falling under this category —four committees and a working group (Doc. 9939/02): the Economic Policy Committee, the ECOFIN Committee; the Code of Conduct Group (Business Taxation), the Military Committee, and the Security Committee, to which were added, in that same year, five other cases in which the Presidency was entrusted to the Council's General Secretariat.<sup>9</sup> Besides, in other instances, it was the Presidency itself which, for various reasons such as a somewhat reduced diplomatic representation in third countries, or the lack of Community experience or national know-how in a given field, asked for part of its functions to be delegated to other Member States. Such was the case with the Czech

---

<sup>7</sup> Council of the EU, 'Programme of the Irish Presidency of the Council of the European Union', Doc. PRN1487.

<sup>8</sup> On this point, see the first Observatory of European Institutions' report: Renaud Dehousse, Florence Deloche-Gaudez, Olivier Duhamel (Dir.), *Elargissement Comment l'Europe s'adapte* (Paris, Presses de Sciences Po, 2006), "Evaluer l'Europe. 1."

<sup>9</sup> Working Parties on: "Electronic Communications," "Legal Information," "Codification of Legislation," "Information" and "New Buildings."

Presidency for example, which during the first six months of 2009, entrusted the Presidency of four working groups whose mission was to prepare negotiations on maritime and environmental matters in Sweden—a country with special expertise in the subject and which was scheduled to assume the next Presidency.<sup>10</sup>

In short, the delegation of representative functions to other member states, the General Secretariat of the Council or to the European Commission in relation to the CFSP, the partially collective planning of the Council's work and the creation of stable presidencies at the committees and working groups levels represent some of the first significant derogations to the rotating system, a departure from the original institutional design of the Presidency which has become more pronounced with the entry into force of the Treaty of Lisbon.

Indeed, the new treaty establishes a stable Presidency at the Council level. Specifically, the “External Relations Council” is now directed for five years by a hybrid figure—the EU High Representative for Foreign Policy and Security, who is also the Vice-President of the European Commission. Similarly, the new Treaty stipulates that the Political and Security Committee (PSC) is chaired by a Deputy Representative of the High Representative, while the European Council Presidency is exercised by a *super partes* representative elected by a qualified majority of Heads of States and governments for a period of two and one-half years. The adoption of these measures, facilitated by the erosion of the symbolism associated with the exercise of a function which now extends over several years seems to substantiate the existence of a “denationalization” approach to the Presidency. At least the measures are calling for reconsidering the idea that the Presidency is a platform which can be used to generally promote the Member States' special interests.

A certain number of facts seem to substantiate this opinion, including, first, the increasingly frequent recourse to collegial structures. In 1981, the troika system—a

---

<sup>10</sup> The “Ultraperipheral Regions,” “Maritime Law,” “Maritime Transport” “International Environment-Climate Protection “Sciences” sub-group. Similarly the Czech Presidency asked France, the Council of the EU's outgoing Presidency, to chair on its behalf the Working Group, “Public International Law-International Criminal Court.” General Secretariat of the Council, “Czech Presidency-Chairing of certain Working Parties by other delegations, at the request of the Czech Presidency,” Doc. 17342/08, 16 December 2008.



mechanism which consists of associating the former Presidency and the one next in line with the activity undertaken by the acting Presidency in order to reinforce the continuity of the Council's work—was introduced in matters concerning foreign policy. Since 2002, this mechanism has also been applied in the Community domain to supervise and thus constrain, the rotating Presidency's freedom of action. Furthermore, the changes introduced in this system's intergovernmental domain by the Treaty of Amsterdam (1997), along with the implementation of a new troika in matters concerning the EU's external representation, have helped to minimize the national profile traditionally associated with this function. As we have mentioned before, since the end of the 1990s, the Council Presidency has indeed been assisted in this task by the High Representative for the CFSP, as well as by the European Commissioner in Charge of External Relations. The Treaty of Lisbon intensifies this change by stipulating that, henceforth, the Commission is the institution generally responsible for this representation, with the exception of matters concerning foreign policy and security, which are handled by the High Representative.

Overall, paradoxically, contrary to the idea that widening and deepening are opposing dynamics, in the case of the Presidency of the Council, the successive phases of enlargement have had a supranational effect. Functional pressure along with the erosion of the symbolism associated to the exercising of this role, which in the first years of the European Coal and Steel Community came about every 18 months and is nowadays repeated every eight years, have undoubtedly contributed to this evolution. The question we have to ask now is what the inter-institutional consequences of these endogenous institutional changes are, in particular in reference to the relationship between the European Commission and the Council Presidency.

