

The Presidency of the Council of the European Union

Frank M. Häge, Department of Politics and Public Administration, University of Limerick

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Summary

The Presidency plays a crucial role in the management and organization of the Council of the European Union's work and the institution's interactions with third parties. Formally, the Presidency just chairs the meetings of Council bodies; but over time, member states have endowed it with a range of procedural prerogatives to structure the Council's agenda and broker agreements, which post holders can potentially use to advance their own private interests. The potential for abuse of these powers raises two related questions: first, why would member states grant these powers to the Presidency, and second, is the Presidency actually able to use these powers to advance its own priorities and policy preferences?

In response to the first question, functionalist theories suggest that member states delegate powers to the Presidency to reduce transaction costs and solve collective action. According to Tallberg, member states grant the Presidency procedural prerogatives and provide it with administrative resources to ensure an efficient management of the Council's agenda, avoid inadvertent negotiation failure or suboptimal negotiation outcomes, and provide adequate representation of the institution vis-à-vis external actors. Kleine's theory suggests that the Presidency acts as an adjudicator of the legitimacy of demands for concessions by member states that find themselves in the minority but claim to experience strong domestic pressures for non-compliance. By making impartial and thus credible recommendations about whether the formal voting rule or consensus decision-making should apply in these situations, the Presidency contributes to the long-term sustainability of international cooperation. The two explanatory accounts disagree about whether the growing role of the Presidency reflects an incremental accumulation of powers over time in response to new tasks or just an extension of already existing powers into new areas. Historical research on the development of Presidency powers could shed more light on this topic.

Responses to the second question about the actual influence of the Presidency can be distinguished according to whether they relate to the Presidency's scheduling power or to its proposal-making power. Control over the schedule and agenda of meetings, as well as the time devoted to different issues during a meeting, allows the Presidency to affect the relative allocation of attention to different policies. Allowing the Presidency to structure the agenda according to its own priorities comes with tangible collective benefits while resulting in little redistributive costs for other member states. In contrast, the Presidency's exercise of proposal-making power, through its first-mover advantage, control over the negotiation text, and its privilege to call a vote or declare consensus, leads to biased negotiation outcomes with little or no benefits for member states but direct and tangible redistributive consequences. Thus, the Presidency's prerogatives are largely based on informal norms and behavioral practices, which can always be superseded by recourse to formal rules. However, member states have little incentive to do so when the Presidency exercises its scheduling power but ample incentive if it exercises its proposal-making power.

Existing empirical research provides clear evidence that the Presidency can exercise both scheduling power and proposal-making power at least to some extent and under certain conditions. Interesting questions for future research relate to the overall size and prevalence of the effects of the Presidency's powers, the mechanisms through which these effects are generated, as well as the conditions that explain their variation over time, across policy areas, and across member state characteristics.

Keywords: Presidency, Council of the European Union, institutional development, delegation, multilateral negotiations, agenda-setting, bargaining brokerage, scheduling power, proposal-making power, principal-agent theory, European Union politics

Subjects: Policy, Administration, and Bureaucracy, Political Institutions

The Presidency of the Council is one of the most important leadership positions in the institutional setup of the European Union (EU). Yet, the treaties defining this institutional setup are largely silent on the Presidency's powers, roles, and functions. Apart from a single paragraph in the Treaty on European Union, which limits office holders to member state representatives and establishes equal rotation as the general selection principle for filling the post, the treaties just mention that "the Council shall meet when convened by its President . . ." (Article 237, Treaty on the Functioning of the European Union, Official Journal of the European Union, 2012). Thus, little can be learned about the Presidency from reading the formal constitutional rulebook. Research on the Council Presidency endeavors to shed more light on the Presidency's roles, functions, and powers in Council negotiations and the EU decision-making process more broadly. It does so by examining the causes and effects of lower-level formal rules, informal norms, and behavioral practices that have been established over time. The Presidency fulfills key tasks in the organization and management of the Council's work as well as its external representation by exercising a number of procedural prerogatives and administrative resources that put it in an advantageous position vis-à-vis other member states. The fact that the Presidency can potentially use its elevated position in the Council's decision-making process to advance its own private interests raises two interlinked questions: First, why do member states grant the Presidency these powers, if they can potentially be used to their disadvantage? Second, is the Presidency actually able to use these powers to advance its own policy priorities and preferences?

Not surprisingly, much research on the Council Presidency has focused on these two questions, and this review is organized around theoretical and empirical answers to them. However, the Presidency has attracted a lot of scholarly attention over time, and any choice of emphasis implies omissions. In particular, a large number of studies have investigated the "performance," "effectiveness," or "success" of particular presidencies (e.g., Karolewski, Mehlhausen, & Sus, 2015; Quaglia & Moxon-Browne, 2006; Schout & Vanhoonacker, 2006; Smeets & Vennix, 2014).¹ While valuable in their own right, these studies use varying definitions of core concepts and incomparable evaluation frameworks. The discussion in this review focuses on work that examines the powers of the Council Presidency through the lens of broader theoretical frameworks and thus contributes to the accumulation of a body of knowledge that extends beyond the particularities of this case. As such, the answers discussed to the question of the

delegation of powers to the Presidency and its ability to use them to its own advantage are of relevance to understanding not only the Council Presidency, but any post in international organizations or domestic governance structures that fulfills a similar role.

This article sets the scene by describing the historical development of the Presidency since its establishment by the Treaty of Rome in 1958. Special attention is given to the adoption of formal lower-level rules, the development of informal norms, and behavioral practices that define its role and circumscribe acceptable and prescribe desirable forms of behavior. A succinct overview is presented of the post-Lisbon Treaty tasks and powers the Presidency fulfills as agenda-manager, bargaining broker, and representative of the Council toward external actors (Tallberg, 2006). Research examining why member states would equip the Presidency with powers that it can potentially use to pursue its own interests to the detriment of other member states is discussed, along with the follow-up question of whether and to what extent the Presidency is actually able to use these powers to influence the process and outcome of decision making in the Council. A crucial distinction is drawn between the scheduling power of the Presidency to shape the Council's agenda and its proposal-making power to influence the substance of negotiation outcomes. The discussion is summarized, limitations of existing work are highlighted, and recommendations for promising areas of future research are presented.

Historical Development

The office of the Presidency can be traced back to the Treaty of Paris establishing the European Coal and Steel Community in 1952. The Treaty of Paris introduced the two main founding principles, that the office of the Presidency would be held by a member state government rather than a collective representative, and that it would rotate among them on the basis of parity, without regard to demographic size, economic power, or political clout (Wallace, 1985, pp. 2–3).² The Treaty of Rome establishing the European Economic Community in 1957 extended the length of the Presidency's term from three to six months. The standard narrative of the Presidency's development suggests that it gradually evolved in subsequent years from a largely managerial position fulfilling organizational duties to an independent political player with important political leadership functions within the EU's institutional setup (Hayes-Renshaw, 2007; Kirchner, 1992, pp. 71–89; Tallberg, 2006, pp. 43–81; Wallace, 1985; Westlake & Galloway, 2004, pp. 325–339). The Presidency's evolution from a chair of meetings to a political leadership position is attributed to at least three developments: the extensions of the scope and depth of European integration, successive enlargements, and changes of relations between member states in the Council and between the Council and other institutions in the wider institutional framework of the EU.

In the early years of the Community, the broad parameters of the policy agenda were largely determined by specific treaty objectives, especially in relation to the establishment of a customs union and a common agricultural policy; and the Commission still fulfilled the largely unchallenged role of policy initiator and negotiation broker between member states. However, the empty chair crisis in 1965 is often cited as undermining the Commission's credibility as a mediator and bolstering the role of the Presidency to broker agreements among member states

and to represent and defend their collective interests (Kirchner, 1992, p. 72; Wallace, 1985, p. 3). As a result of increased workload in existing and expanding activities in new policy areas, the Presidency also gained in importance through the proliferation of new fora that it was charged with organizing and chairing. Internally, the work of ministers was differentiated into a growing number of “technical” Council formations (Hayes-Renshaw & Wallace, 2006, pp. 38–39), new senior committees for particular policy areas, and an increasing number of specialized working parties (Häge, 2013, pp. 24–29).³ With the establishment of the European Council and European Political Cooperation (EPC) in the first half of the 1970s, the Presidency’s organizational and managerial role was extended to these areas as well.

The growing importance of the role of the Presidency for conducting the Council’s business is also illustrated by the attention the position received over the years in various reports for reforming the functioning of the European Union (Westlake & Galloway, 2004, pp. 326–334). The need for better coherence, coordination, and continuity of the Council’s work was already identified by the Tindemans report in 1975, which recommended an extension of the Presidency’s term from six to twelve months (Tindemans, 1975). In the report on the European Institutions of the Three Wise Men in 1979, almost a third of the part dealing with the Council was devoted to the Presidency (Biesheuvel, Dell, & Marjolin, 1979). In order to improve the functioning of the Presidency and to avoid “the virtual breakdown in Council work under some particularly ‘bad’ Presidencies” (p. 30), the report spelled out the Presidency’s “fixed responsibilities,” called for member states’ acceptance of the Presidency’s authority to enforce discipline on Council proceedings, and recommended the provision of more organizational resources and administrative support to the Presidency.

