



The International Spectator: Italian Journal of International Affairs

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/rspe20>

The Rotating Council Presidency and the New Intergovernmentalism

Uwe Puetter^a

^a Department of Public Policy (DPP) and Director of the Center for European Union Research (CEUR), Central European University, Budapest

Published online: 12 Dec 2014.



CrossMark

[Click for updates](#)

To cite this article: Uwe Puetter (2014) The Rotating Council Presidency and the New Intergovernmentalism, *The International Spectator: Italian Journal of International Affairs*, 49:4, 18-32, DOI: [10.1080/03932729.2014.962291](https://doi.org/10.1080/03932729.2014.962291)

To link to this article: <http://dx.doi.org/10.1080/03932729.2014.962291>

PLEASE SCROLL DOWN FOR ARTICLE

Taylor & Francis makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications on our platform. However, Taylor & Francis, our agents, and our licensors make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors, and are not the views of or endorsed by Taylor & Francis. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Taylor and Francis shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to or arising out of the use of the Content.

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Terms &

The Rotating Council Presidency and the New Intergovernmentalism

Uwe Puetter

The Lisbon Treaty fundamentally changed the presidency regime of the European Union at the expense of one of the oldest and most central institutions of European integration: the rotating presidency. The chair positions of the European Council, the Foreign Affairs Council and the Eurogroup have been decoupled from the rotating presidency. Understanding the reduced role of the rotating presidency requires attention for the changing dynamics of EU policymaking, especially for the new intergovernmentalism which implies decision-making outside the classic community method and for the rise of the European Council to the status of a lead institution.

Keywords: Council, European Council, presidency, intergovernmentalism

Judging from the media coverage of European Union (EU) politics, the picture is quite clear. The role of the rotating presidency is diminishing. This is particularly obvious with regard to the public leadership role of the head of state or government of the member state holding the rotating presidency of the Council. Formerly, individual heads were in the limelight as they not only commanded their national cabinet ministers as the respective chairs of the various Council formations, but themselves acted as chairs of the European Council. Two episodes from the period just before the entry into force of the Lisbon Treaty may illustrate this. In summer 2008, the conflict between Russia and Georgia escalated. The French Council presidency exercised strong EU-internal leadership by rallying support for a coordinated EU position and acting as an interlocutor for the conflicting parties. French President Nicolas Sarkozy and his foreign minister played a prominent role as EU spokespersons. In fall 2008, EU political efforts to address the consequences of the unfolding global economic and financial crisis began. Once again, French President Sarkozy grasped the opportunity and convened a special crisis summit in Paris on 4 October 2008 involving France, Germany, Italy and the United Kingdom as the EU's four G8 member states. His role as chair of the European Council and highest

Uwe Puetter is Professor and Jean Monnet Chair in European Public Policy and Governance at the Department of Public Policy (DPP) and Director of the Center for European Union Research (CEUR), Central European University, Budapest. Email: puetteru@ceu.hu. The author gratefully acknowledges the comments of two anonymous referees. Any errors that remain are his alone.

representative of the rotating Council presidency enabled him to play the role of initiator. These examples from the 2008 French presidency illustrate well the degree of formal leadership that the old presidency regime granted the head of state or government of the country holding the rotating presidency.¹ Notably, it enjoyed agenda-setting powers and a high degree of visibility inside and outside the EU.

The changed decision-making practice

Only a bit more than a year later, the situation changed fundamentally. Since then not a single head of state or government of a country holding the rotating presidency of the Council has even tried to act in a fashion similar to that of the French president. Instead, the first elected European Council President, Herman Van Rompuy, became the lead coordinator of EU crisis management efforts in relation to the economic crisis. Not only did he chair the European Council, but he also intervened in the work of the EU finance ministers. The most prominent example in this regard was the so-called Van Rompuy Task Force comprising all members of the Economic and Financial Affairs (ECOFIN) Council under the chairmanship of Herman Van Rompuy. Though the regular ECOFIN Council is chaired by the finance minister of the country holding the rotating Council presidency, the special meeting format of the Van Rompuy Task Force circumvented this rule. From May until October 2010, Van Rompuy, who had received a mandate to develop proposals for institutional reform from the March 2010 European Council, convened ministers and the relevant member of the Commission for six meetings. The report produced by the task force became the main blueprint for a first round of far-reaching reforms of EU economic governance and was strictly adhered to by the Commission and the ECOFIN Council during the implementation phase. Moreover, during 2013 the discussion on advancing legislation on a banking union once more illustrated the lead role of the European Council in setting the EU's short- and medium-term agenda, hence demonstrating the limited role of the rotating presidency.

