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The rotating presidency of the EU Council as a two-level game, or how the “Brussels model” neutralises domestic political factors: the case of Romania

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ABSTRACT

This article examines the Romanian rotating presidency of the Council of the European Union during the first half of 2019 as a two-level game. It shows how, despite heightened political tensions at the domestic and European level, the Romanian rotating presidency managed to fulfil its main functions. It is argued that the preparation and the conduct of the rotating presidency is not only a two-level game, but also one in which diplomats and civil servants play a central role. Their centrality in the process neutralises domestic political factors such as Eurosceptic governmental attitudes, the lack of political vision or credibility.

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Introduction

The rotating presidency of the Council of the EU has changed since the enforcement of the Lisbon Treaty. The establishment of a stable presidency of the European Council and of a permanent High Representative for Foreign Affairs and Security Policy reduced its visibility and that of member states' prime ministers and heads of states at the European and international level (Batory and Puetter 2013; Puetter 2014a, 2014b). Although the presidency has lost its shine (Schout 2017, 54), the EU's legislative process relies on the ability of each Council presidency to steer the decision-making process and engineer consensus among member state governments, the Commission and the European Parliament (EP) (Puetter 2014a, 28). Every six months, a member state carries salient responsibilities in the day-to-day EU policy-making process as organiser, broker and even political leader (Quaglia and Moxon-Browne 2006, 349; Schout and Vanhoonacker 2006; Pomorska and Vanhoonacker 2012).

Holding the six-month EU Council presidency is a challenging task for any member state (Manners 2013, 70). The preparation for this mandate, particularly when member states hold the reins of the EU for the first time, marks a European “momentum”. Symbolically, it remains one of the rare moments when, at the domestic level, political actors engage in a debate about the country's priorities and vision for the future of the EU. If

the conduct of the presidency is successful, it is a source of prestige and credibility for national actors.

Since the establishment of this institution, no presidency has performed so badly as to put the functioning of the EU at risk. To the question, “What makes a rotating presidency successful?” scholars have argued that a presidency is effective if it manages to advance negotiations dossiers, mediate preferences between national and European institutions, and reach agreements on a number of important files (Beneš and Karlas 2010, 69; Vilpisauskas 2014, 99). Nonetheless, the evaluation of the six-months mandate remains a subjective exercise (Manners 2013, 70). In search of objective criteria, scholars often analyse outcomes in terms of quantifiable deliverables such as the number of legislative files closed or compromises reached on pending negotiation files between the Council, the Commission and the EP. Considering the short duration of the rotating presidency, the presidency’s effectiveness depends on a variety of factors such as the preparation at the domestic level and the reputation and technical expertise of the country, among other factors.

Intriguingly, the success of some presidencies stands in stark contrast with domestic political and economic instability. Despite multiple issues, including the Eurosceptic profile of the government (see the Eurosceptic Czech rotating presidency in the first half of 2009), the domestic tensions between the opposition and government and the tensions between governments and supranational institutions (e.g. the presidency held by Hungary in the first half of 2011 and its tensions with the Commission over media freedom and judicial independence), and different leadership styles, the European machinery works seamlessly. The Belgian presidency in 2010 became a model of success as the country assumed the rotating presidency of the EU Council with a caretaker government for the complete duration of its term (Drieskens 2011, 91).

The presidency outcomes can be explained as a two-level game process; that is, a set of interactions between political actors, diplomats and civil servants located at the national and supranational levels. At the domestic level, the government defines the priorities to be put forward during the six-months mandate. At the helm of the EU, it plays a political leading role in its interactions with the members of the Council and other EU institutions; at a supranational level, ministers, civil servants and diplomats fulfil the tasks of the presidency, acting as agenda-setters, organisers, mediators and honest brokers, seeking to push policies at the EU level (pace-setting), to block or delay policies (foot-dragging), or to neither advance nor block policies (fence-sitting) (to follow the typology established by Börzel 2002, 194). While decisions are approved by consensus or voted by ministers of the Council, the functioning of this institution is such that it allows diplomats and civil servants to actively engage in the decision-making process, considering that emerging deliberation and consensus among ministers take place in pre-negotiations by diplomats and expert discussions by civil servants. The process is not only a two-level game but also one in which diplomats and civil servants play a central role. Against this backdrop, I argue that their prominent role during the preparation and running of the rotating presidency – which has been labelled “the Brussels model” (Vilpisauskas 2014, 99) – neutralises domestic political factors such as Eurosceptic governmental attitudes, and the lack of political vision or credibility. Drieskens (2011, 100) showed how in the case of the Belgian presidency – which managed the presidency with a caretaker government – the impact of domestic factors remained limited. However, one can argue that the neutralisation of