The London report of 1981 was particularly concerned with bolstering the Presidency’s role in foreign affairs (Foreign Ministers of the European Community, 1981). Its adoption by the Council established the “troika” system, whereby the current Presidency country could rely on the diplomatic and political support of the preceding and succeeding Presidency countries. This system was in force until the Treaty of Amsterdam in 1999 replaced it with a team consisting of the Presidency, the newly established High Representative for the Common Foreign and Security Policy, and the Commissioner for External Relations. The Stuttgart Solemn Declaration (1983) introduced a number of new representational functions for the Presidency, including regular reporting requirements to the European Parliament, both at the level of the European Council and the Council of Ministers (European Council, 1983).

The apparent increase in the use of qualified majority voting since the early 1980s, both as a consequence of the dilution of the Luxembourg compromise and the formal introduction of qualified majority voting in new policy areas as part of the Single European Act in 1987, also increased demands on the Presidency’s role as political arbiter. In practice if not de jure, it is the Presidency that brokers compromises among member states and calls votes when it judges that sufficient consensus has been reached on a matter. The introduction of the cooperation procedure by the Single European Act and the co-decision procedure by the Maastricht Treaty in 1991 also added new representational functions of the Council vis-à-vis the other institutions, especially the Parliament, to the role of the Presidency. In 1999, The Helsinki Council’s reform guidelines for “An Effective Council for an Enlarged Union” confirmed that “The Presidency must retain

overall political responsibility for managing Council business” but suggested that its burden be decreased by availing more of existing supports from the Council Secretariat, the High Representative for the Common Foreign and Security Policy, and especially the incoming Presidency (Presidency of the European Council, 1999).

The Helsinki Council conclusions kicked off a period of reflection that culminated in the reforms adopted by the Seville European Council in 2002 (Presidency of the European Council, 2002). These reforms explicitly granted the Presidency the right to determine the order in which items are to be discussed, the sequence in which contributors speak, and the amount of speaking time available to member states in European Council summits. They also established the requirement for subsequent Presidency countries to agree on three-year strategic programs and one-year operating programs for Council activities. The remaining provisions related to the chairing of meetings. They allowed for the possibility that Council working parties would be chaired by the succeeding Presidency if it was clear that a dossier would mainly be dealt with during the following six-month period; and they extended the practice of working groups dealing with administrative matters being chaired by a member of the General Secretariat of the Council rather than a representative of the Presidency country.

Up to the adoption of the Constitutional Treaty by the Intergovernmental Conference in 2004 (Official Journal of the European Union, 2004), the historical development of the Presidency’s role and functions was one of continuous expansion. In light of the pending enlargement to 25 member states, the positive arguments for retaining the rotating Presidency (i.e., administrative learning and equal representation) lost some force while concerns about the coherence and continuity of the Council’s work rose. The Convention on the Future of Europe proposed a division of the tasks of the Presidency (European Convention, 2003). The European Council would receive an elected President for a once-renewable term of two-and-a-half years. The Foreign Affairs Council would be chaired by the new Union Minister for Foreign Affairs and the working parties in this area by the minister’s representatives. To increase the coherence of EU foreign policy, the minister would simultaneously be a vice president of the Commission in charge of external economic relations. Finally, the existing Presidency system, based on the principle of rotation and equal member state representation, would be retained in the remaining Council formations. To promote the consistency of the Council’s work, a declaration attached to the Constitutional Treaty envisaged the establishment of groups of three member states as so-called Team Presidencies.

After the rejection of the Constitutional Treaty by Dutch and French voters, the provision regarding Team Presidencies was put into force by a revision of the Council’s rules of procedures in 2006. The subsequent Treaty of Lisbon constituted a slightly amended and repackaged version of the Constitutional Treaty. It renamed the Union Minister for Foreign Affairs to “High Representative of the Union for Foreign Affairs and Security.” However, the substance of the Constitutional Treaty’s other provisions on the Presidency were incorporated into the Lisbon Treaty without changes and finally came into force in 2009. Thus, since the Lisbon Treaty rules apply, the Presidency has lost much of its role as an external representative to the new posts of High Representative and President of the European Council. The Lisbon Treaty also deprived the

Presidency of its agenda-management and brokerage responsibilities in the European Council. However, in all other respects, the rotating Presidency still fulfills important tasks to ensure the day-to-day functioning of the Council machinery and EU policymaking as a whole.

Tasks and Functions

Following Tallberg (2006, 2010), the Presidency's tasks can be grouped into agenda management, brokerage, and representation responsibilities. Except in the area of foreign policy, the Presidency, supported by the Council Secretariat, is still fully in charge of managing the Council's agenda. In coordination with the High Representative of the Union for Foreign Affairs and Security Policy (HR) and two other countries preceding or succeeding its presidency term, it develops an 18-month program setting out the medium-term objectives for the Council's work (Batory & Puetter, 2013; Warntjen, 2013a).⁴ These objectives are further specified in the Presidency's six-month work program and the indicative calendar and agenda of Council meetings.⁵ Chairing the meetings of all ministerial formations and Council preparatory bodies, the Presidency decides whether, when, and how much attention will be devoted to a particular policy issue, and at what level in the Council's hierarchical structure (Häge, 2017). An important agenda-setting instrument is the allocation of scarce time and meeting room resources across different working parties and higher-ranking Council bodies, but also the determination of the content of the agenda of individual meetings.

The brokerage function refers to the Presidency's task of facilitating decision making in the Council. The Presidency determines the structure and sequence of negotiations, maintains and updates a single negotiation text, and provides compromise proposals to reach collective agreements. The established practice of holding bilateral "confessionals" with individual governments is of particular value for the Presidency in identifying the zone of agreement underlying negotiations, as it provides privileged information about governments' preferences and red lines (Tallberg, 2010).

Finally, the representation function entails presenting and defending the collective views of the Council toward other actors. Before the Lisbon Treaty delegated these responsibilities to the President of the European Council and the HR, this function included representation vis-à-vis third countries and other external actors. Yet, the rotating Presidency still plays a major role in the internal representation of the Council in interactions with the other EU institutions. Most significantly, it negotiates on behalf of the Council with representatives of the European Parliament (EP) and the Commission in trilogue meetings (Delreux & Laloux, 2018; Farrell & Héritier, 2004; Häge & Kaeding, 2007; Reh, Héritier, Bressanelli, & Koop, 2013). Trilogues denote informal negotiation processes that have been developed within the framework of the formal legislative procedure to speed up decision making. Their prevalence has increased rapidly over time. Indeed, in the first half of the eighth legislative term (2014–2016) of the EP, almost all interinstitutional agreements on EU legislation were reached in that way (European Parliament, 2017).

In order to fulfil these three tasks, the Presidency is equipped with important resources that it might be able to use for its own advantage. To manage the agenda effectively, the Presidency has far reaching organizational and procedural prerogatives to determine the allocation of the Council's attention. Potentially, the Presidency can use these prerogatives to bias the content of the Council's political agenda to favor its own priorities (Häge, 2016; Warntjen, 2007). Similarly, to effectively broker agreements, the Presidency is granted enhanced access to sensitive preference information and its compromise proposals enjoy at least a first-mover advantage (Tallberg, 2010; Warntjen, 2008a). These agenda-setting powers can be used not only to reach collectively beneficial negotiation outcomes, but also to achieve an outcome that disproportionately favors the interests of the Presidency country. Finally, to effectively represent the Council as a collective actor in negotiations vis-à-vis other EU institutions, the Presidency needs to be granted some discretion, which again it can potentially use to reach interinstitutional agreements that advance its own interests at the expense of the collective will of the Council as a whole (Laloux & Delreux, 2018; Farrell & Héritier, 2004).

Delegation of Powers

Given the risk of the Presidency using its powers to its own advantage, a growing body of research has examined whether and under what conditions this is actually happening. However, remarkably few studies have provided explanations for why member states would delegate these powers to the Presidency in the first place. Fernández (2008) and Tallberg (2006, 2010) provide interpretations for this development that are largely in line with the standard narrative of a successive and rather incremental increase of the Presidency's powers over time. Kleine (2013a, 2013b) provides a novel theoretical argument, and her descriptive historical account challenges this narrative in important respects.

Taking a historical institutionalist perspective, Fernandez (2008, p. 622) suggests that the Presidency of the European Coal and Steel Community in the 1950s was originally designed as a "double institutional guarantee": first, to counterbalance the supranational influence of the High Authority under Jean Monnet; and, second, to guarantee the equal representation of member states in the Council. These two founding principles, the representation of governmental interests and the equality of member state governments structured the quantitative and qualitative increase in the Presidency's responsibilities over the next three decades. During the intergovernmentalist backlash in the late 1960s and 1970s, member states relied on the Presidency as a counterweight to the supranational Commission and resorted to it to perform important coordinating and organizing functions for the newly established European Council and European Political Cooperation. Two critical junctures then led to fundamental departures from the founding principles. First, the relaunch of the integration process through the Single European Act and the Treaty of Maastricht in the late 1980s and early 1990s introduced a supranational dimension to the Presidency's representational role. Joint responsibility for the implementation of the single market program and European Monetary Union, and the widening of qualified majority voting in the Council to arrive at the necessary decisions to adopt these

policies, fostered a new cooperative relationship with the Commission. The Maastricht Treaty also charged the Presidency and the Commission with joint responsibility for ensuring the coherence across its newly established three-pillar structure.