This article argues that the diminished role of the rotating presidency in post-Lisbon EU decision-making has to be seen in the context of the rise of new important EU policy areas that have developed outside of the classic community method of decision-making since the entry into force of the Maastricht Treaty.² In

¹On the formal leadership powers of the rotating presidency, cf. the seminal analysis by Tallberg, *Leadership and Negotiation*.

²The term classic community method decision-making refers to legislative decision-making at the EU level which involves the Commission as an initiator of new legislation and the Council and the European Parliament as co-legislators. It also signals that decisions as legislative acts are subject to judicial review by the Court of Justice. Finally, the Commission is expected to monitor policy implementation and, together with the Court, to sanction non-compliance with EU legislation. Cf. Puetter, *The European Council and the Council*, 35-40.

particular, the relevance of economic governance under Economic and Monetary Union (EMU) and of the Union's Common Foreign and Security Policy (CFSP) implies the rise of a new intergovernmentalism in EU governance. The term new intergovernmentalism refers to the system of decentralised decision-making structures and intergovernmental policy coordination that characterises the policy process in these policy domains instead of legislative EU decision-making. The new institutional arrangements attribute a key role to member states' governments, which prefer to repeatedly come to collective agreement on individual policy initiatives and their implementation rather than delegate ultimate decision-making competences to the Commission.³ These institutional dynamics have repercussions on the functioning of traditional institutional arrangements, including the rotating presidency. Nevertheless, the point here is not to provide an encompassing assessment of the evolution of the rotating presidency as an institutional mechanism. Rather this article aims to focus attention on a wider process of institutional change in EU governance and to encourage a fresh review of ongoing institutional trends in this regard.

The presidency regime of the Lisbon Treaty

The Lisbon Treaty represents a major step towards a combined system of classic rotation and more permanent chair positions, which are typically filled by election or appointment for a term of two-and-a-half years. The most prominent new position is the one of full-time European Council President.⁴ The position decouples the European Council from the rotating presidency of the Council. This is remarkable insofar as the European Council as an institution fulfils a leadership function in EU politics by default within the realm of member state representation and collective decision-making.⁵ The position of European Council president thus deprives the head of state or government of the country holding the rotating Council presidency of publicly claiming a formal leadership role in EU politics. Though he or she remains the most senior representative of the rotating presidency of the Council, the position no longer comes with the usual prerogatives of the chair of a particular decision-making forum, clearly limiting the possibility of individual heads to exploit their respective presidency for their own political agenda, which was instead an intended feature of the previous system.

³Cf., for a comprehensive account of the new intergovernmentalism as a period of European integration, Bickerton *et al.*, *The New Intergovernmentalism*. The difference between legislative decision-making and intergovernmental decision-making in the European Council and the Council as two distinct integration mechanisms in contemporary EU politics is also emphasized by Fabbrini, "Intergovernmentalism and its Limits".

⁴Article 15.6, TEU.

⁵Cf. Bulmer, *Shapers of a European Confederation*.

The Lisbon Treaty goes even further. It also exempts the Foreign Affairs Council from the principle of “equal rotation”.⁶ Instead the chair role is exercised by the High Representative who is appointed by the European Council. Again, this change deprives the rotating presidency of an important external representation function. Finally, the Lisbon Treaty hints at the possibility of the role of the rotating presidency being reduced even further: the European Council may revise the current presidency arrangements anytime on the basis of a qualified majority decision.⁷

The trajectory of institutional reform

The first steps in abolishing the practice of rotating chairs had already been taken prior to the Lisbon Treaty. The most prominent example was the creation of the office of a permanent president of the Eurogroup. Although the Eurogroup does not formally belong to the institutional framework of the Council, it *de facto* forms part of the Council structure and fulfils functions originally assigned to the ECOFIN Council by the Maastricht Treaty. It certainly is one of the most influential groups of ministers in EU politics and plays the lead role in EU economic governance. The Lisbon Treaty for the first time formally acknowledged this role of the Eurogroup and its presidency regime, which is identical to the one of the European Council.⁸

These changes – whether they occurred prior to or with the Lisbon Treaty – cut deep into the system of collective decision-making within the Council environment. The presidencies of two of the EU’s most senior expert committees – the Political and Security Committee and the Economic and Financial Committee, including the latter’s euro area arm, the Eurogroup Working Group – are now chaired by elected presidents.⁹ The so-called geographical working groups of the Foreign Affairs Council are now also chaired by individuals appointed by the High Representative. This applies to most of the so-called ‘horizontal preparatory bodies’¹⁰ active in the field of CFSP and CSDP (common security and defence policy) as well. Similarly, the so-called open method of coordination committees in the domain of socio-economic governance all had elected presidents prior to the entry into force of the Lisbon Treaty.