the domestic impact in this case results from the long membership of the country with the EU and its domestic complex institutional structure and the role of regional authorities in a wide range of policy areas. Is the domestic context neutralised by the centrality of the “Brussels model” in other cases?

To address this question, the article draws on the analysis of the Romanian rotating presidency of the Council from January to June 2019. This presidency appears to be a “deviant case”, in the sense that it does not fit initial expectations. Before the beginning of Romania’s mandate, many observers at EU and national levels lamented the ability of the Social Democratic government to successfully perform its missions because of its Eurosceptic stance, and the domestic context in which corruption and attempts to limit the independence of the country’s judiciary made international headlines on a daily basis. Nonetheless, despite these domestic factors – which were casting a shadow on the already weak credibility of the Romanian government to seriously fight against corruption and respect the rule of law – the Romanian rotating presidency managed to successfully fulfil its obligations in less than six months, considering that the activity at EU level was ended prior to the European elections in May. The presidency concluded 80+ legislative dossiers and reached several inter-institutional compromises. This article shows that the centrality of diplomats and civil servants – the Brussels model – neutralises to some extent the Eurosceptic attitude of the Romanian government and its tensions with both the European Commission and the European Parliament (EP). The organisational and managerial skills deployed by Romanian diplomats and civil servants counterbalanced the lack of political vision, credibility and leadership of the government.

This article draws on 580+ newspaper articles (mainly from *Agence Europe*¹) and press releases issued by the Romanian presidency, corroborated with statistics retrieved from the Legislative Observatory of the EP and through a series of informal discussions with civil servants and diplomats tasked with preparing the presidency.

The article is organised as follows: after the presentation of the domestic context in Section 1, Section 2 introduces the two-level game conceptualisation, and the roles and strategies of the EU Council presidency. Section 3 and 4 discuss the outcomes of the Romanian rotating presidency.

Domestic factors

More than ten years after its accession to the EU, Romania remains one of the poorer member states, with a very high rate of migrant workers seeking jobs in other EU member states. While according to the 2019 Spring Eurobarometer, 57% of Romanians consider that EU membership is a good thing and 72% believe that the country benefitted from being a member state, in contrast, the attitude of the Social Democratic Party (SDP) – which was in office during the Council’s presidency in the first half of 2019 – has become less and less pro-European.

In the 2016 legislative elections, the SDP won 45% of the seats and formed a government with the liberals (ALDE). Until 2019, the party had been led by Liviu Dragnea, a controversial political figure. Accused of corruption, he couldn’t serve as Prime minister, so he appointed loyal members of the party as Prime ministers. In January 2018, Liviu Dragnea seated Viorica Dăncilă, as Prime minister. Her nomination did not improve governmental

stability nor credibility. Many of the Ministers made headlines for their lack of expertise and inability to speak foreign languages (and even Romanian). Because of internal tensions in the party, Ministers were changed repeatedly.