The second critical juncture refers to the institutional reforms introduced in anticipation of Eastern enlargement in 2004. The introduction of multiannual Presidency programs, the chairing of certain working groups by a member of the Council Secretariat, and the strengthening of cooperation across successive Presidencies as part of the Seville Council reforms marked further departures from the principle of representation. Finally, the principle of rotation was partly undermined by the Lisbon Treaty establishment of an elected European Council President and a permanent chair of the Foreign Affairs Council in the form of the High Representative. In combination, the institutional changes since the mid-1980s have resulted in a fundamental departure from the Presidency's original role as the defender of governmental interests in the EU's institutional structure and contributed to the increased "communitarization" and "de-nationalization" of the Presidency (Fernández, 2008, pp. 629–630).

Fernandez's account (2008) provides a useful lens for identifying fundamental turning points in the historical development of the institutional role of the Presidency over time. It also highlights that rule changes may not only empower or constrain the behavior of actors with fixed institutional roles but affect the very perception of what these roles entail. However, while the identification of critical junctures and the associated change in the Presidency's role is plausible after the fact, Fernandez's account (2008) lacks an explanation for the timing of these junctures and the direction of the associated change in role perceptions. The functionalist logic of principal-agent theory (Pollack, 1997; Tallberg, 2002) provides such an explanation: the Presidency was imbued with more communitarian responsibilities in the late eighties/early nineties because of member states' renewed interest in completing the Single Market and establishing a monetary union; and member states replaced the Presidency with permanent chairs in some areas and curbed its discretion in others because of fears that the pending big bang enlargement in 2004 would reduce the benefits and increase the costs of maintaining a rotating Presidency. In other words, the timing and nature of the changes in the Presidency's role came about as a result of governments delegating new tasks to the Presidency or removing existing ones to facilitate the efficient and effective realization of their collective policy goals.

In many historical descriptions of the development of the Presidency's powers, such functional reasoning is implicit (Kirchner, 1992, pp. 72–73; Wallace, 1985; Wallace & Edwards, 1976; Westlake & Galloway, 2004, pp. 325–339). Tallberg's work (2006, pp. 43–81, 2010) stands out for providing a systematic and explicit account of how different Presidency powers developed in response to various functional needs. In his rational choice institutionalist "theory of formal leadership," states establish the office of the chair and vest it with procedural powers to solve collective action problems arising in multilateral bargaining situations (Tallberg, 2010). In particular, the institution of the chairmanship is expected to mitigate problems of agenda failure, negotiation failure, and representation failure. Agenda failure refers to a lack of progress in negotiations because agendas are shifting, overcrowded, or underdeveloped. Negotiation failure refers to the inadvertent breakdown of negotiations due to incomplete information about each other's preferences, even though an individually and collectively preferred outcome could in

principle be reached. Finally, representation failure refers to limitations in interactions with third parties because of a lack of effective collective representation of the members of the decision-making body.

According to Tallberg's account (2006, pp. 43–81), the Presidency developed from an “insignificant administrative office” in the 1950s into a “powerful political platform” as a result of changes in internal EU decision-making processes and objectives as well as external political ambitions. Thus, the delegation of agenda management powers to the Presidency is explained by the declining role of the Commission as the primary agenda-setter in European integration after the empty chair crisis, the extension of the EU's activities into new policy areas, and the associated horizontal and structural differentiation of the Council's organizational structure. The growing rift and distrust since the mid-1960s between the Commission and member states is also supposed to be responsible for the latter's increased reliance on the Presidency for brokering agreements. The EU's widening policy remit and the differentiation of the Council's organizational structure increased the complexity of EU policymaking and put the Presidency into an advantageous position to develop cross-sectoral package deals. Finally, the increasing number of member states and the reintroduction and extension of qualified majority voting demanded more intense coalition-building efforts. With respect to its representation function, the Presidency's role increased in response to the EU's growing global presence and member states' desire to speak with one voice in international fora and vis-à-vis third countries. The growing powers of the European Parliament also required effective means of internal representation and defense of the Council's views in legislative decision making. In this account, the development of the Presidency as an institution has been under continuous assessment and refinement by member states in their quest for finding more efficient forms of cooperation (Tallberg, 2006, p. 43).

Extrapolating the logic of this argument beyond Tallberg's study period (2006, pp. 43–81), the fundamental departure from the founding principles of national and equal representation for the chairperson of the European Council and the Foreign Affairs Council by the reforms of the Lisbon Treaty can be interpreted as a simple result of changes in the decision-making calculus of member states when deciding about the most appropriate institutional design for different tasks and policy areas. In an enlarged Union of 25 states or more, the benefits from rotating the chair become generally smaller and potential problems compound, but the rotation principle is particularly problematic where a longer time-horizon and over-time continuity in policymaking is an advantage (Häge, 2018). The European Council's primary role is to provide strategic guidance for the Union's development in the medium- to long-term; and the Foreign Affairs Council often deals with protracted international issues that require continuous attention and a sustained and consistent policy approach over longer periods of time. Thus, the differentiated approach chosen by member states, providing new permanent chairs for the European Council and the Foreign Affairs Council, can be explained by the particular demands on those posts' tasks.

In summary, Tallberg (2006, 2010) provides a general theory of the institution of chairmanship in international organizations based on a principal-agent logic. The theory sorts the activities and tasks of the Presidency into a limited number of broader responsibilities and links them as functional solutions to particular types of experienced or anticipated collective action problems.

By explicating the standard historical narrative's often implicit functional logic, the theory provides a conceptually clear and parsimonious explanatory scheme for a deeper understanding of the growing political role of the Presidency in EU politics.

Kleine's analysis (2013a, 2013b) of the historical development of the powers of the Presidency applies a functional logic as well, but otherwise deviates significantly from Tallberg's account (2006, 2010). In Tallberg's view (2006, 2010), member states delegate powers to the Presidency to reduce the transaction costs and solve collective action problems of international cooperation at the supranational level. As the scope and complexity of EU policymaking increased over time, the Presidency gradually accumulated more agenda-management, brokerage, and representation tasks. In contrast, Kleine (2013a, pp. 133–142) argues that the accumulation of these powers by the Presidency is a direct result of other informal governance practices that member states adopted to sustain international cooperation in light of political uncertainty emanating from the domestic level. In general, political uncertainty about unforeseen future pressure by powerful domestic groups to not comply with international commitments leads to a demand for a “norm of discretion” among governments (Kleine, 2013a, p. 18). This norm suggests that governments facing serious domestic pressure to defect should be accommodated when their obstruction, delayed implementation, or outright noncompliance would jeopardize the sustainability of cooperation. This form of informal governance precedes formal rules and adds flexibility to the institutional arrangement.

In the context of the EU, the norm of discretion manifests itself in the informal practice of consensus decision making in the Council, which often sidesteps the formal qualified majority voting rule (Kleine, 2013a, pp. 89–99). However, the choice between formal and informal governance is conditional on the domestic political circumstances in a specific country. Given governments' incentives to exaggerate domestic pressures in order to achieve a more favorable negotiation outcome for themselves, an adjudicator is required to impartially assess their actual need for accommodation. This adjudicatory task is vested in the Presidency (Kleine, 2013a, pp. 123–132). However, the Presidency's authority is not absolute, its judgment will only be trusted and respected by other member states in situations where the Presidency does not personally gain from recommending such accommodation. Anticipating possible challenges to its authority, the Presidency will thus keep legislative proposals off the agenda where it is itself the claimant or where its preferences align with those of the government claiming a need for accommodation, regardless of the actual merit of the claim (Kleine, 2013a, pp. 133–142).

The theory provides a plausible account of the delegation of tasks to the Presidency in the decision-making process, such as the gathering of information about government preferences through bilateral contacts, the provision of compromise proposals, or the calling of a vote or the announcement of a consensus. These practices are crucial for implementing the norm of discretion, as they allow the Presidency to determine the real demand for informal governance. Kleine's empirical analysis (2013a, pp. 89–99, 133–142) also challenges the standard narrative of a gradual accumulation of powers by the Presidency over time by demonstrating, through reliance on archival documents and contemporary secondary sources, that these practices had already developed in the early 1960s. In line with the gradual broadening of the EU's activities

over time, subsequent years saw an introduction of these practices in new policy areas and institutional arenas, but this development constitutes merely an extension of already existing practices rather than the delegation of new powers (Kleine, 2013a, p. 134).