⁶Article 16.9, TEU.

⁷Article 236, TFEU.

⁸Protocol no. 14 on the Euro Group, as attached to the Lisbon Treaty.

⁹Article 19.4, Council Decision 2009/937/EU adopting the Council’s Rules of Procedure, published in OJ L325/35 and Article 5, Statutes of the Economic and Financial, Annex to Council Decision 1999/8/EC, published in OJ L5/71.

¹⁰Article 19.4, Council Decision 2009/937/EU adopting the Council’s Rules of Procedure, published in OJ L325/35.

The system of rotating Council presidency was subject to a first round of reform, which introduced the so-called trio presidency format, in 2006.¹¹ The intention then was to “streamline the programming of the activities of the Council” and to establish “a new system based on an 18-month programme”¹² jointly submitted by the three member states holding the trio presidency. The Council’s rules of procedure also required the trio members to develop their programme “in close cooperation with the Commission, and after appropriate consultations”.¹³ In addition, the respective president of an individual Council configuration was required to take “into account”¹⁴ the trio programme when putting together the meeting agenda. This arrangement has been reaffirmed by the Lisbon Treaty.¹⁵

Rebalancing the consistency-and-diversity dilemma

Though the practical experience with trio cooperation has been rather varied,¹⁶ the introduction of the trio format can be understood as a rebalancing of the consistency-and-diversity dilemma inherent in the rotating Council presidency.¹⁷ With the enlargements in EU membership, the trade-off between using the presidency as an instrument to facilitate diversity and provide individual member states with a voice in EU politics, on the one hand, and fulfilling the demand for effective and consistent policy decisions, on the other hand, had to be reconsidered. The trio format reflected the growing demand for a more stable and continuous presidency regime in EU politics. It was an expression of the desire to limit the scope of individual governments to influence the Council agenda substantially.

There is also a simple practical hurdle to individual Council presidencies playing a key role in contemporary EU policymaking: the 14-year time span between individual presidencies. At a practical level, this implies that member state administrations will have little or no institutional memory when they are involved in preparing or running a presidency again. This makes national executives even more dependent on those institutional actors that influence agenda-setting and presidency preparation the most: the Commission, the Council Secretariat and – even more so since Lisbon – the European Council. At least the still valid trio calendar addresses the quest for diversity by foreseeing trio combinations until the year

¹¹Council Decision 2006/683/EC adopting the Council’s Rules of Procedure, published in OJ L285/47.

¹²*Ibid.*, introductory statement.

¹³*Ibid.*, Article 2.4.

¹⁴*Ibid.*, Article 3.1.

¹⁵Declarations Annexed to the Final Act of the Intergovernmental Conference Which Adopted the Treaty of Lisbon, section 3.

¹⁶Cf., for an analysis of variation among trio presidencies, Jensen and Nedergaard, “Varieties of Trio Presidencies”.

¹⁷Batory and Puetter, “Consistency and Diversity”.

2020, each involving different types of member states as far as size, duration of EU membership and geographical location are concerned.¹⁸

These formal institutional parameters under which the post-Lisbon presidency regime can unfold provide a first indication of how fundamental the changes to the role of the rotating presidency are. Yet, the Lisbon Treaty remains ambiguous about the precise division of labour between the rotating presidency of the Council and the permanent chairs of the European Council, the Foreign Affairs Council and the Eurogroup. The new institutional set-up created by the Lisbon Treaty may therefore be considered to have substantial potential for short-term and longer-term conflict, as Nicolai von Ondarza has warned.¹⁹ The ambiguity of the relevant provisions certainly supports such concerns. What is remarkable in this regard, however, is that the transition to the new presidency regime has so far succeeded rather well and has not led to open conflict among leading institutional actors.

In order to understand the current practice of the EU's new multiple presidency regime, a closer look has to be taken at what issues the rotating Council presidency and the newly empowered permanent chairs are dealing with in their day-to-day work.