## **2. The reform of the Presidency: a key factor for the development of a co-operative inter-institutional dynamic?**

The reform of the Council Presidency implies the substitution of a unique institutional system with a conglomerate of presidential systems that operate in parallel and that are governed by different functional criteria. Unlike the initial model, which was of a markedly national nature, the current model and the one to come in the future partially collectivise and supranationalise the exercise of the Presidency.

In addition to raise questions about the efficiency of the new fragmented system, the internal evolutionary dynamic of the Council Presidency poses questions about its potential effects on the relationships with the European Commission. In this section, I argue that the change in the nature of the Presidency, namely, the fact that, at least in legal and procedural terms, the holding of the Council Presidency tends to become a partially supranational exercise increasingly associated with the defence of collective views, creates the conditions for the development of a cooperative rather than conflictive inter-institutional dynamic with the European Commission. The reform of the Council Presidency, namely its 'reconceptualization as a supranational institution even in the event it is still carried out by a national government' (Christiansen, 2002, p.35), seems to lay, at least formally, the foundations for a positive correlation of role conception (Beyers, 2005). In order to explore this idea, the surfaces and nature of institutional interaction between the Council Presidency and the Commission before and after the reform of the rotating presidential system will be examined.

### ***Surfaces and nature of interaction before the reform of the presidential system***

There are multiple areas of decision-making contact between the Council Presidency and the European Commission. Since the 1950s, these institutions have interacted in the legislative, executive and representative domains. A clear and understudied example resides in the shared competence in the field of EC's external representation; a competence that the High Authority had been granted *de facto* in 1958 through the opening of a Delegation in the United Kingdom and which the French Government stopped at the root through the creation of a dual system of external representation in 1966. The main rationale behind the creation of this 'diarchy' (Bucci, 1988, p.22), and in general of a political system based on the principle of institutional equilibrium, was the political criterion to ensure member state representation within the communitarian system. Institutional balance between two levels of governance -the Community with the Commission, advocate of collective proposals, and the national with the Council, forum of the member states- has been one of the main recurrent concerns throughout the European integration history (Wallace, 2002, p.328).

The institutional position and role conception underlying the exercise of the Council Presidency has been stigmatized by this dialectic of power. As Beyers & Dierickx pointed out, ‘the participation of the Commission in all stages of the council negotiations means that, at least formally, cooperation with the Commission is crucial to get things done (Beyers & Dierickx, 1998, p.293; see also Beyers, 2005, p.905). However, for decades, and more specifically, between the negotiations of the Treaty of Paris in the 1950s and the re-launch of the European integration process in the 1980s, this co-operative stance has been undermined by the somewhat confrontational dynamic that has characterized the relationships between the Council and the Commission. The ‘take off’ of the Presidency in terms of powers has developed in the shadow of this conflictive inter-institutional dynamic. As the adoption of the Annex II of the Luxembourg Compromise, the creation of the European Political Co-operation mechanism on an intergovernmental basis in 1970 and the institutionalization of the European Council in 1974 exemplify, in intra-institutional terms, the Presidency was designed as a national duty. In inter-institutional terms, the Presidency was conceived as an intergovernmental counterweight to the supranational dynamic embodied by the Commission; a means, at that time, to counterbalance the potential supranational *dérive* of the European political system (Fernández, 2008b).

Since the 1980s this antagonic inter-institutional dynamic has been qualified. This trend began with the signing of the Single European Act and of the Treaty of Maastricht in 1986 and 1992, respectively. These two initial revisions of the constitutive treaties paved the way for the transformation of the Council Presidency’s role into one that would increasingly consider collective interests, a role based on a reinforced partnership with the Commission in the fields of implementation and co-ordination of European policies. This gradual institutional conversion stems from the decision made then by European governments in cooperation with the Commission to entrust the Council Presidency with two key Community responsibilities. The first was to finalize the internal market (the product of the 1985 White Paper—which constituted a new responsibility in terms of implementing European policies in the field of economic integration. The other was the obligation to ensure cohesiveness between the two latter duties and those which were supposed to ultimately secure Europe’s political unification, namely the Common Foreign and Security Policy and cooperation in the

areas of Justice and Home Affairs (JHA)<sup>11</sup>. Today's increasing transversality of European policies, notably in the JHA sector, has elevated this legal requirement to the status of a fundamental principle in the European decision-making process.