In summary, Kleine (2013a, 2013b) provides an important corrective to the descriptive historical account of the Presidency's development. It also offers an intriguing explanation for the prevalence of consensus decision making in the Council, and the prerogatives of the Presidency in structuring and guiding the negotiations in that institution. However, while Kleine's theory (2013a, 2013b) can account for the delegation of what Tallberg (2006, 2010) calls "brokerage" responsibilities to the Presidency, and the prerogative to call a vote or announce a consensus, which Tallberg's account (2006, 2010) ignores, it has difficulty in explaining the delegation of agenda-management and representation tasks. Bilateral talks with governments are important for hearing the claimant's case for discretion, compromise proposals indicate what the Presidency judges to be reasonable concessions, and the calling of a vote or the declaration of consensus executes this judgment. In contrast, the Presidency's agenda-management and representation tasks do not fulfill functions that can be directly linked to the Presidency's role as adjudicator of demands for informal governance. Given the imperfect overlap in the explanatory scope of the two accounts and the fact that institutional arrangements can fulfill several functions at the same time, the explanations of Tallberg (2006, 2010) and Kleine (2013a, 2013b) are best seen as complements rather than alternatives. Taken together, they provide a deeper and more nuanced understanding of why the Presidency occupies such an elevated position in the Council's decision-making apparatus.

Exercise of Powers

From a principal-agent perspective, principals delegate powers to an agent because the agent can fulfill certain tasks better than the principals. However, the delegation of powers always comes with a risk that the agent will abuse them to pursue his or her own interests to the detriment of the principals (e.g., Pollack, 1997; Tallberg, 2002). Much of the existing research on the Council Presidency investigates whether the Presidency can use its powers and resources to advance its own interests.⁶ Although this separation is not always followed in the literature, an analytical distinction can be drawn between the Presidency's scheduling and proposal-making power (Häge, 2017). As summarized in Table 1, these powers differ in terms of their source, their goal, and the means through which they are employed.

Scheduling power is based on formal and informal rules that provide the Presidency with considerable leeway in the allocation of scarce time and meeting space. In terms of formal rules, the Council's rules of procedure (in particular, Articles 2, 3, 20, and Annex V) put the Presidency in charge of programming the work of the Council during its term in office (Council of the European Union, 2016). These duties include the establishment of meeting calendars and indicative agendas for individual meetings. The Presidency also determines the amount of time allotted to individual agenda items during meetings and the order in which they are discussed. In practice, this task also entails the distribution of meeting rooms and interpretation facilities

(Häge, 2017). When using these organizational and procedural prerogatives to its advantage, the Presidency might be able to structure the agenda of the Council to promote its own policy priorities.

Table 1. Powers of the Presidency

	Proposal-Making Power	Scheduling Power
Source	Informal amendment rules	Formal and informal scheduling rules
Goal	Implementation of policy preferences	Implementation of policy priorities
Means	Making compromise proposals	Allocation of time and meeting space

Source: Adapted from Häge (2017, p. 700).

In contrast to the Presidency's scheduling power, which is partly based on formal rules, the Presidency's proposal-making power is based on a purely informal understanding that the Presidency is responsible for facilitating agreement among member states by providing generally acceptable compromise proposals. To ensure an effective fulfillment of this task, this understanding also entails the willingness of states to share privileged information about their sincere policy preferences and red lines with the Presidency, which it requires to identify the zone of agreement underlying negotiations (Tallberg, 2010). As a consequence of this informal understanding about the brokerage role of the Presidency, and the informational and procedural advantages it derives from it, the Presidency might be able to bias the substantive negotiation outcome in favor of its own policy preferences. However, neither the Presidency's scheduling nor proposal-making power comes without checks and practical constraints.

The Presidency's Scheduling Power

Scheduling and proposal-making power do not differ only in terms of their source, goal, and means, but also in terms of how constrained and accepted their use is by other member states. Even though the general principle applies that "the Presidency is in the hands of the Council" (Council of the European Union, 2018d, p. 11), the Presidency's scheduling power is both more legitimate and less likely to be challenged than its proposal-making power. Of course, the Presidency's prerogatives in scheduling the Council's work are not absolute. Formally, any member state or the Commission can request an item to be placed on the agenda of a Council meeting (Article 2, paragraph 3 of the Council's Rules of Procedure, Council of the European Union, 2016). However, in practice, ensuring a sustained consideration of an issue by bodies at the various levels of the Council hierarchy would be difficult without the support of the Presidency. In any case, a particular Presidency can at best delay the discussion of a matter by six months. Thus, the costs of challenging the Presidency and possibly antagonizing other member

states for upsetting the efficient management of the agenda are relatively high compared to the limited benefits gained from forcing an issue on the agenda during the Presidency's relatively short term in office.

In fact, the use of Presidency resources and prerogatives to advance the priorities of the government holding the post is not only tolerated but accepted as legitimate practice in the Council. When discussing the principle of neutrality, and after pointing out that it would be inappropriate for the Presidency to "favor either its own preferences or those of a particular member state," the *Presidency Handbook* of the Council explains that:

The duty to be neutral exists alongside the political dimension, which is reflected in the priorities set in the choice and handling of dossiers. This order of priority reflects the stage of maturity of dossiers and the deadlines that apply to them, as well as the political priorities that the Presidency wishes to set for its semester.

(Council of the European Union, 2018d, p. 10)

Thus, the *Presidency Handbook* explicitly acknowledges that the Council's agenda will at least in part reflect the Presidency's priorities. Allowing countries to pursue their own priorities during their Presidency term might not only impose few costs on other member states, it might even be collectively beneficial. It incentivizes the Presidency to invest efforts and resources into the progression of dossiers that it deems important. The overall result is an increase in the efficiency of Council's decision making, and the rotation of the Presidency makes sure that any bias in the allocation of attention is at most a temporal one.

Plenty of case study evidence shows that individual governments use their stint as the Presidency to progress their national priorities or bring to a halt negotiations on issues they oppose (Bengtsson, Elgström, & Tallberg, 2004; Crum, 2007; Dür & Mateo, 2008; Häge, 2013; Kleine, 2013a, 2013b; Smeets & Vennix, 2014; Tallberg, 2004, 2006; Warntjen, 2013b). For example, Häge's comparative study (2013, pp. 189–195) of six decision-making cases indicates that the Presidency schedules more working party meetings, involves ministers earlier and more often, and starts trialogue negotiations with the EP earlier when a file constitutes a priority for its Presidency term. Warntjen (2013b) provides further corroborating evidence for the effect of Presidency priorities on legislative activity and the progression of negotiations in the field of occupational health and safety. Presidency countries with low regulatory standards schedule fewer meetings and make less effort to advance the decision-making process than countries with high regulatory standards. Kleine's study (2013a, pp. 143–153, 2013b) of the adoption process of the 1993 working time directive shows that the Presidency can use its scheduling power as a way to maintain its authority as a trustworthy adjudicator of the legitimacy of claims for discretion. When Presidency countries themselves demand concessions from the Council majority, their recommendations are not credible and are likely to be met with resistance from other member states. Thus, when the British government, which had serious reservations against the adoption of the working time directive, took over the Presidency in 1992, it stalled negotiations rather than pursue feeble attempts to use the powers of the office to influence the negotiation outcome in its favor.

Finally, Tallberg (2006, pp. 82–111) provides evidence for both the positive power of the Presidency to install new issues on the Council’s agenda and its negative power to prevent issues from being discussed. After years of groundwork raising awareness among EU policymakers and member state governments to a “northern dimension” of the EU’s external relations, the Finnish government used the procedural prerogatives of its 1999 Presidency to consolidate and institutionalize the Northern Dimension Initiative by including it in its work program, inserting it in meeting agendas across a range of Council formations, and organizing informal meetings, seminars, and a ministerial conference on the topic. In contrast, the German government blatantly exploited the powers of the Presidency in the first half of 1999 when it reneged on an informal agreement reached under the preceding Presidency on the end-of-life vehicles directive. By postponing the agreement’s formal adoption to the end of its Presidency term, the German government not only delayed the Council’s decision-making process, but it played for time to gather the support of other member states to form a new blocking minority. Thus, in this case, the Presidency’s scheduling power was used to stall a dossier whose adoption was of low priority, and it also had the indirect but intended effect of helping to advance the Presidency country’s own policy objectives.

While case study evidence overwhelmingly supports the idea that the Presidency can use its scheduling power to promote or demote issues according to its own priorities, it is not always clear how generalizable these findings are. Cases like the adoption of the 1993 working time directive or the 2000 end-of-vehicle directive are unusual in terms of their very high level of intergovernmental conflict, public scrutiny, and domestic lobbying. In addition, large member states like the United Kingdom or Germany might behave differently when holding the Presidency than smaller states. Thus, whether such cases are representative of “normal” day-to-day Council decision making can be questioned. Yet, quantitative studies examining a larger period of time or a cross-section of policy areas are rare. A particular problem is the lack of reliable and comparable information about Presidency priorities, especially for the time before the turn of the millennium. Still, the few existing studies provide supporting evidence. Examining the period between 1984 and 2003, Warntjen (2007) substitutes salience data derived from government parties’ national election manifestos for direct measures of Presidency priorities. He finds that the Presidency’s salience of environmental policy has the expected effect on the Council’s legislative activity in that policy area. Governments that care more about environmental issues also tend to adopt a higher share of pending environmental policy proposals during their Presidency term.