After the 2016 elections, the SDP government was keen to change the legislation in the field of justice in order to de-criminalize acts of corruption that would allow them to clean the criminal records of some of its most prominent members. In November 2018, while the government was expected to announce its priorities for the six-month rotating presidency, the EP – actively involved in monitoring the backsliding of the rule of law in Poland and Hungary – adopted a resolution expressing concerns about the independence of the judiciary in Romania. Similarly, Jean-Claude Juncker, President of the Commission, and Frans Timmermans, First Vice President, expressed growing concern about potential changes to the judicial system made by the Romanian Social Democratic government. In the face of mounting criticism at the EU level, in October 2018, the Romanian Prime Minister denounced the role and action of the Commission in the field of the rule of law, seen as “incompatible” with national sovereignty and a symbol of Romania’s treatment as a “second class member state” (Paul Stanescu, SDP, Vice Prime Minister, 14 November 2018). Besides tensions between the government and the Commission, the preparation of the first Romanian rotating presidency also took place in a context of governmental instability due to strain within the SDP, as well as tensions between the President Klaus Iohannis (member of the National Liberal Party), who in November 2018 lamented that the government was not ready to take up the EU Council Presidency², and the Social Democrat Prime Minister, Viorica Dancila.

Analytical framework: one presidency, two-level games, many roles and strategies

The rotating presidencies of the EU Council have been examined from a variety of perspectives. While some scholars have illustrated the evolution of the Council’s attributions since the Lisbon Treaty (Dinan 2011, 2017; Batory and Puetter 2013; Puetter 2014a), others have proposed frameworks of analysis to explain the “success” or “failure” of a presidency (Beneš and Karlas 2010), or their roles as political leaders (Quaglia and Moxon-Browne 2006), or as agenda-setters (Van Gruisen 2019). This article contributes to this body of research by conceptualising the preparation and the running of the rotating presidency as a two-level game (Putnam 1988) in which actors from the domestic level (level 1) interact with actors located at the supranational level (level 2) to advance the Council’s work on EU legislation.

While Putnam used the two-level game in international relations to understand domestic-international interactions and elaborated a complex theoretical framework highlighting the links between diplomacy and domestic politics, in the EU this expression remained a metaphor, referring to “a systematic relationship between domestic and European politics, with the national governments functioning as the core intermediaries between the two” (Börzel 2002, 195).

The presidency plays different roles – as organiser, agenda-setter, political mediator, honest broker, and political leader – and makes use of different strategies, seeking to push policies at the EU level (pace-setting), to block or delay policies (foot-dragging) or to neither advance nor block policies (fence-sitting) (Börzel 2002, 194).

Before the beginning of this mandate of six months, **acting as agenda-setter**, each rotating presidency sets up its priorities in collaboration with the trio (the group of three member states holding the presidency for 18 months) (Batory and Puetter 2013; Dagnis Jensen and Nedergaard 2014). At the domestic level, this implies coordination among political and administrative actors, usually the government, the Ministry of Foreign/European Affairs, and other relevant ministries as well, such as the Permanent Representation in Brussels. Depending on the political regime of the country, other institutions – such as the Parliament – may be involved in the establishment of the priorities to be put forward on the EU agenda. Civil society's involvement in the establishment of the priorities put forward on the EU agenda varies by country, and particularly by countries' tradition of consultation. The priorities in general reflect a combination of national, regional and European interests. The context is also determinant of the items to be addressed during the presidency.

Tensions among domestic political and administrative actors are not unusual. However, on the eve of the rotating presidency, political parties and domestic institutions often make compromises to avoid conflicts that would potentially tarnish the image of the country. The EU functions on a multitude of compromises, and this logic seems to prevail also in domestic politics. Scholars have demonstrated that in the context of the presidency, "domestic politics are virtually suspended" (Christou 2013, 82). As an illustration, the first Polish rotating presidency in 2012 saw a compromise between the government led by the Civic platform and the opposition Law and Justice party. In the second half of 2012, the Cyprus presidency saw domestic political actors express their willingness to detach domestic problems (such as partition) from the obligations and responsibilities of the country while holding the presidency (Christou 2013, 80). Another example is the Slovenian presidency during the first half of 2008 when "the centre-right coalition headed by Prime Minister Janša's Slovenian Democratic Party tried to secure 'domestic peace' by putting forward the so-called 'agreement on not attacking the Government in the period of holding the EU Presidency'" (Kajnc 2009, 90).