Overall, for decades, the balance of power between the Council Presidency and the Commission has been shaped by a political standard, i.e., the member states' willingness to counterbalance the supranational nature of the European political system. Since the relaunch of the European integration process in the 80s this trend has been modified. The revision of the founding treaties has been a key factor for the development of a new a more co-operative inter-institutional dynamic, based on, at least legally, a reinforced partnership. Since the late 90s, the reforms that have been introduced to the rotating presidential system have drastically contributed to confirm this wind of institutional change.

### ***The Council Presidency after Lisbon: reform as a catalyst for inter-institutional change***

Since the mid-90s, the concern for institutional balance became of secondary importance due to the emergence of a new priority: guaranteeing the operability of the Union in an enlarged Europe and reinforcing its cohesive image in the international arena. Increasing functional pressure explains the reform of the rotating Presidency (Tallberg, 2006). It explains why the Member states, including the smaller ones that were traditionally opposed to any change of system, have finally set up a major reform based on the gradual switch from the principles of representativeness, equality and uniqueness to the principles of collectiveness and asymmetry. This change seems to have created the formal conditions for the development of a new synergy with the Commission. Indeed, the output of this reform, i.e., what has been carried out (what is reproduced in the Council's Rules of Procedure and what is contemplated in the Treaty of Lisbon) is the increasing communitarisation of the Council Presidency; a phenomenon that leads to the overlapping like never before of the Commission in exercising the 'legislative' and representative functions of the Presidency. There are two

---

<sup>11</sup> See Art. C, Title I of the Common Provisions of the Treaty on European Union.

particularly illustrative cases in this respect. The programming of the Council's activities and the external representation of the Union. After outlining the main characteristics of the former, I shall centre my attention on the latter.

On the one hand, since the generalization of collective planning in 2003 with the entry into force of the measures agreed by the European Council of Seville, all the programmes –(operational, team presidency and strategic multi-annual programmes) elaborated respectively by two, three or six Presidencies include specific provisions concerning reinforced co-operation with the Commission. Actually, if we compare them over time, a qualitative shift can be observed in the degree of co-operation required. In the joint programme involving Greece and Italy, there was talk of ‘dialogue’ (Doc. 15881/02); in the first strategic multi-annual programme (2004-2006), of ‘narrow consensus’ (Doc. 15896/03); the trio-presidency 2007-2008 (Doc. 17079/06) spoke of ‘cooperation’ and the Treaty of Lisbon stipulates that annual and multi-annual programming will be based on the initiatives of the Commission in order to achieve interinstitutional agreements (Art.17 of the TEU)<sup>12</sup>. Interestingly, this was not and still is not the case with the semester programmes. These mentions of and calls for ‘cooperation’ disappear at the semester programme level, i.e. when the national component regains strength. Interestingly, we have shown in a previous study that synergy between the Council’s Presidency and the Commission is actually not a rare occurrence. In general, the priorities formulated by Presidency seem to be aligned with the policy fields in which the Commission most often intervenes, regardless of whether the priorities are multi-annual, operational, or bi-annual. While it is difficult to pinpoint which of these two institutions most influence the other’s agenda, there is no doubt that a parallel tends to exist between these two institutions’ activities. Ultimately a concordance between the Presidency’s activity and that of the Commission is to be expected, and is even reassuring, as this is definitively what a rational decision-making process should produce. Yet it should be noted that the concordance with the Commission seems to be greater when the Presidency’s national component is diluted within a joint framework of action, probably because of the smoothing effect on national preferences that this creates (see Fernández, 2009).

---

<sup>12</sup> Official Journal of the EU ‘Consolidated Versions of the Treaty on European Union’, 2010/C83/01, 30 March 2010.