The new areas of EU activity and deliberative intergovernmentalism

The experience of the economic and financial crisis has clearly influenced the institutional trajectories which emerged in the aftermath of the entry into force of the Lisbon Treaty. The crisis showed a pattern of combined action by the European Council, the Eurogroup and the ECOFIN Council. A central aim of these activities was close policy coordination between member state governments rather than delegation of crisis management and leadership responsibilities to the Commission as a supranational actor. In fact, the episode of the economic crisis is only the most recent example of an institutional dynamic referred to above as new intergovernmentalism.²⁰

This dynamic can be traced back to the end of the 1990s. The reason for the new emphasis on intergovernmental policy coordination outside the framework of the classic community method is the reluctance on the part of member states to delegate further decision-making powers to the supranational level. At the same time, however, the vast majority of member state governments see no alternative to closer EU cooperation when it comes to addressing major contemporary policy challenges. This paradoxical attitude towards post-Maastricht EU integration has

¹⁸As specified in Corrigendum to Council Decision 2009/908/EU, published in OJ L344/56.

¹⁹Von Ondarza, *Koordinatoren an der Spitze*, 13.

²⁰For a detailed discussion of the changing role of the European Council and the Council in EU decision-making and their role in governing the new areas of EU activity – economic governance and foreign affairs – see Puetter, *The European Council and the Council*.

informed the institutional design of the new areas of EU activity – notably economic governance within the framework of EMU, CFSP and CSDP, as well as employment and social policy activities in the context of the so-called open method of coordination.

In all these areas, collective EU action depends on the coordinated use of decentralised resources, possible only through the active support of member state governments. In the absence of centrally enforced sanctioning mechanisms, defection from previously established policy goals is not unlikely. Thus, EU action relies on consensus generation among the member states' most senior decision-makers. Indeed, there is strong evidence that the new intergovernmentalism in EU politics has a particular quality. Intensive policy dialogue, commitment to continuous consensus seeking and policy deliberation at the highest political level even at times of serious disagreement over policy options are key features of this decision-making mode. The institutional dependency of the new areas of EU activity on permanently renewed agreement among member state governments largely explains the rise of key intergovernmental bodies to the status of lead actors in EU policymaking and the (further) institutionalisation of consensus-seeking routines and working methods in the day-to-day work of these bodies. This institutional logic has been referred to as "deliberative intergovernmentalism",²¹ and implies that institutional changes in the above sense affect all major aspects of the existing institutional infrastructure, including the presidency.

The lead role of the European Council

The European Council plays a crucial role in this context as often only the heads of state and government have the necessary authority in the domestic spheres of policymaking to advance commonly agreed policy objectives. The new role of the European Council is evident in the increased frequency and duration of summit meetings and the composition of the European Council agenda.²² Since the end of the 1990s, coordination of social and employment policy and especially economic governance and foreign affairs have become the dominant agenda items for European Council meetings. Most importantly, the role of the European Council in these new areas of EU activity is not restricted to defining medium or long-term policy guidelines. Instead the heads of state or government monitor policy developments increasingly closely and intervene in day-to-day decision-making. This involves the assignment of specific tasks to the Council, the Eurogroup and the Commission and, at times, the correction of positions previously adopted at the level of ministers.

²¹Puetter, "Europe's Deliberative Intergovernmentalism".

²²The number of European Council meetings has jumped from three in the early 1990s to an average of seven or more meetings per year. Puetter, *The European Council and the Council*, 105.

This changed role of the European Council has important consequences for its own presidency arrangements. The chair of European Council meetings is required to play the role of lead coordinator of member state governments on an almost daily basis. In contrast to many other domains of EU decision-making, which operate under the classic community method and are only dealt with occasionally at the European Council level, the intergovernmental set-up of the new areas of EU activity requires constant high-level intervention. It is thus not only EU enlargement, but also the Union's much expanded policy agenda that explain the quest for a full-time president of the European Council.

Moreover, the two terms of the first elected president of the European Council provide evidence that the chair of the EU summit meetings plays a crucial role in trying to improve the consensus generation capacity of the European Council by reforming its working methods and (re-)structuring the agenda of the high-level forum so as to build consensus on strategic issues and focus the discussion on broader policy challenges which may require further EU action. Thus deliberative intergovernmentalism attaches more importance to the role of the European Council president as an institutional engineer than to potential ambitions of the president to pursue his/her own policy agenda independently of the member states.²³