Acting as organiser, each presidency draws up its provisional agenda for the Council's meetings. For six months, the rotating presidency organises and chairs all of the meetings of the Council formations (with the exception of the Foreign Affairs Council, which is chaired by the High Representative). While governmental priorities are defined at the political level by the government and in interaction with other domestic actors, the Council's meeting agenda is defined at the civil servants' level with input from different ministries, under the coordination of the Ministry of Foreign/European Affairs and in close collaboration with the country's Permanent Representation (PermRep) in Brussels and the General Secretariat of the Council (GSC). The GSC supports the Presidency in preparing the timetable, setting the dates of meetings, and convening them. The presidency should act as a "business manager, organizing, co-ordinating and chairing all the Council's formations, working groups and other EU meetings" (Quaglia and Moxon-Browne 2006, 349). Although the calendar and the agenda follow the process of legislative decision-making (Puetter 2014, 216), preparing the timetable of meetings (more than 200 per presidency) is a considerable task. The internal rules of the Council require that the schedule of meetings be announced six months in advance, and that it be coordinated with the schedules of the other institutions involved in the decision-making process. Additionally, the rotating presidency conducts trilogues with the European Parliament and the Commission to

facilitate the ongoing ordinary legislative procedures, and the presidency ensures the interinstitutional dialogue with the Commission and the Parliament. In order to bring the highest number of legislative dossiers to a close, the presidency must organise as many trilogues as possible.

During the conduct of the presidency, although some activities are organised at the domestic level, the “game” is played in the working places of the EU institutions: Brussels, Strasbourg and Luxembourg. The machinery of the Council is complex, as the Council meets in different configurations, depending on the subject to be discussed. The meetings of the ministers are prepared by the working parties, committees and the COREPER (Permanent Representative Committee). Therefore, one of the first tasks when setting up the presidency is to quickly appoint the Chairs of the various working parties and committees (Handbook 2015, 24), as their role is to reach agreements in the Council as well as with the EP and the European Commission, depending on the degree of advancement of the legislative file under discussion.

Negotiations and deliberations take place in different *loci*:

First, in the working parties and committees, where the aim is to enable national delegates to discuss their positions with each other “to iron out technical and substantive difficulties raised by the proposal under discussion” (Handbook 2015, 31). A working party – which brings together civil servants from all EU member states – generally examines the proposal in depth, article by article, and explores compromise options. It reports to COREPER only when it judges that sufficient groundwork has been done and it has resolved all issues at its level (Handbook 2015, 31).

Second, the COREPER discusses items on which the working parties did not manage to reach an agreement. As Batory and Puetter argued (2013, 100), the administrative capacity of individual administrations matter. Most legislative dossiers (about 80%) are prepared at the level of the working parties and COREPERs. This means that civil servants and diplomats from the country holding the presidency play a crucial role, while ministers deal directly with the 20% of dossiers on which civil servants and members of COREPER could not reach an agreement.

Ultimately, the Council meets when convened by its President or at the request of one of its members or of the Commission. The presidency takes the lead in EU decision making and serves as the engine for EU policymaking (Van Gruisen 2019, 694). The Council also acts as agenda setter once the Commission has introduced a proposal and makes the final offer to the Member States. By choosing the format, frequency and content of formal and informal meetings, the presidency may prioritise topics (Warntjen 2013, 1241). By emphasising some issues rather than others, the presidency also tries to control the progress of legislative dossiers. For example, as one Romanian diplomat stated, the presidency also sets the agenda by deciding the order in which the points are to be discussed, devoting more or less time to them depending on the presidency’s interests in pushing policies or delaying them at the EU level (Brussels, August 2019). Van Gruisen, Vangerven, and Crombez (2017) demonstrated that not only do rotating presidents have significant agenda-setting powers, but they are also able to obtain policy outcomes closer to their preferences (Van Gruisen 2019, 694). However, from a more sceptical perspective, Puetter (2014, 28) argues that “the relative importance of individual presidencies with regard to policy substance has declined sharply”.

