



# Coping with Multiple Presidencies in the EU: *Challenges for National Administrations*

Dr Sabina Kajnc, Lecturer, EIPA Maastricht 2009-present

Alain Guggenbühl, Senior Lecturer, EIPA Maastricht 1993-present

Frank Lavadoux, Senior Lecturer, EIPA Maastricht 2004-present

25

## Introduction

One of the most visible and discussed changes introduced by the Lisbon Treaty concerns the introduction of the two new leadership figures in the EU: the permanent President of the European Council (POTEC) and the High Representative of the Union for Foreign Affairs and Security Policy (the new High Representative). The two new actors have each been entrusted with a part of a role previously held by the rotating Presidency of the Council of the European Union (EU). However, the rotating Presidency, contrary to the views often expressed in the media and also among the expert community, still has a job to do and shoulders responsibility for the advancement of the work in the Council during its six-monthly term in office. As a stark difference to the previous 'single EU Presidency' principle, the leadership of the Council and European Council is consequently split between the POTEC, the new High Representative and the rotating Presidency. Other changes introduced by the Lisbon Treaty, especially the extension of co-decision procedure to a number of new policy-fields<sup>1</sup>, which increases the role of the European Parliament bringing it on a par with the Council as co-legislators, consequently even increased the role, and the importance, of the rotating Presidency of the Council.

These changes, the introduction of the two new posts and a greater role for the European Parliament in the decision-making process, have profound effects on the organisation and competences required by national administrations. This article analyses the effects of the split in the Presidency-system in the EU on the national administration of the Member State entrusted with holding a six-monthly rotating Presidency. It differentiates between the challenges the new leadership structures and governance modes have brought to organisational patterns in the administration, both in the capital and to their Permanent Representation in Brussels, and with regard to the competences that are required by individual officials as they enter previously unknown terrain with different actors and procedures. The article concludes with recommendations for overcoming the identified challenges, as well as some prospective views.

## No longer a single EU Presidency

The thus far very resilient system of the rotating Presidency of the Council has been reformed to include the POTEC and the new High Representative in order to ensure better coherence, continuity<sup>2</sup> and with a view to finally giving the EU a single face (and voice) in

the international community. The two new posts were occupied upon the Treaty's entry into force by Herman van Rompuy and Catherine Ashton respectively.

The POTEK is appointed by the Heads of State or Government of the Member States, for two-and-a-half years, renewable once. He may not hold a national office and therefore serves the European Council full time. He is in charge of the preparation, chairing and follow up on the work of the European Council. He is supported by the General Secretariat of the Council (GSC) as well as by the new European External Action Service (EEAS) in exercising his role in the area of external relations. He has to work closely with the rotating Presidency to ensure coherence and continuity. Much of this was previously the role of the Head of State or Government of the Member State holding the rotating Presidency. This role has now been reduced to merely reporting (in consultation with POTEK) on the progress in the Council to the European Council.

The new High Representative, who is also vice-president of the Commission, takes over from the rotating Presidency, most visibly, the chairing of the Foreign Affairs Council, but also the programming, management and representation in the CFSP area<sup>3</sup>. She is supported by the EEAS. The new chairing arrangement in the Council working parties, however, has maintained the chairmanship of some of the working parties with the rotating Presidency<sup>4</sup>. Foreign ministers of the trio countries may be asked to deputise for the new High Representative when needed, while their diplomatic missions may still, in the absence of the EU delegation, represent the EU.



The rotating Presidency's task may thus be pictured as a head chopped off (European Council) and an arm half torn away (foreign affairs), but the rest of its tasks, management, forward driving and representing the Council in front of other institutions of the EU, have remained – some of them enjoying even a broader magnitude.