Häge (2017) circumvents the problem of missing information on Presidency priorities by examining how much of the over-time variation in the allocation of political attention in the Council can be attributed to changes from one Presidency period to the other. His study relies on data about the duration of working party meetings as a direct indicator of political attention and covers all policy areas over a period of 20 years (1995–2014). The variance component analyses indicate that, in most policy areas, changes in Presidency terms account indeed for a significant amount of the temporal variation (i.e., 10–35%) in the share of meetings held in that area.

However, while Häge's research design (2017) delivers a convincing "hoop test" (van Evera, 1997), in the sense that a rejection of the hypothesis that the Presidency wields scheduling power would have been quite decisive, it cannot provide strong positive evidence for its support. Without a direct measure of Presidency priorities, we do not know how much of the over-time variation accounted for by Presidency periods is directly attributable to the Presidency's priorities rather than other developments with short-term effects that temporally coincide with Presidency terms. The studies by Warntjen (2007) and Häge (2017) advance our knowledge about the general size and generalizability of the effects of the Presidency's scheduling power, but the development of direct measures of Presidency priorities would allow us to further examine the extent and conditions under which Presidency priorities affect the Council's agenda and legislative productivity.

While research on the Presidency's scheduling power would advance through quantitative studies with a direct and valid measurement of Presidency priorities, research on the Presidency's proposal-making power would benefit from well-designed qualitative case studies or comparative research that clearly demonstrate the mechanisms through which the Presidency exercises its policy influence and shapes negotiation outcomes in its favor.

The Presidency's Proposal-Making Power

As discussed in the section "Exercise of Powers," the Presidency's scheduling power encounters little contestation as its redistributive effects are limited. In addition, the focused use of resources and the additional efforts invested by the Presidency to progress its priority issues might even provide collective benefits in terms of an increase in the Council's decision-making efficiency. In contrast, the Presidency's proposal-making power is more circumscribed. As the Council's *Presidency Handbook* states under the heading of "The Presidency is neutral":

The Presidency is, by definition, neutral and impartial. It is the moderator for discussions and cannot therefore favor either its own preferences or those of a particular member state.

(Council of the European Union, 2018d, p. 10)

Unlike the Presidency's scheduling power, whose legitimacy is tacitly acknowledged in the *Presidency Handbook*, the exercise of the Presidency's proposal-making power is explicitly ruled out as inappropriate. The fact that the neutrality of the Presidency is a long-established norm in the Council is well illustrated by the fact that the quoted text passage has been included essentially unaltered in versions of the *Presidency Handbook* dating back to at least 1996 (Council of the European Union, 1997). The *Handbook* only recognizes that, where the Presidency needs to provide compromise proposals to facilitate the progress of negotiations, this "inevitably means that political choices have to be made."

Thus, advancing its own policy positions is generally regarded as an abuse of the Presidency's powers and likely to be met with resistance by other member states. The Presidency's effectiveness as a broker and mediator in negotiations depends crucially on the trust of other member states in its impartiality (Metcalf, 1998). Only when the Presidency acts as a neutral arbiter will they be willing to share privileged information about their preferences and "bottom-lines," and only when the Presidency makes balanced compromise proposals will they be acceptable by all camps involved in the negotiations.

As discussed in the "Delegation of Powers" section, Kleine (2013a, 2013b) argues that the Presidency will even omit items in which it has a tangible stake from the Council's agenda to avoid having its credibility as a mediator put in doubt. The distributional consequences of biased compromise proposals impose tangible costs on other member states, which might easily outweigh the costs associated with developing and tabling counter-proposals and prolonging the decision-making process. Anticipating these reactions, the Presidency is expected to refrain from making strongly biased proposals. The "first mover" advantage of the Presidency in making proposals is of limited benefit when the ability of other member states to propose counter-amendments is not restricted (Warntjen, 2008a, pp. 212–215). The Presidency can only avoid a challenge of a strongly biased proposal when it has asymmetric information about the underlying zone of agreement. In this case, other member states cannot be sure whether the proposal is self-serving or required to conclude negotiations successfully. However, the Presidency country's own stance on the issue will still be an important signal for the impartiality of the compromise proposal. Under incomplete information, compromise proposals of presidencies with extreme policy preferences are less credible to those on the other side of the negotiation table than proposals by presidencies with more moderate preferences.

Thus, from a theoretical point of view, the expectations for observing an effect of the Presidency's proposal-making power are generally much lower than those for observing an effect of its scheduling power. Not surprisingly, therefore, the findings of existing empirical research about the effects of the Presidency's proposal-making power are mixed. Most qualitative research suggests that the Presidency's influence on the substance of negotiation outcomes is limited (Kleine, 2013b, 2013a; Metcalf, 1998; Verhoeff & Niemann, 2011; Wurzel, 1996). An exception is Tallberg's work (2006, pp. 112–140), which suggests that the German 1999 and the French 2000 presidencies were able to shape the outcome of the Agenda 2000 negotiations and the intergovernmental conference negotiating the Treaty of Nice, respectively, in line with their national interests. By making sure "that certain options were on the table and that others were never considered," the German government engineered unanimous agreement for a reform of the EU's agricultural policy that closely reflected the German position paper (Tallberg, 2006, pp. 128–129). The abuse of the Presidency's powers for national gain were more transparent in the case of the French government, which presented "compromise proposals" that effectively reflected its own policy position and used its control over the negotiation text and process to limit alternative proposals.

However, other studies stress that the need for the Presidency to act impartially and neutrally to perform its role as broker in negotiations limits its discretion to pursue national interests. Verhoeff and Niemann (2011) show that the German 2007 Presidency abandoned its rather

accommodating national position on external relations with Russia in favor of building a common EU stance that also had the support of more critical member states in eastern Europe. Similarly, Dür and Mateo (2008) argue that the Irish Presidency's neutrality on the most controversial issues was a necessary condition to function as an efficient mediator in the intergovernmental conference leading to agreement on the Constitutional Treaty in 2004. Using the adoption of the working time directive in 1993 as a case study, Kleine (2013b, 2013a, pp. 143–153) demonstrates that presidencies in a minority position, as Britain and Portugal were in 1992, either shelved the dossier during their term in office or were unable to make progress because their proposals were not accepted by other member states. Wurzel (1996) documents a similar instance during the German 1992 Presidency, when the German government attempted to make a last-minute change to the negotiation text of the Integrated Pollution Prevention and Control Directive. The Presidency proposal sought to bring the directive more in line with national regulatory standards but was met with fierce resistance in the Council. Even though elements of the proposal eventually made it into the legislative text, Wurzel (1996, p. 285) suggests that this was “the exception that proves the ‘rule.’”

Verhoeff and Niemann (2011) attribute the lack of Presidency influence to the prevailing norm of neutrality, which either internalized by actors or affects their cost-benefit calculations about the prospects of future cooperation. In the latter case, a violation of the norm is seen as incurring reputational losses and jeopardizing the Presidency's effectiveness as a broker in negotiations on other issues in the future. In contrast, Kleine (2013b, 2013a) suggests that the Presidency's authority is not vested in its office or the norms governing its behavior but varies and depends on the policy stance it takes on a particular issue. The Presidency can only be a trustworthy broker if it is not itself a demander of concessions from the majority. Kleine's argument (2013a, 2013b) has interesting implications for the interpretation of the results of quantitative studies of the Presidency's influence on negotiation outcomes. These studies overwhelmingly provide evidence in support of the Presidency's proposal-making power. However, if the Presidency country indeed shelves dossiers on which it has outlier preferences because it anticipates limited success in progressing negotiations, not to speak of realizing its preferences, the samples of these studies are biased toward including cases that show the Presidency position to be close to the final decision-making outcome.

Most quantitative studies of the Presidency's influence on negotiation outcomes rely on a version of the Decision-Making in the European Union (DEU) data set, which provides information about the reference point, the outcome of negotiations, and member states' positions as well as salience levels attached to policy issues for a large number of legislative proposals (Thomson, Stokman, Achen, & König, 2006; Thomson et al., 2012).⁷ Varying somewhat in the operationalization and assessment of bargaining success, all existing studies using these data have found that holding the Presidency during the time of adoption of the measure provides member states with a disproportionate influence on the outcome of negotiations (Arregui & Thomson, 2009; Schalk, Torenvlied, Weesie, & Stokman, 2007; Thomson, 2008, 2011; Warntjen, 2008b). Unfortunately, these studies can be criticized on the basis that the point in time at which a decision is adopted might be endogenous to the decision-making process. Presidencies will only progress and put proposals to a vote with which they broadly agree.