On the other hand, the reform of the Presidency which started in the late 1990s confirms the progressive ‘denationalization’ of the external representation of the Union. As aforementioned, in 1997, the Treaty of Amsterdam modified the troika system created by the London Report in 1981, substituting outgoing and forthcoming presidencies with the figure of the High Representative as well as the Commission. Since then, the partnership between the Presidency and the European Commission has done nothing but grow stronger. By means of example, it is worth mentioning the specific case of consular cooperation in matters of consular assistance and protection in third countries; a subject that has become particularly topical and relevant in recent years. Events such as the terrorist attacks of September 2001, the Bali bombings in 2002, the tsunami in South-East Asia in 2004 or the crisis in Lebanon of July 2006 triggered a reflection as to the added value of reinforcing co-operation in overseas crisis prevention and management between the Embassies and consulates of the state holding the Council Presidency and the Delegations of the European Commission (Fernández, 2008a, 2009a). As a result, since 2000, various non-binding guidelines aimed at strengthening collaboration between the two institutions have been identified: joint assessments of local political situations; co-operation in implementing the Decision of 19 December 1995 regarding protection for EU citizens; exchange and dissemination of information (Doc. 12094/00); co-operation in ensuring effective compliance with the common positions and joint actions adopted by the Council; joint press lines and statements (as it was done during the Lebanese crisis), and, at the request of the Presidency, logistical and personnel support of the 132 Commission delegations and offices accredited to third countries to the Member states in assisting their citizens (i.e. coordination of evacuations); participation of the Commission in contingency planning and, last but not least, ‘despatch of Commission officials to crisis areas to support the Presidency in theatre and the possibility of designating delegations specialized in crisis response that, in cooperation with the Presidency could, *inter alia*, help operate call centres and press centres in order to provide information on EU action (16231/06)<sup>13</sup>.

Foreseeably, the changes contemplated by the Treaty of Lisbon in terms of the external representation of the Union will tend to accentuate the promotion of these kinds of co-operative working schemes between the Presidency and the Commission. As seen

---

<sup>13</sup> For instance, following the tsunami, the delegation of the Commission in Thailand set up a temporary information centre at Phuket airport (Doc. 16231/06).

before, the reform of the troika systems contemplated by the Treaty of Amsterdam paved the way for a complete revision of the model used in previous times. The Treaty of Lisbon which entered into force in December 2009 substantially reinforced this reform. Indeed, neither the first stable President of the European Council, the former Belgian Prime Minister Herman Van Rompuy who represents the European Union at the Heads of state or government level, nor the new High Representative of the Union for Foreign Affairs and Security Policy that presides over the Foreign Affairs Council and that is also one of the vice presidents of the Commission, nor its assistant that presides over the High Level Group of Experts, have a national mandate<sup>14</sup>. Besides, the future European External Action Service, administrative apparatus of the future European diplomacy, will be a heterogeneous combination compounded by high officials of the General Secretariat of the Council, delegations from the Commission and representatives from the foreign ministries of the member states<sup>15</sup>, namely a diplomatic service in principle eminently infused by supranational values (Fernández, 2011). Finally, the European Commission is now the institution generally responsible for the EU's external representation at the ministerial level, with the exception of matters concerning foreign policy and security, which are handled by the High Representative (Art 17 of the TEU).

Through these measures, along with the delegation of the Presidency of more working groups to the Council's General Secretariat, a single presidential model with a national profile is being fragmented into different –national and supranational- parallel systems. The adoption of these institutional innovations, facilitated by the erosion of the symbolism associated with the exercise of a function which now extends over several years seems to substantiate the existence of a “denationalization” approach to the Presidency. At least the measures are calling for reconsidering the idea that the Presidency is a platform which can be used to generally promote the Member States' special interests. This is what seems to be coming of the increasingly more important role played by the General Secretariat of the Council and the Commission in the exercising of the Presidency. In terms of role conception, namely, of the behaviour expected given the new institutional design of the Presidency, the defence of collective

---

<sup>14</sup> See Secrétariat Général du Conseil de l'UE, 'Note d'information- Le Président du Conseil européen', Novembre 2009.

<sup>15</sup> See Secrétariat Général du Conseil de l'UE, 'Note d'information- Le Haut Représentant pour les affaires étrangères et la politique de sécurité/Le Service européen pour l'action extérieure', Novembre 2009.

views seems to be an emerging trend thus creating, at least formally, the conditions for the consolidation of a qualitative shift in the dialectic of power between the Council Presidency and the European Commission in the sense of greater cooperation. However, how this overall complex and mixed system will work in practice, not only from the perspective of the internalization of these changes by member states but also in terms of efficiency, is still open to question and requires further empirical analyses.

## Conclusion

Assuming the Council Presidency is an important moment in a Member States' Community life. For six months, a national government finds itself in charge of the most influential decisional centre within the European Union. This administrative and political responsibility alone embodies all of the challenges inherent in the hybrid nature of European integration and, in particular, its political system, which is based upon a legitimacy shared between the Member States and the Community institutions. The exercise of the Presidency entails, to some extent, an effort to reach a compromise between the various interests and, first and foremost, contrasting identities at present in the European polity. For six months, the State which exercises the Presidency must place its administration at the Union's service and demonstrate its ability, and reliability, as a European partner.