### Challenges for the Presidency at European and national levels

A first set of challenges concerns the coordination between various branches of government for the management of the Presidency in the new EU leadership architecture. The fact that the preparation of the European Council, the political impulse, brokerage and agenda-setting as well as drafting of conclusions are entrusted within the POTEK, relieved the cabinet of the Head of State or Government of much of the work. However, the absence of the previous role of the chair of the European Council and a new reporting role for the Head of State or Government in the European Council (even if this role is more of a technical nature) have added new tasks for the administration of the rotating Presidency. The input for, as well as a follow-up to, the European Council meetings are generated by the Council, *i.e.* managed by the rotating Presidency. This means that a new coordinative role, in relation to the cabinet of the POTEK as well as a stronger link with the GSC is placed within the rotating Presidency, thus demanding the careful development of communication tools and an open information-sharing attitude. With the Prime Minister (Head of State or Government) ousted from the chairmanship of the European Council and consequently out of the lime light, s/he will have to define the parameters of success for the Presidency and ensure the dedication of the entire administration to the laborious but rather invisible tasks of the rotating Presidency.

The reform of the European Council has also sought to relieve it from a high number of issues it has dealt with in the past and to only concentrate itself on giving political guidelines. This means that the Presidency has to endeavour on lower levels, within the Council, to hammer out the compromises on legislative and also policy-making issues, as it can no longer resort to elevating them to the European Council level and aspiring to broker them among the Heads of States or Governments. As a consequence, a much more active role has been placed within the ministers' cabinets, also demanding the possibility of striking package deals at the ministers' level. This is another aspect that calls for more coordination and regular exchange of information at the ministers' level of a presiding country as well as leadership of the Head of State or Government in solving potential conflicts; all with the strong involvement and support of the Permanent Representation, possibly increasing its coordinating role and the breadth of its mandates.

The biggest change in running the post-Lisbon rotating Presidency has probably hit the ministries of foreign affairs. Unlike a clear cut hierarchical split in the Presidency's management of the Council and its role in the European Council, the arrangements and division of tasks in foreign affairs have resulted in a multi-layered network of actors, issue-areas and loyalties. This means that the rotating Presidency and the new High Representative (and the EEAS) need to coordinate their work at different levels and develop not only mechanisms and tools for communication, but also principles of cooperation, primarily on information sharing. Whereas a rotating Presidency is a (more or less) homogenous actor, the EEAS is a service still in the setting-up phase and with its own ways of working only emerging, composed of officials coming from different administrations and backgrounds. A readiness to work from the back-seat (working 'on behalf of lady Ashton', meaning placing the national personnel at her disposal, be it at home or in diplomatic missions abroad), a strong code of conduct and flexibility with a high level of diplomatic skills will be required to overcome impasses and to work together efficiently.

In relation specifically to the Council, two additional changes might affect the organisation of national capitals: the strengthened coordinative role of the General Affairs Council (GAC) and the lost role for the foreign ministers who no longer automatically attend European Council meetings. GAC, essentially split from the Foreign Affairs Council, is charged with responsibilities for the overall coordination of policies, institutional and administrative questions and horizontal dossiers which affect several of the EU's policies, including elements of the Economic and Monetary Union (EMU) and enlargement policy. This is likely to affect domestic coordination of European affairs, moving closer to prime ministers' cabinets than foreign ministries. When conceptualising the organisation of the coming presidency, this is another aspect to be kept in mind.

© Council of the European Union



Finally, the already mentioned upgraded involvement of the European Parliament in numerous new policy areas suggests the need for more strategic attention to it prior to and during the running of the Presidency, beyond a mere representational role. The need for rationalised and better-endowed resources to manage the relations with the European Parliament during Presidencies will become

increasingly evident, even beyond what the recent Presidencies (and Permanent Representations in particular) have already achieved. The latter suggests more attention should be paid to the European Parliament in the Permanent Representation, not only by those officials responsible for following policy developments in the Parliament, but especially by all those officials chairing working parties discussing dossiers under the Ordinary Legislative Procedure. Chairing, negotiating and searching for compromise in the Council are only part of the job in a dossier under co-legislation. The Presidency must also secure agreement from the European Parliament in a demanding bottom-up and political process; it begins with very informal contacts between the working party chair and rapporteur in the European Parliament, and might in the last instance end up in the highly institutionalised negotiation setting of a conciliation committee co-chaired by a minister from the Presidency and the Vice-President of the European Parliament. Throughout this process, the Presidency will meet representatives of the European Parliament holding a different institutional and attitudinal relation to a process of negotiation. They are used to highly political and direct deliberations and exchanges; different views on the necessary urgency and timing for actions; and interests are widely split along a variety of different lines, whether ideological, national or personal. This context (or rather, battlefield) recommends different sets of competences and skills for Presidency public officials or diplomats in order to match the Parliament's political state of mind and negotiating rationality.