Policy coordination and the Council

Yet, the emergence of economic governance and foreign affairs as new and important areas of EU activity does not explain only the changing role of the European Council in EU politics and the demand for a changed presidency regime. The emphasis on intergovernmental policy coordination has also changed the way in which the relevant groups of ministers operate. An early example of how significant the shift from legislative decision-making – the traditional domain of the Council – to policy coordination as the main activity of ministers and the relevant commissioner has been is the Eurogroup. From its creation, the group followed the minister-plus-one approach and established its own informal working procedure, which emphasizes face-to-face debate over formal decision-making in the presence of member state delegations. The Eurogroup was the first group of ministers to abolish the principle of rotation. In September 2004, euro area finance ministers elected Jean-Claude Juncker as their first president with a mandate of two-and-a-half years. Again, the move was considered to be crucial for enhancing the effectiveness of Eurogroup discussions and the consensus generation capacity of the forum.²⁴ The key role of the Eurogroup president is attested to by calls for

²³The latter aspect is instead highlighted as the potentially prevalent dynamic behind the evolution of the post-Lisbon presidency regime from a principal-agent perspective on the European Council presidency. See Wessels and Traguth, "Der hauptamtliche Präsident".

²⁴Puettter, *The European Council and the Council*, 164-7.

converting this position into a full-time post, too, like that of the European Council president and the High Representative.²⁵ At the end of his term, Juncker admitted that the job required a level of time commitment that would be difficult for an active prime minister or finance minister.²⁶

The new presidency regime of the Foreign Affairs Council follows the Eurogroup model. The activities of the central CFSP and CSDP decision-making forum are focused exclusively on intergovernmental policy coordination. Next to the Eurogroup and the ECOFIN Council, the Foreign Affairs Council is among the most frequently convened groupings of ministers. While there have been repeated calls for an elected president of the ECOFIN Council, which comprises all EU finance ministers, it is still chaired by a rotating Council presidency. Unlike the Eurogroup and the Foreign Affairs Council, however, the ECOFIN Council occasionally deals with legislative decision-making, for example in the field of taxation. Yet, a dominant focus on policy coordination as well as the quest for alternative working methods can also be seen with regard to this Council formation. For example, during the economic crisis, its own informal meeting format – the breakfast – became *the* venue for EU-wide crisis management discussions.

Economic and foreign policy crises also frequently influenced the agendas of individual country presidencies in the past. Member states holding the rotating presidencies sought to leave their imprint on the EU's newly emerging coordination agendas. The various presidencies which informed the development of the EU's socio-economic governance portfolio in the second half of the 1990s come to mind. The Cologne, Cardiff, Luxembourg and, finally, Lisbon processes embodied the principle of rotation. Member states currently holding the rotating presidency of the Council can no longer play such a visible role in addressing some of the EU's most pressing policy issues.

Legislative decision-making

This is not to say, however, that the EU's legislative decision-making agenda is negligible or irrelevant. Quite to the contrary. The evolution of the new areas of EU activity outside the classic community method goes hand in hand with the consolidation of community method decision-making through the expansion of qualified majority voting and codecision-making in the Council and the European Parliament (EP). Effectively, the rotating presidency of the Council currently finds

²⁵For example, François Hollande and Angela Merkel called for a full-time Eurogroup president. See "France and Germany – Together for a Stronger Europe of Stability and Growth", Berlin: Presse- und Informationsamt der Bundesregierung, 2013, http://www.astrid.eu/Dossier-A1/Documenti/Francia-Germania_dichiarazione-crescita_30_05_13.pdf.

²⁶"Race for New Head of Eurogroup has Begun", *Agence Europe*, 14 December 2012.

itself at the head of a legislative institution, while key policy coordination portfolios are dealt with outside its immediate influence.

A key question when it comes to considering the role of the rotating presidency in contemporary EU decision-making therefore is to what extent the EU can evolve and, thus, be shaped through new important legislative initiatives or at least the finalisation of major ongoing legislative activity. Or, in other words, are individual presidencies still able to leave their political mark on such processes? Here again, the idea of the rotating presidency as an agenda-setter clearly requires qualification.

First, the emergence of the new areas of EU activity documents the limited ambition of member state governments to authorise new major legislative activities. An example is the field of social policy legislation. The EU is finding it extremely difficult to advance its social policy *acquis* further through new legislation. Experience with controversial projects such as the working time directive shows this quite clearly.

Second, where there has been new major legislative activity and where it is linked to the new areas of EU activity, the European Council plays a key role in agenda-setting. The most prominent examples of this role are the so-called six-pack and two-pack legislative reform initiatives in the context of EU crisis management, as well as the introduction of a banking union. Similarly, it should be expected that any legislative initiatives that may spring from efforts to give the EU a greater role in providing energy security to its member states will be based on close European Council oversight.