As a mediator, honest broker and political leader, the presidency must remain neutral and impartial while brokering acceptable compromises between member states, the commission and the EP. As a mediator, it seeks to further “consensus in negotiations and brokering agreements, tabling compromises, often on the basis of trade-offs or issue-linkages, seeking to accommodate sensitive interests of all the parties involved” (Quaglia and Moxon-Browne 2006, 349). As an honest broker, the presidency receives private information from all bargaining parties to work out an acceptable compromise for all (Warntjen 2013, 1244). Effective leadership increases the chances of identifying efficient bargaining outcomes and quickly drawing negotiations to a close (Warntjen 2013, 1244). However, the presidency’s success as a mediator should be evaluated while remembering that “the time to reach agreements in the Council has almost tripled between 1976 and 2006, from 145 to 430 days” as demonstrated by Häge (2011). Ultimately, by acting as a political leader, the presidency promotes political initiatives and a certain vision of Europe. In this regard, the political credibility and reputation of the government matters. As Quaglia and Moxon-Browne (2006, 362) explain, the outcomes of the presidency are not only “inextricably linked to the calibre and reputation of the political leadership of the country holding the presidency”, but also to “the general orientations towards European integration of the government in office” and “the goodwill and co-operation of the other Member States”.

Although in this two-level game ministers have the final say, agreements and decisions are prepared in advance by diplomats and civil servants, which strengthens their role in the process. During the presidency, the Permanent Representation in Brussels finds itself at the core of this game, acting as a mediator between the national and the supranational level. As the next sections will show, its centrality in the process combined with the ability of diplomats to manage the agenda and to reach agreements (Section 3) allows the Permanent Representation to neutralise domestic factors such as governmental instability, Eurosceptic views or lack of political leadership (Section 4).

The Romanian rotating presidency of the Council as an agenda-setter and organiser

Each EU member state devotes considerable human resources to the preparation of the presidency. A sizable part of the national administrative apparatus is mobilised several years ahead of time (Coman 2012). 279 Romanian civil servants were appointed as chairs and vice-chairs of different working parties because, over the course of six months, all meetings (except of those of the Foreign Affairs Council) are chaired by the country in charge of the council presidency. Three hundred and forty-two dossier coordinators and around 800 experts (Ministry of Foreign Affairs, Press release, 8 August 2018) were also involved in the functioning of this rotating presidency. More than 1500 civil servants contributed in varying degrees and at different times to the preparation of the administrative and political agenda of the presidency. For the duration of the presidency, 132 new posts were created at the Romanian Permanent Representation in Brussels (MFA Press release, 8 August 2018). Most of these civil servants based in Brussels came from national ministries and were previously involved in negotiating EU dossiers from the position of national representatives in the working parties.

Setting the priorities

The drafting of priorities began at the domestic level in early autumn 2017. The Romanian Ministry of Foreign Affairs (MFA) invited all the ministries and national agencies, the presidential administration, the Romanian members of the EP, and the political groups in the European Parliament to propose topics of interest for the presidency. A public debate was organised for January–March 2018, which involved around 500 participants from NGOs, academia, trade unions and employers, as well as citizens. This process of consultation was meant to ensure a broad institutional and political consensus around the presidency's priorities and to inform the public about the process and its aims. At the end of this process, four topics had been identified as main priorities: convergence, safety, Europe as a global actor, and European common values.

The first three priorities reflected “business-as-usual”, covering most of the subjects already under discussion in the Council.

The first topic, “Europe of convergence”, targeted economic growth, the consolidation of the EMU, labour mobility, digitalisation and the fight against climate change, and included the Commission's proposals on the Circular Economy, Digital Single Market, Energy Union or Labour Mobility.

The second area of interest was “safety”, as a continuation of the agenda of previous rotating presidencies on security, migration, terrorism, and cyber-attacks. On migration, Romania's position was no different from that of many other EU member states including Austria, Hungary, Poland, the Czech Republic, Slovakia and from that of certain political parties from Italy, France, Belgium, and Germany. As Prime Minister Dăncilă detailed in her speech to the Romanian Parliament on 12 December 2018, the Romanian rotating presidency sought to reach a common position among member states to consolidate external borders and increase the operational capacity of the European Border and Coast Guard Agency. In her view, “the most-efficient way to deal with migration is to tackle its deep causes, the source of this phenomenon”. This conception also echoes the reluctance of the Romanian government to welcome refugees and its negative vote on the relocation scheme proposed by the Commission in 2015.