However, further confirmation of the Presidency's proposal-making power comes from studies of budget decision making. Aksoy (2010) shows that member states holding the Presidency during budget negotiations receive a higher share of financial transfers, and Carnegie and Marinov (2017) find that member states use their Presidency term to channel more development aid to their former colonies. Given how transparent redistributive effects are in budget decision making, the finding that Presidencies are able to direct the allocation of budget funds to serve their national interests is particularly surprising. Why other member states would allow the Presidency to abuse its powers even though they could easily challenge and overrule the Presidency's decisions remains a puzzle.

In general, the study of the Presidency's proposal-making power would benefit from empirical research that documents the exact mechanisms through which Presidencies are able to shape the negotiation outcome. An important question is how the Presidency avoids or resists a backlash from other member states in response to its breach of the norm of neutrality; and under what conditions it does so. Case studies or small-*N* comparative research seem most promising in this respect, as the kind of detailed information about actor characteristics and the content and process of negotiations required to answer this question cannot be easily gathered on a large scale.

Conclusion

The Presidency plays a crucial role in the management and organization of the Council's work and the institution's interactions with third parties. The reforms introduced by the Lisbon Treaty in 2009 have removed important tasks and responsibilities from the rotating Presidency and invested them in the newly created posts of President of the European Council and High Representative of the Union for Foreign and Security Policy. Yet, outside the realm of the European Council and the area of Foreign Affairs, the rotating Presidency is still fully in charge of representing the Council toward other actors and managing its day-to-day policymaking activities. Member states have granted the Presidency a range of procedural prerogatives to structure the agenda and broker agreements, which the post holders can potentially use to advance their own private interests. The potential for abuse of these powers raises two theoretical and empirical questions: first, why would member states grant these powers to the Presidency, and second, does the Presidency actually use these powers to its own advantage and, if so, under what conditions?

In response to the questions about the reasons for delegation, Tallberg's functionalist account (2006, 2010) provides the most comprehensive explanation. Member states delegate powers to the Presidency to ensure the efficient management of the agenda, avoid inadvertent negotiation failure or suboptimal outcomes, and provide for adequate representation vis-à-vis external actors. In other words, the office of the Presidency reduces transaction costs and solves collective action problems. The growth in the Presidency's tasks and responsibilities over time is then a direct result of the increasing demand by member states in the Council for agenda management, brokerage, and representation resulting from the expansion of the EU's policy remit, institutional changes, and enlargement. Kleine (2013a) challenges aspects of this account. Empirically, her

study of historical primary and secondary sources suggests that the Presidency held many procedural prerogatives from its very inception, especially with respect to its brokerage role. Changes in the policy remit and the institutional structure of the EU did not trigger the delegation of new powers but led merely to the extension of existing powers into new areas of application.

In terms of theory, Kleine (2013a, 2013b) suggests that the authority of the Presidency is not vested in its office but depends on its stance on particular policy issues. The Presidency has been granted procedural prerogatives to adjudicate claims for informal governance by member states. In particular, the Presidency decides whether demands for concessions by states in the minority are based on strong pressures by domestic interests and should therefore be accommodated under a norm of discretion. The Presidency's recommendation will only be credible and respected if it shares the policy stance of the Council majority and does not gain itself from providing concessions to the recalcitrant member state. Kleine's explanation (2013a, 2013b) of the delegation powers as a result of the need for adjudication of demands for informal governance is particularly convincing with respect to the Presidency's brokerage tasks. However, agenda-management and representation tasks are at best indirectly related to this function. Still, her approach points to the value of primary research in establishing the facts of the historical record, and further research relying on archival documents and contemporary secondary sources could shed more reliable light on the sequence, timing, and extent to which the Presidency acquired its powers.

The explanations of both Tallberg (2006, 2010) and Kleine (2013a, 2013b) see the delegation of powers to the Presidency as functional solutions to collective action problems that member states would like to overcome. But as in any principal-agent relationship, member states run the risk of the Presidency abusing the delegated powers for its own private gain. As a principal safeguard, none of the Presidency's prerogatives are absolute. Most of them are not formalized in law, not to mention the Treaties. They are based on informal norms and established practice. And in many instances, they can be superseded by provisions in formal rules, such as the Council's rules of procedure, when required and activated. Whether or not the Presidency will be opposed depends on the relative costs and benefits, which are different for member states depending on whether the Presidency exercises its scheduling power or its proposal-making power (Häge, 2017).

Control over the schedule and agenda of meetings, as well as the time devoted to different issues during a meeting, allows the Presidency to affect the relative allocation of attention to different topics (Häge, 2017). Allowing the Presidency to structure the agenda according to its own priorities comes with tangible collective benefits while resulting in little redistributive costs for other member states. The pursuit of priority issues incentivizes the Presidency to invest heavily in the efficient processing of these legislative files, ensuring a timely conclusion of negotiations. In the worst-case scenario, the Presidency can stall negotiations on a file that it does not like for the duration of its six-month term, but this is only a temporary delay. In fact, for the other member states, shelving a file might even be preferable to continuing protracted negotiations under a biased Presidency that cannot act as a trustworthy broker. In contrast, the Presidency's exercise of proposal-making power comes with little or no benefits for member states but entails direct and tangible redistributive consequences. A strong informal norm of neutrality is in place

to prevent the Presidency from abusing its prerogatives (Niemann & Mak, 2010), and ample anecdotal and case study evidence exists that open violations of this norm are met with a backlash from other member states.

Empirical studies have found support for the Presidency's exercise of both scheduling and proposal-making power. However, the results regarding the Presidency's scheduling power are more consistent than the results regarding its proposal-making power. Both case study and large-*N* research find that the Presidency shapes the Council's agenda at least partly in line with its own priorities. Thus, the open question with respect to scheduling power is not whether the Presidency can exercise it. Existing research is dominated by qualitative studies that demonstrate this ability and provide sufficient evidence for "how" and "why" the Presidency shapes the agenda of the Council. To advance our knowledge in this area, quantitative studies with a valid measure of Presidency priorities, ranging across policy areas and longer periods of time, would be useful to examine the overall extent to which the Presidency's scheduling power makes a difference. Such comparative research would also help to identify the conditions under which the effects of the Presidency's scheduling power are more or less pronounced, both in terms of characteristics of the office-holding government and the policy under consideration.

The empirical record of the Presidency's proposal-making power is more ambiguous. Much qualitative research provides negative findings. In cases where the assessment is positive, the mechanism through which the Presidency steered the final outcome toward its favored solution is not well documented. In addition, these case studies often focus on presidencies of the largest member states, where the effect of member state power is hard to separate from the effect of the power of the office. However, all quantitative research supports the notion that the Presidency can shape the outcome of negotiations as well. Yet, most existing quantitative research relies on some version of the DEU data set. While studies based on this data set have greatly advanced our knowledge of EU politics, it can be criticized on a number of methodological grounds. Most pertinent for our discussion, the experts interviewed to assess the issue positions of states might not always have clearly distinguished between the position a government advocated in its role as the Presidency and the national position it more or less privately favored as a member state. More fundamentally, if Kleine's theoretical argument (2013a, 2013b) holds, we will see proposals adopted only where the position of the Presidency at the time of adoption of the proposal was close to the outcome of negotiations, because the Presidency shelves files during its term in office on which it holds minority positions. In either case, if such a selection bias exists, quantitative studies of bargaining success based on DEU data will incorrectly suggest a causal connection between bargaining success and holding the Presidency.

Still, the findings of studies based on DEU data are also corroborated by quantitative studies of budgetary decision making. Given that redistributive effects are very transparent when allocating funds, these findings are even more surprising. Why would other member states agree to an allocation of the budget that channels additional funding to the Presidency country or its former colonies? In general, why would other member states let the Presidency get away with abusing its procedural prerogatives for private gain? As the Council's *Presidency Handbook* explains, the "Presidency is in the hands of the Council." In practice, that means any procedural decision by

the Presidency can be overruled by a simple majority of member states and there are no restrictions on amendments member states can propose during the Council's decision-making process. Thus, the Presidency's actions could easily be countered and neutralized.

Carefully designed qualitative or small-*N* comparative research would be particularly well suited to shed more light on whether, and if so how exactly, the Presidency manages to influence negotiation outcomes in its favor without triggering such counter-measures by other member states. Are the Presidency's gains so marginal that other member states do not consider them worth the effort to resist? Or is the Presidency somehow able to conceal these redistributive effects, so that other member states are not aware of them? Existing case studies also point to instances where Presidency countries openly defy the norm of neutrality. What are the conditions underlying this norm-breaking behavior, and under what conditions will it be successful? A pertinent hypothesis might be that larger states are both more likely to openly violate the neutrality norm and less likely to be effectively challenged, possibly because smaller member states are asymmetrically dependent on the larger states' future cooperation.

To conclude, existing research on the Council Presidency's use of delegated powers has provided ample evidence that it can exercise both scheduling power and proposal-making power at least to some extent and under certain conditions. Interesting questions for future research relate to the overall size and prevalence of the effects of the Presidency's scheduling power, as well as the conditions that explain its variation over time, across policy areas, and by member state characteristics. Regarding the Presidency's proposal-making power, future research should investigate how and under what conditions the Presidency is able to either avoid or resist a backlash from other member states when abusing its powers to advance its own private interests. Finally, more historical research based on archival documents and other contemporary sources could shed further light on when and why member states delegated these powers to the Presidency in the first place.