In this paper, the objective has been to underline the usefulness of interpreting the role, the responsibilities and the powers of the Presidency in the light of the new institutional context that the reform of the Presidency sets in motion. The Member States' margin of manoeuvre in this area, notably with respect to supervising the work of the Council and, by extension (since 1974), that of the European Council, has been, and still is, the subject of speculation and debate.<sup>16</sup> Nonetheless, the general consensus is that whatever influence it may still have is exerted within a European institutional

---

<sup>16</sup> See notably: R. Bengtsson, O. Elgström and J. Tallberg, "Silencer or Amplifier? The European Union Presidency and the Nordic Countries," in *Scandinavian Political Studies*, 27 (3), 2004, 311–334; J. L. Dewost, "La présidence dans le cadre institutionnel des CE," in *Revue du Marché Commun*, 273 (1984), 31–34; O. Elgström (ed.), *European Union Council Presidencies: A Comparative Perspective* (London: Routledge, 2003); J. Tallberg, *Leadership and Negotiation in the European Union* (Cambridge: Cambridge University Press, 2006); H. Wallace, "The British Presidency of the European Community's Council of Ministers: The opportunity to persuade," *International Affairs*, 62 (4) (1986): 583–599.



framework which tends to downgrade national interest priorities in the exercise of the Presidency. The changes introduced into the rotation system have accentuated this tendency. The growing tendency to derogate from the rotation principle has led to a fundamental reconsideration of the once quasi-dogmatic nature of the representativeness, equality and unicity principles. By doing so, the reform of the rotating system carried out since the late 90s seems to confirm this trend towards the supranationalization of the Council Presidency, namely its conversion as an institution that is increasingly associated with the defence of collective views. Innovations such as stable, collective and *super partes* presidencies involve a break with the traditional national profile of the Presidency and pose questions regarding the impact of this phenomenon of institutional conversion on the relationships between the Council Presidency and the European Commission. At this stage, the main conclusion is that intra-institutional change has paved the way for inter-institutional change, namely, for the reconceptualization of the dialectic of power between these two institutions. Co-operation rather than competition appears to be its main feature. Later empirical studies will have to determine the extent to which this is effectively the case in practice. At this moment in time, it seems important to underline the fact that it is ultimately the member States themselves which have agreed to re-examine the rules of the institutional game. In so doing, they have changed their own system of representation in Europe

## References

- Bengtsson, R., Elgström, O. & Tallberg, J. (2004) Silencer or Amplifier? The European Union Presidency and the Nordic Countries, *Scandinavian Political Studies*, 27 (3), pp. 311-334.
- Beyers, J. & Dierickx, G. (1998) The Working Groups of the Council of the European Union: Supranational or Intergovernmental Negotiations? *Journal of Common Market Studies*, 36 (3): 289-317.
- Beyers, J. (2005) Multiple Embeddedness and Socialization in Europe: The Case of Council Officials, *International Organization*, 59, pp. 899-936.
- Bucci, V. di (1988) *La présidence des Communautés Eur opéennes* (Nancy: Université de Nancy).
- Conseil de l'UE (2008), 'Programme de dix-huit mois des présidences française, tchèque et suédoise'. Doc. 11249/08, 30 juin 2008.
- Council of the EU (1995) 'Decision of 1 January 1995 establishing the order for exercising the Presidency of the Council', *Official Journal (OJ) of the European Communities*, L 1 of 1 January 1995,