### Recommendations for overcoming the new challenges

The reform of the rotating Presidency system, which came into effect with the Lisbon Treaty, aimed at increasing the continuity, coherence and visibility of the EU on the world stage. In order to achieve these goals the now multi-faceted Presidencies in the EU need to cooperate effectively, utilising appropriate coordination tools and communication means. Consequently, a number of adaptations are required by the public administration of the Member State holding the rotating Presidency:

- a. The cabinets of the Head of States of Governments need to assume a stronger leadership role in coordinating the European affairs, and even at the expense of the foreign ministry, they need to ensure that the adaptation results in the Member State speaking with one voice and with resources adequately placed.
- b. Foreign ministries, having lost much of their prominence in the national European affairs as well as in the running of the Presidency, should concentrate their efforts on coherence in various aspects of the Union's external action, promoting principles – and actions – such as policy coherence for development (and policy coherence for security, for that matter)<sup>5</sup>.
- c. Public officials acting as chairs in the Council at all levels, increasingly more often coming from other places than the foreign ministries, need to receive (diplomatic) training, boosting their negotiation and language skills, to manage multi-tier negotiations in the Ordinary Legislative Procedure.

## Conclusion

Today rotating Presidencies face challenges and situations they did not have to worry about before Lisbon when taking over the leadership of the EU in a long established routine job. Every Presidency was eager, willing or felt obliged to take some initiatives to set an ambitious agenda for the EU; to initiate landmark European programmes, projects and institutional evolutions; or to steer an international initiative. With the new multiple leadership, complex external representation, the need to upgrade domestic coordination, and widespread co-legislation required to adopt EU legislation, it is much less of a routine job to cash in national investments made during an EU Presidency. If setting up means and actions to the benefit of the EU is more difficult because of the new institutional challenges and the larger uncertainty about the rewards, the number of bold initiatives of Member States holding the Presidency will likely fade. We might then enter into another routine. A post-Lisbon routine consisting in mechanically and administratively providing the plain required service of managing the machinery of the EU; whilst no longer providing any major impetus to beef up the agenda, competences or visibility of the European Union. In this context, Member States holding the Presidency will also find it increasingly difficult to sell at home the need to invest in the EU Presidency; or as it were to accept to sacrifice national preferences or domestic projects on the altar of the Presidency. Looking at the Presidencies having taken office recently, these trends might have already started.

## Notes

- <sup>1</sup> There are 45 new legal bases falling under the Ordinary Legislative Procedure (as co-decision procedure is officially called in the Lisbon Treaty).
- <sup>2</sup> A minor step towards continuity in the work of the Council was done by the introduction of the Trio Presidency, whereby three consecutive Presidencies operate on the basis of the joint programme. The first Trio Presidency was introduced for the period 2007–first half of 2008.
- <sup>3</sup> The representative function in the CFSP area is shared among the POTEK and the new High Representative. The former is to represent the Union in matters of CFSP at his level and in that capacity. It is worth noting that Article 17.1. of the Lisbon Treaty entrusts representation of the Union in other matters except CFSP to the Commission. The interpretation of the mentioned article differs; however, among the Commission and the Council, therefore the Presidency might still be seen, along with the Commission, as representing the EU at certain international conferences.
- <sup>4</sup> The arrangements are laid down in Council Decision laying down measures for the implementation of the European Council Decision on the exercise of the Presidency of the Council, and on the chairmanship of preparatory bodies of the Council. 16517/09. Brussels, 30 November 2009. Council Working Parties in the area of trade and development as well as some engaged in horizontal issues of CFSP, including the group of *Relex* counsellors remain chaired by the rotating Presidency.
- <sup>5</sup> While policy coherence for development is a principle covering, at first, 12 and later concentrated on 5 policy areas affecting developing countries, policy coherence for security does not exist as a principle (see contribution by Duke, S., p. 63).