Third, legislative activity in traditional domains of community method decision-making is both extensive and complex. In these areas, it is rather the EU's overall legislative agenda which sets the work plan of the rotating Council presidency – and not the other way around. In these domains, the role of the Commission as an institutional actor is particularly strong, as is that of the Council Secretariat.²⁷ Moreover, the codecision process with the EP imposes considerable constraints on the process in terms of timing and procedure, leaving little room for a proactive role of the presidency.

The strong role of the Commission as an agenda-setter in the EU legislative process is not necessarily an indication of fundamental policy change or the Commission's potential to provide political impetus in EU decision-making. It is a consequence of the EU's highly developed legislative *acquis* which constantly triggers a bulk of further legislative activity as a consequence, for example, of judicial policies involving the Court of Justice and the Council. This aspect had already been described by analysts of the rotating presidency prior to the Lisbon Treaty. For example, Ana Mar Fernández traced the gradual “communitarization” and, later, “supranationalization” of the rotating presidency starting with the implementation of the Single European Act and continuing after the entry into force of the Maastricht Treaty.²⁸ This implies that the rotating presidency fulfils an essential

²⁷Christiansen and Vanhoonacker, “Institutional Development of the Council Secretariat”.

²⁸Fernández, “Communitarization of the Council Presidency”.

and systemic function in EU politics, but should not be understood primarily as an institution that allows room for individual member states to influence the overall direction of the EU's legislative process. What seems evident is that progress in legislative decision-making in a certain policy domain is conditional on whether an individual presidency attaches importance to a particular dossier or not.²⁹

The remaining importance of the rotating presidency

For post-Lisbon EU politics, this means that the role of the rotating Council presidency continues to be essential for the functioning of EU decision-making. What is often overlooked is that the rotating presidency is central in integrating the work of the Council as a legislative institution in the rapidly growing domains of inter-governmental policy coordination. During the initial phase of the expansion of new intergovernmentalism in the second half of the 1990s, individual presidencies were at least partially associated with specific coordination priorities. With the growing institutionalisation of these coordination processes throughout the first decade of the new millennium, the relative importance of individual presidencies with regard to policy substance has declined sharply. Prominent examples of this development are the European Semester and the related EU2020 strategy. While the key policy priorities in the field of socio-economic governance are essentially defined by the European Council, the Eurogroup and the senior expert committees, all chaired by elected presidents (see above), the rotating Council presidency takes care of the day-to-day implementation of coordination objectives related to the work of the relevant Council formations.

Moreover, the EU's legislative process continues to rely on the ability of each Council presidency to steer the decision-making process and engineer consensus among member state governments, the Commission and the EP. Though the European Council acts as an agenda-setter in policy domains in which the new areas of EU activity intersect with classic community method decision-making, the European Council is not a legislative institution and thus relies entirely on the Council to follow up on its conclusions. The European Council also interferes very little with the bulk of other legislative activity within core domains of community decision-making. There, leadership in collective decision-making among member states needs to be provided by the rotating Council presidency.

Collegiality and hierarchy

This implies that the post-Lisbon system of multiple presidencies relies on new patterns of collegiality and hierarchy. In order to ensure the overall functioning of EU

²⁹Cf., for a rare systematic investigation of this question, Wrantjen, "Steering the Union".

decision-making and the integrity of legislative and intergovernmental processes within the Council and the European Council, the president of the European Council and the rotating presidency of the Council need to cooperate closely. This calls for a collegial working relationship between the European Council president and the head of state or government of the country holding the rotating presidency. Indeed, this relationship is reflected in the seating of the European Council which places the relevant head of state or government next to the European Council president.

At the same time, the system implies a hierarchical relationship between the European Council president and the rotating Council presidency when it comes to the EU's core domains of intergovernmental policy coordination. The same is true for areas of legislative decision-making which intersect with the new areas of EU activity and within which the European Council tends to exercise strong oversight over processes of policy initiation and implementation. Similarly, the lead roles of the president of the Eurogroup and of the High Representative mean that the economic governance and foreign affairs portfolios are partially or fully subordinated to an agenda that is outside the influence of the rotating presidency. Moreover, the respective finance and foreign affairs ministers from the country holding the rotating presidency have to accept a subordinate role.³⁰