- Council of the EU (1997) 'Joint programme of Luxembourg, the United Kingdom and Austria for the Single Market', N° 11835/97, 4 November.
- Council of the EU (2000) 'Guidelines on Cooperation between Member states' Missions and Commission Delegations in Third Countries and within International Organizations in CFSP matters', N° 12094/00.
- Council of the EU (2002) 'Measures to prepare the Council for Enlargement'. Report by the Presidency to the European Council, N° 9939/02, 13 June.
- Council of the EU (2002) 'Operational Programme of the Council for 2003 submitted by the Greek and Italian Presidencies', N° 15881/02, 20 December.
- Council of the EU (2003) 'Strategic programme 2004-2006', N°15896/03.
- Council of the EU (2003) 'Semester programme Ireland 2004', N° PRN1487.
- Council of the EU (2004) 'Operational programme of Luxembourg and the United Kingdom 2005', N° 16299/04
- Council of the EU (2005) 'Operational programme of Austria and Finland 2006', N°16065/05)
- Council of the EU (2006) 'Trio-programme of Germany, Portugal and Slovenia framed in the strategic 2007-2010 programme', N° 17079/06.
- Council of the EU (2006) 'Programme of the German Presidency'. Available at [www.EU2007.de](http://www.EU2007.de)
- Council of the EU (2006) 'Closer Consular Cooperation', N° 16231/06, December.
- Council of the EU (2007) 'Programme of the Portuguese Presidency'. Available at [www.EU2007.pt](http://www.EU2007.pt)
- Council of the EU (2007) 'Programme of the Slovenian Presidency'. Available at [www.eu2008.si](http://www.eu2008.si)
- Christiansen, T. (2002) The Role of Supranational Actors in EU Treaty Reform, *Journal of European Public Policy*, 9 (1), pp.33-53.
- Christiansen, T & Vanhoonacker, S. (2008) At a critical juncture? Change and continuity in the institutional development of the Council Secretariat, *West European Politics*, Vol. 31 (forthcoming).
- Dehousse Renaud Dehousse, Florence Deloche-Gaudez, Olivier Duhamel (Dir.), *Elargissement Comment l'Europe s'adapte* (Paris, Presses de Sciences Po, 2006), "Evaluer l'Europe. 1."
- Dewost J. L. Dewost, "La présidence dans le cadre institutionnel des CE," in *Revue du Marché Commun*, 273 (1984), 31-34.
- Elgström, O. (ed.), *European Union Council Presidencies: A Comparative Perspective* (London: Routledge, 2003).
- European Communities Bulletin, *The London Report*, 11-1981.
- European Council (1993) 'Presidency Conclusions', Brussels, SN 373/1/93, 10-11 December.
- Fernández, A. (2008a) 'Consular Affairs in the EU. Visa Policy as a Catalyst for Integration?'. *The Hague Journal of Diplomacy*, 3 (1), pp. 21-35.
- Fernández, A. (2008b) 'Change and stability of the EU institutional system: the Communitarization of the Council Presidency', *Journal of European Integration*, 30 (5), pp. 617-634.
- Fernández, A. (2009a) « Les Etats membres et la représentation extérieure de l'UE », *Annuaire Français des Relations Internationales*, vol. X, pp. 583-594.
- Fernández, A. (2009b) "Quel est le pouvoir d'une Présidence du Conseil de l'UE ? » In Dehousse, R., Deloche-Gaudez, F. & S. Jacquot (eds.), *Que fait l'Europe?* (Paris: Presses de Sciences Po).

- Fernández, A. (2011), 'Consular Affairs in an Integrated Europe' in Melissen, J. & A. Fernández (eds.), *Consular Affairs and the Transformation of Diplomacy*, Brill: Leiden.
- General Secretariat of the Council, "Czech Presidency-Chairing of certain Working Parties by other delegations, at the request of the Czech Presidency," Doc. 17342/08, 16 December 2008.
- Hayes-Renshaw, F. & Wallace, H. (2006) *The Council of Ministers* (Houndmills: Palgrave Macmillan, 2<sup>nd</sup> ed.).
- Mangenot, M. (2002) "L'affirmation du Secrétariat du Conseil de l'Union européenne : les transformations du rôle d'une institution non codifiée", Paper presented at the 'VIIe congrès de l'Association française de science politique. Lille, 18-21 September 2002.
- Official Journal of the EU (2010) 'Consolidated Versions of the Treaty on European Union', 2010/C83/01, 30 March.
- Secrétariat Général du Conseil de l'UE (2009), 'Note d'information- Le Président du Conseil européen', November.
- Secrétariat Général du Conseil de l'UE (2009), 'Note d'information- Le Haut Représentant pour les affaires étrangères et la politique de sécurité/Le Service européen pour l'action extérieure', November.
- Tallberg, J. (2006) *Leadership and Negotiation in the European Union* (Cambridge: Cambridge University Press).
- Verbeke, J. and Van den Voorde, W. (1994) 'The Presidency of the European Union: Some Reflections on Current Practice and Recent Evolutions'. *Studia Diplomatica*, Vol. XLVII, N°3, pp. 29-40.
- Wallace, H. & Edwards, G. (1976) EC: the evolving role of the Presidency of the council, *International Affairs*, 4, pp. 535-550.
- Wallace, H. (1986) The British presidency of the European Community's Council of Ministers: the opportunity to persuade, *International Affairs*, 62 (4), pp. 583-599.
- Wallace, H. (2002) The Council: An Institutional Chameleon?, *Governance*, 15 (3), pp. 325-344.
- Westlake, M. (1999) *The Council of the European Union* (London: John Arper Publishing).