References

- Aksoy, D. (2010). Who gets what, when, and how revisited: Voting and proposal powers in the allocation of the EU budget. *European Union Politics*, 11(2), 171–194.
- Arregui, J., & Thomson, R. (2009). States' bargaining success in the European Union. *Journal of European Public Policy*, 16(5), 655–676.
- Bailer, S., Mattila, M., & Schneider, G. (2015). Money makes the EU go round: The objective foundations of conflict in the Council of Ministers. *Journal of Common Market Studies*, 53(3), 437–456.
- Batory, A., & Puetter, U. (2013). Consistency and diversity? The EU's rotating trio Council presidency after the Lisbon Treaty. *Journal of European Public Policy*, 20(1), 95–112.
- Bengtsson, R., Elgström, O., & Tallberg, J. (2004). Silencer or amplifier? The European Union presidency and the Nordic countries. *Scandinavian Political Studies*, 27(3), 311–334.

- Biesheuvel, D., Dell, E., & Marjolin, R. (1979). *Report on European Institutions: Presented by the Committee of Three to the European Council* <http://aei.pitt.edu/999/1/Committee_of_Three_Report_1979.pdf>.
- Carnegie, A., & Marinov, N. (2017). Foreign aid, human rights, and democracy promotion: Evidence from a natural experiment. *American Journal of Political Science*, 61(3), 671–683.
- Council of the European Union. (1997). *Council guide: Presidency handbook*. Luxembourg: Office for Official Publications of the European Communities <<http://aei.pitt.edu/8805/1/8805.pdf>>.
- Council of the European Union. (2016). *Comments on the Council's rules of procedure, European Council's and Council's rules of procedure*. Luxembourg: Publication Office of the European Union <<https://www.consilium.europa.eu/media/29824/qc0415692enn.pdf>>.
- Council of the European Union. (2018a). *Taking forward the strategic agenda: 18-month programme of the Council (1 January 2019–30 June 2020)* <<http://data.consilium.europa.eu/doc/document/ST14518-2018-INIT/en/pdf>>.
- Council of the European Union. (2018b). *Indicative calendar of meetings (1 January–30 June 2019)* <https://www.consilium.europa.eu/media/37255/romanian-presidency-draft-calendar_181203.pdf>.
- Council of the European Union. (2018c). *Provisional agendas for Council meetings, during the first semester of 2019 (the Romanian presidency)* <<https://data.consilium.europa.eu/doc/document/ST-15851-2018-INIT/en/pdf>>.
- Council of the European Union. (2018d). *Council handbook of the presidency of the Council of the European Union* <<http://www.mvep.hr/files/file/2018/181212-handbook-of-the-presidency-02-2018-1.pdf>>.
- Crum, B. (2007). Can the EU presidency make its mark on interstate bargains? The Italian and Irish presidencies of the 2003–04 IGC. *Journal of European Public Policy* 14(8), 1208–1226.
- Delreux, T., & Laloux, T. (2018). Concluding early agreements in the EU: A double principal-agent analysis of trilogue negotiations. *Journal of Common Market Studies*, 56(2), 300–317.
- Dür, A., & Mateo, G. (2008). The Irish EU presidency and the Constitutional Treaty: Neutrality, skills and effective mediation. *Irish Political Studies*, 23(1), 59–76.
- European Convention. (2003). *Draft Treaty establishing a Constitution for Europe* <<http://european-convention.europa.eu/docs/Treaty/cv00850.en03.pdf>>.
- European Council. (1983). *Solemn Declaration on European Union* <http://aei.pitt.edu/1788/1/stuttgart_declaration_1983.pdf>.
- European Parliament. (2017). *Activity report on the Ordinary Legislative Procedure 4 July 2014–31 December 2016 (8th parliamentary term)* <<http://www.epgencms.europarl.europa.eu/cmsdata/upload/7c368f56-983b-431e-a9fa-643d609f86b8/Activity-report-ordinary-legislative-procedure-2014-2016-en.pdf>>.
- van Evera, S. (1997). *Guide to methods for students of political science*. Ithaca, NY: Cornell University Press.
- Farrell, H., & Héritier, A. (2004). Interorganizational negotiation and intraorganizational power in shared decision making: Early agreements under codecision and their impact on the European Parliament and Council. *Comparative Political Studies*, 37(10), 1184–1212.

- Fernández, A. M. (2008). Change and stability of the EU institutional system: The communitarization of the Council presidency. *Journal of European Integration*, 30(5), 617–634.
- Foreign Ministers of the European Community. (1981). *Report on European political cooperation* <http://aei.pitt.edu/4546/1/epc_london_1981_report.pdf>.
- van Gruisen, P., Vangerven, P., & Crombez, C. (2019). Voting behavior in the Council of the European Union: The effect of the trio presidency. *Political Science Research and Methods*, 7(3), 489–504.
- Häge, F. M. (2013). *Bureaucrats as law-makers: Committee decision-making in the EU Council of Ministers*. Abingdon, U.K.: Routledge.
- Häge, F. M. (2016). Political attention in the Council of the European Union: A new dataset of working party meetings, 1995–2014. *European Union Politics*, 17(4), 683–703.
- Häge, F. M. (2017). The scheduling power of the EU Council presidency. *Journal of European Public Policy*, 24(5), 695–713.
- Häge, F. M. (2018). *Allocating political attention in the EU's foreign and security policy: The effect of supranational agenda-setters*. Paper presented at the “Remapping the European Agenda-Setting Landscape” workshop, University of Vienna.
- Häge, F. M., & Kaeding, M. (2007). Reconsidering the European Parliament's legislative influence: Formal vs. informal procedures. *Journal of European Integration*, 29(3), 341–361.
- Hayes-Renshaw, F. (2007). From procedural chore to political prestige: Historic development and recent reforms of the presidency of the Council. *Österreichische Zeitschrift für Politikwissenschaft*, 36(2), 107–123.
- Hayes-Renshaw, F., & Wallace, H. (2006). *The Council of Ministers*. Basingstoke, U.K.: Palgrave Macmillan.
- Karolewski, I. P., Mehlhausen, T., & Sus, M. (2015). The Polish EU Council presidency in 2011: Master or servant? *Journal of European Integration*, 37(6), 667–684.
- Kirchner, E. J. (1992). *Decision-making in the European Community: The Council presidency and European integration*. Manchester, U.K.: Manchester University Press.
- Kleine, M. (2013a). *Informal governance in the European Union: How governments make international organizations work*. Ithaca, NY: Cornell University Press.
- Kleine, M. (2013b). Knowing your limits: Informal governance and judgment in the EU. *Review of International Organizations*, 8(2), 245–264.
- Laloux, T., & Delreux, T. (2018). How much do agents in trilogues deviate from their principals' instructions? Introducing a deviation index. *Journal of European Public Policy*, 25(7), 1049–1067.
- Metcalfe, D. (1998). Leadership in European Union negotiations: The presidency of the Council. *International Negotiation*, 3, 413–434.

- Niemann, A., & Mak, J. (2010). (How) do norms guide presidency behaviour in EU negotiations? *Journal of European Public Policy*, 17(5), 727–742.
- Official Journal of the European Union. (2004, December 16). *Treaty Establishing a Constitution for Europe*. C 310 . Luxembourg: Office for Official Publications of the European Communities <https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_establishing_a_constitution_for_europe_en.pdf>.
- Official Journal of the European Union. (2012, October 26). *Consolidated version of the Treaty on the Functioning of the European Union*. C 326, pp. 47–390. Luxembourg: Office for Official Publications of the European Communities <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>>.
- Pollack, M. A. (1997). Delegation, agency, and agenda setting in the European Community. *International Organization*, 51(1), 99–134.
- Presidency of the European Council. (1999). *Presidency conclusions: Helsinki European Council 10 and 11 December 1999* <<https://www.consilium.europa.eu/media/21046/helsinki-european-council-presidency-conclusions.pdf>>.
- Presidency of the European Council. (2002, June 21 and 22). *Presidency Conclusions: Seville European Council* <<http://www.consilium.europa.eu/media/20928/72638.pdf>>.
- Quaglia, L., & Moxon-Browne, E. (2006). What makes a good EU presidency? Italy and Ireland compared. *Journal of Common Market Studies*, 44(2), 349–368.
- Reh, C., Héritier, A., Bressanelli, E., & Koop, C. (2013). The informal politics of legislation: Explaining secluded decision making in the European Union. *Comparative Political Studies*, 46(9), 1112–1142.
- Romania. (2018). *Programme of the Romanian presidency of the Council of the European Union, 1 January–30 June 2019* <<https://www.consilium.europa.eu/media/37974/romanian-presidency-programme.pdf>>.
- Schalk, J., Torenvlied, R., Weesie, J., & Stokman, F. (2007). The power of the presidency in EU Council decision-making. *European Union Politics*, 8(2), 229–250.
- Schout, A., & Vanhoonacker, S. (2006). Evaluating presidencies of the Council of the EU: Revisiting Nice. *Journal of Common Market Studies*, 44(5), 1051–1077.
- Smeets, S., & Vennix, J. (2014). “How to make the most of your time in the Chair”: EU presidencies and the management of Council debates. *Journal of European Public Policy*, 21(10), 1435–1451.
- Tindemans, L. (1975). Report by Mr. Leo Tindemans, prime minister of Belgium, to the European Council. Bulletin of the European Communities, Supplement 1/76 <http://aei.pitt.edu/942/1/political_tindemans_report.pdf>.
- Tallberg, J. (2002). Delegation to supranational institutions: Why, how, and with what consequences? *West European Politics*, 25, 23–46.
- Tallberg, J. (2004). The power of the presidency: Brokerage, efficiency and distribution in EU negotiations. *Journal of Common Market Studies*, 42(5), 999–1022.
- Tallberg, J. (2006). *Leadership and negotiation in the European Union*. Cambridge, U.K.: Cambridge University Press.