Outlook

If past studies of the rotating presidency may have invoked the formula “responsibility with power”³¹ to characterise its institutional role, the above account clearly suggests that this formula requires revision. In post-Lisbon EU decision-making, the rotating Council presidency essentially involves limited, yet important, responsibilities without much power to set policy priorities. This is particularly true for the new areas of EU activity. Questions about the relative influence of individual presidencies are (and should be) important to students of EU governance. Yet, it is beyond the scope of this article to provide an account of how individual presidencies have fared in the post-Lisbon period. Undoubtedly, determining the precise influence of individual presidencies is very difficult. Yet, as Adriaan Schout noted already before the entry into force of the Lisbon Treaty, research on the rotating

³⁰Whereas the foreign affairs minister, like the prime minister or president of the country holding the rotating presidency, does not exercise any chair function, the finance minister still chairs the meetings of the ECOFIN Council. Yet, inasmuch as EU economic governance is determined by the euro area member states, the ECOFIN Council president's role is largely limited to following the Eurogroup agenda or dealing with the formalisation of Eurogroup decisions. For countries from outside the euro area, this also means that the ECOFIN Council president is banned from following core debates on economic governance and institutional reform. This aspect was fiercely criticized by the Polish EU presidency in 2011. See “A Show of Strength from Poland”, *European Voice*, 7 July 2011.

³¹Thomson, “Responsibility with Power”.

presidency leaves little doubt that an overwhelmingly large proportion of the agenda of EU decision-making is already set for each presidency.³² In this sense, the post-Lisbon set-up is not very different from the previous arrangements. The role of the rotating presidency is diminishing in the post-Lisbon period mainly in that its ability to engage in transformational leadership³³ and to obtain a high degree of internal and external visibility as the lead country of the Union is reduced further. Today many of the transformational dynamics are located within the new areas of EU activity or at the intersection of these areas and domains of classic community method decision-making.

As highlighted above, the responsibilities of the rotating presidency as regards internal coordination and support for the legislative process remain substantial. While basically 'shadow presidents' deprived of any public leadership role, they still play a key coordination role within the system as they are the main interlocutors of the European Council president and exercise oversight over their national cabinet ministers who chair the different Council formations. The evolution of the new system of multiple presidencies thus essentially depends on how individual prime ministers and presidents of the countries holding the rotating presidency accept their role.

One problem with this set-up is that the political incentives for individual heads to play this role are small. It is still too early to judge whether this makes the institution of the rotating presidency ineffective and/or meaningless. So far, individual heads have been careful not to challenge the new leadership roles of the permanent chairs, and few have displayed enthusiasm for playing an active behind-the-scenes role. Yet, the present system of multiple presidencies can be rendered ineffective not only by fundamental opposition but also by a prime minister or president who is too passive in his/her approach to representing the rotating presidency. There have been two notable exceptions of prime ministers considered to have led strong EU presidencies³⁴ in the post-Lisbon period and who have been 'rewarded' for this inside the EU: the Pole Donald Tusk and the Dane Helle Thorning-Schmidt. Both were marked as front runners for the European Council presidency throughout the summer months of 2014 and seem to have enjoyed a fairly high degree of acceptance among EU leaders. Whether such a 'reward' is considered attractive by most EU heads is a different question.

The distinction between intergovernmental policy coordination, which prevails as the key decision-making mode in the new areas of EU activity, and legislative decision-making has been crucial for this analysis. This also means that a much older discussion about the effectiveness and appropriateness of the rotating presidency as

³²Schout, "Beyond the Rotating Presidency", 270.

³³Transformational leadership can be distinguished as one particular role of the many played by the rotating presidency. See Schout and Vanhoonacker, "Evaluating Presidencies".

³⁴Cf., on Tusk, Pomorska and Vanhoonacker, "Poland in the Driving Seat", 83; and on Thorning-Schmidt and Puetter, *The European Council and the Council*, 215-6.

the upholder of the EU's legislative process within the Council has not been resolved by the changes introduced with the Lisbon Treaty. The lead roles of the new permanent chairs of the European Council, the Foreign Affairs Council and the Eurogroup matter for policy coordination portfolios and those areas of legislative decision-making which intersect with these portfolios, yet they do not imply a reconfiguration of the legislative process within the Council. Thus, the changes introduced with the Lisbon Treaty may sooner or later inform a new discussion about the viability of the role of the rotating Council presidency in the context of legislative decision-making as Andreas Wrantjen has argued.³⁵

It may be that Council formations which deal with important coordination portfolios but also play a crucial role in the legislative process are next in line for the abolition of their rotating presidencies. The ECOFIN and EPSCO Councils are among the most likely candidates for further institutional reform. Following the logic of deliberative intergovernmentalism, this institutional option appears to be the preferred one if there is the political will to enhance the related coordination portfolios – notably in the post-crisis context.