- Tallberg, J. (2010). The power of the chair: Formal leadership in international cooperation. *International Studies Quarterly*, 54(1), 241–265.
- Thomson, R. (2008). The Council presidency in the European Union: Responsibility with power. *Journal of Common Market Studies*, 46(3), 593–617.
- Thomson, R. (2011). *Resolving controversy in the European Union: Legislative decision-making before and after enlargement*. Cambridge, U.K.: Cambridge University Press.
- Thomson, R., Arregui, J., Leuffen, D., Costello, R., Cross, J., Hertz, R., & Jensen, T. (2012). A new dataset on decision-making in the European Union before and after the 2004 and 2007 enlargements (DEU II). *Journal of European Public Policy*, 19(4), 604–622.
- Thomson, R., Stokman, F. N., Achen, C. H., & König, T. (2006). *The European Union decides*. Cambridge, U.K.: Cambridge University Press.
- Verhoeff, E. C., & Niemann, A. (2011). National preferences and the European Union presidency: The case of German energy policy towards Russia. *Journal of Common Market Studies*, 49(6), 1271–1293.
- Wallace, H. (1985). The presidency: Tasks and evolution. In C. O’Nuallain (Ed.), *The presidency of the European Council of Ministers* (pp. 1–23). London, U.K.: Croom Helm.
- Wallace, H., & Edwards, G. (1976). European Community: The evolving role of the presidency of the Council. *International Affairs*, 52(4), 535–550.
- Warntjen, A. (2007). Steering the Union: The impact of the EU presidency on legislative activity in the Council. *Journal of Common Market Studies*, 45(5), 1135–1157.
- Warntjen, A. (2008a). Steering, but not dominating: The impact of the Council presidency on EU legislation. In D. Naurin & H. Wallace (Eds.), *Unveiling the Council of the European Union: Games governments play in Brussels* (pp. 203–237). Basingstoke, U.K.: Palgrave Macmillan.
- Warntjen, A. (2008b). The Council presidency: Power broker or burden? An empirical analysis. *European Union Politics*, 9(3), 315–338.
- Warntjen, A. (2013a). The elusive goal of continuity? Legislative decision-making and the Council presidency before and after Lisbon. *West European Politics*, 36(6), 1239–1255.
- Warntjen, A. (2013b). Overcoming gridlock: The Council presidency, legislative activity and issue de-coupling in the area of occupational health and safety regulation. *Journal of Contemporary European Research*, 9(1), 39–59.
- Westlake, M., & Galloway, D. (2004). *The Council of the European Union*. London, U.K.: John Harper.
- Wurzel, R. K. W. (1996). The role of the EU presidency in the environmental field: Does it make a difference which member state runs the presidency? *Journal of European Public Policy*, 3(2), 272–291.

Appendix: Rotation of Council Presidency, 1958–2030

1958	1	Belgium	1983	1	Germany	2007	1	T1	Germany
	2	Germany		2	Greece		2	T1	Portugal
1959	1	France	1984	1	France	2008	1	T1	Slovenia
	2	Italy		2	Ireland		2	T2 France	
1960	1	Luxembourg	1985	1	Italy	2009	1	T2	Czech Republic
	2	The Netherlands		2	Luxembourg		2	T2	Sweden
1961	1	Belgium	1986	1	The Netherlands	2010	1	T3	Spain
	2	Germany		2	United Kingdom		2	T3	Belgium
1962	1	France	1987	1	Belgium	2011	1	T3	Hungary
	2	Italy		2	Denmark		2	T4	Poland
1963	1	Luxembourg	1988	1	Germany	2012	1	T4	Denmark
	2	The Netherlands		2	Greece		2	T4	Cyprus
1964	1	Belgium	1989	1	Spain	2013	1	T5	Ireland

	2	Germany		2	France		2	T5	Lithuania
1965	1	France	1990	1	Ireland	2014	1	T5	Greece
	2	Italy		2	Italy		2	T6	Italy
1966	1	Luxembourg	1991	1	Luxembourg	2015	1	T6	Latvia
	2	The Netherlands		2	The Netherlands		2	T6	Luxembourg
1967	1	Belgium	1992	1	Portugal	2016	1	T7	The Netherlands
	2	Germany		2	United Kingdom		2	T7	Slovakia
1968	1	France	1993	1	Denmark	2017	1	T7	Malta
	2	Italy		2	Belgium		2	T8	Estonia
1969	1	Luxembourg	1994	1	Greece	2018	1	T8	Bulgaria
	2	The Netherlands		2	Germany		2	T8	Austria
1970	1	Belgium	1995	1	France	2019	1	T9	Romania
	2	Germany		2	Spain		2	T9	Finland
1971	1	France	1996	1	Italy	2020	1	T9	Croatia
	2	Italy		2	Ireland		2	T10	Germany
1972	1	Luxembourg	1997	1	The Netherlands	2021	1	T10	Portugal

	2	The Netherlands	2	Luxembourg	2	T10	Slovenia		
1973	1	Belgium	1998	1	United Kingdom	2022	1	T11	France
	2	Denmark	2	Austria	2	T11	Czech Republic		
1974	1	Germany	1999	1	Germany	2023	1	T11	Sweden
	2	France	2	Finland	2	T12	Spain		
1975	1	Ireland	2000	1	Portugal	2024	1	T12	Belgium
	2	Italy	2	France	2	T12	Hungary		
1976	1	Luxembourg	2001	1	Sweden	2025	1	T13	Poland
	2	The Netherlands	2	Belgium	2	T13	Denmark		
1977	1	United Kingdom	2002	1	Spain	2026	1	T13	Cyprus
	2	Belgium	2	Denmark	2	T14	Ireland		
1978	1	Denmark	2003	1	Greece	2027	1	T14	Lithuania
	2	Germany	2	Italy	2	T14	Greece		
1979	1	France	2004	1	Ireland	2028	1	T15	Italy
	2	Ireland	2	The Netherlands	2	T15	Latvia		
1980	1	Italy	2005	1	Luxembourg	2029	1	T15	Luxembourg

	2	Luxembourg		2	United Kingdom		2	T16	The Netherlands
1981	1	The Netherlands	2006	1	Austria	2030	1	T16	Slovakia
	2	United Kingdom		2	Finland		2	T16	Malta
1982	1	Belgium							
	2	Denmark							

Source: Years 1958–2015: Wikipedia: Presidency of the Council of the European Union <https://en.wikipedia.org/wiki/Presidency_of_the_Council_of_the_European_Union>; Years 2016–2030: *Official Journal of the European Union*, L 208/42–44, 2/8/2016.

Notes

1. In addition to these academic studies, a sizable think-tank literature exists on the topic. See also the Presidency reports in the Annual Review editions of the *Journal of Common Market Studies*.
2. Fernández (2008) traces these principles back to the Internal Rules of the Council of the League of Nations of 1933. The appendix provides a comprehensive list of past and projected future presidency countries between 1957 and 2030.
3. For example, the Special Committee on Agriculture was already established as a new senior committee in 1960 to deal with issues relating to the common agriculture policy.
4. For an example, see Council of the European Union (2018a).
5. See for example the work program and indicative meeting calendars and agendas of the Romanian presidency in the first half of 2019 (Romania, 2018; Council of the European Union, 2018b, 2018c).
6. Most research focuses on the presidency's influence in legislative decision making, but some studies also investigate its role in chairing intergovernmental conferences deciding on treaty reforms (e.g., Crum, 2007; Dür & Mateo, 2008; Tallberg, 2006).
7. Note that quantitative studies of voting behavior in the Council, which find that the member state holding the presidency is less likely to oppose the majority than other member states (Bailer, Mattila, & Schneider, 2015; van Gruisen, Vangerven, & Crombez, 2019), provide no conclusive evidence about the presidency's influence on negotiation outcomes. A supportive vote is consistent with all three accounts of presidency behavior: the presidency might vote with the majority (1) because the outcome is in line with its policy position, (2) because it forgoes its national interest in order to facilitate a collective agreement, or (3) because proposals that it is opposed to are not put to a vote in the first place.