This article cautions against calls for further modification of the current system of multiple presidencies, at least over the medium term. Nicolai von Ondarza, for example, has suggested that the European Council president should work towards better integration of European Council meetings with the current legislative decision-making process, the domain of the rotating presidency, and legislative initiatives by the Commission.³⁶ Instead, the above analysis sees a relatively strong procedural separation between the core domains of classic community method decision-making and the governance patterns in the new areas of EU activity. Greater integration of the European Council agenda with the EU's legislative process would probably only trigger the type of inter-institutional competition that has remained limited so far despite the ambiguities of the Lisbon provisions. Nevertheless, while there is little doubt that there are cross-cutting themes and that policy coordination procedures require legislative decision-making from time to time – especially when they are reformed – day-to-day decision-making on economic governance and CFSP issues can take place rather independently of the core legislative agenda.

References

- Batory, A., and U. Puetter. "Consistency and Diversity? The EU's Rotating Trio Council Presidency after the Lisbon Treaty". *Journal of European Public Policy* 20, no. 1 (2013): 95–112.
- Bickerton, C., D. Hodson and U. Puetter. *The New Intergovernmentalism: States, Supranational Actors, and European Politics in the post-Maastricht Era*. Oxford: Oxford University Press, 2015.

³⁵A. Wrantjen, "The Rotating Council Presidency Hinders Legislative Continuity in the Council of the European Union", 11 December 2013, <http://blogs.lse.ac.uk/euoppblog/2013/12/11/the-rotating-council-presidency-hinders-legislative-continuity-in-the-council-of-the-european-union/>.

³⁶Von Ondarza, *Koordinatoren an der Spitze*, 35–6.

- Bulmer, S. "The European Council and the Council of the European Union: Shapers of a European Confederation". *The Journal of Federalism* 26, no. 4 (1996): 17–42.
- Christiansen, T., and S. Vanhoonacker. "At a Critical Juncture? Change and Continuity in the Institutional Development of the Council Secretariat". *West European Politics* 31, no. 4 (2008): 751–70.
- Fabbrini, S. "Intergovernmentalism and its Limits: Assessing the European Union's Answer to the Euro Crisis". *Comparative Political Studies* 46, no. 9 (2013): 1003–29.
- Fernández, A.M. "Change and Stability of the EU Institutional System: The Communitarization of the Council Presidency". *European Integration* 30, no. 5 (2008): 617–34.
- Jensen, M.D., and P. Nedergaard. "Uno, duo, trio? Varieties of Trio Presidencies in the Council of Ministers". *Journal of Common Market Studies* 52, no. 5 (2014): 1035–52.
- Pomorska, K., and S. Vanhoonacker. "Poland in the Driving Seat: A Mature Presidency in Turbulent Times". *Journal of Common Market Studies* 50, Annual Review (2012): 76–84.
- Puetter, U. *The European Council and the Council. New Intergovernmentalism and Institutional Change*. Oxford: Oxford University Press, 2014.
- Puetter, U. "Europe's Deliberative Intergovernmentalism – the Role of the Council and European Council in EU Economic Governance". *Journal of European Public Policy* 19, no. 2 (2012): 161–78.
- Schout, A. "Beyond the Rotating Presidency". In *Leaderless Europe*, edited by J. Hayward: 269–87. Oxford: Oxford University Press, 2008.
- Schout, A., and S. Vanhoonacker. "Evaluating Presidencies of the Council of the EU: Revisiting Nice". *Journal of Common Market Studies* 44, no. 5 (2006): 1051–77.
- Tallberg, J. *Leadership and Negotiation in the European Union*. Cambridge: Cambridge University Press, 2006.
- Thomson, R. "The Council Presidency in the European Union: Responsibility with Power". *Journal of Common Market Studies* 46, no. 3 (2008): 593–617.
- Von Ondarza, N. *Koordinatoren an der Spitze. Politische Führung in den reformierten Strukturen der Europäischen Union*. SWP Studie. Berlin: Stiftung Wissenschaft und Politik, 2011.
- Wessels, W., and T. Traguth. "Der hauptamtliche Präsident des Europäischen Rates: 'Herr' oder 'Diener' im Haus Europa?" *Integration* 33, no. 4 (2010): 297–311.
- Wrantjen, A. "Steering the Union. The Impact of the EU Presidency on Legislative Activity in the Council". *Journal of Common Market Studies* 45, no. 5 (2007): 1135–57.