The third set of priorities concerned the role of the EU in relation to third countries. Of particular interest for Romania was the Eastern Partnership and the enlargement towards the Western Balkans, as well as the revitalisation of the Black Sea Synergy that Romania has sought to include on the EU agenda since its EU accession. It is worth mentioning that, since the rotating presidency does not chair the Foreign Affairs Council, the working programme in this area falls under the competencies of the European Service of External Action. Multilateralism in trade and the extension of trade agreements were also central on the agenda.

Lastly, the Romanian presidency put forward “common European values” as its fourth main priority. This seems paradoxical, as the Romanian government's attempts to adopt new legislation on the judiciary and the firing of the head of the National Anti-Corruption Department, Laura Codruta Kovesi, made EU and international headlines, and cast a shadow of doubt over the country's commitment to democracy and the rule of law in the past few years. The values put forward by the Romanian presidency included “solidarity, cohesion, equal opportunities and social justice, democracy, freedom, human dignity,

fight against racism, intolerance, xenophobia, populism and anti-Semitism". Tellingly, the rule of law was not mentioned among these values. References to it were only included in the resulting document from the trio with Finland and Croatia.

The main national interest and priority was emphasised in the motto of the presidency, "Cohesion, a common European value". It was meant to encapsulate the need for more European solidarity to shrink the development gaps between member states and, by the same token, show Romania's pro-European attitude.

Setting the agenda of the presidency

The Romanian rotating presidency occurred at the end of the 2014–2019 legislature, and had to cope with the residual legislative procedures in the EU decision-making process. Informally, the activity of the presidency started in December 2018. The challenge of the six months mandate was to bridge the positions of the EP and of member states in a pre-electoral context at the end of the legislature, when, as one Romanian diplomat argued, "MEPs are either campaigning for re-election or just slow down their activity at the termination of their mandate" (June 2019).

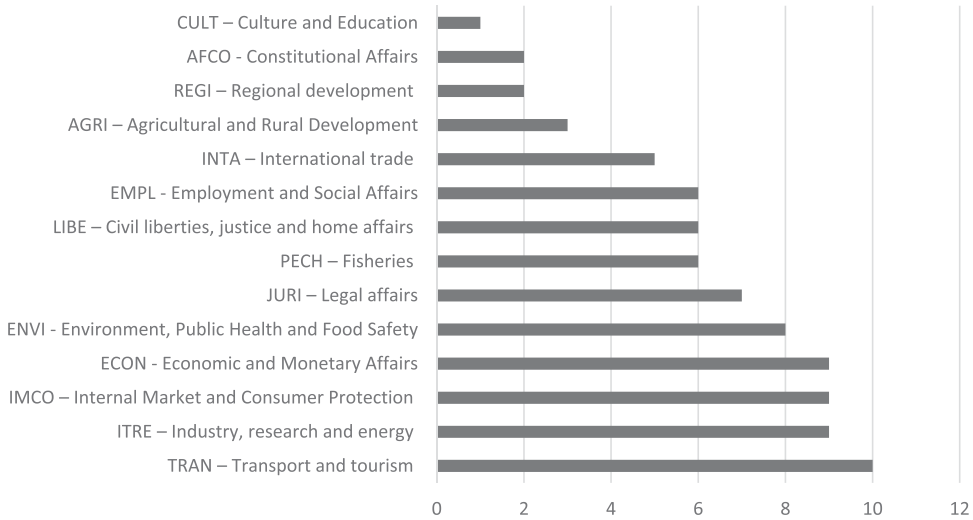
From January to June 2019, the Romanian presidency organised "about 2500 meetings and events, of which over 2000 meetings of working groups, 64 EU Council ministerial meetings, a total of 300 events organized in Romania, as well as the Sibiu Summit" (Dăncilă 2019). In addition, 190 trilogues were held, as well as 50 Council meetings, 91 meetings of COREPER I and II, seven European Council meetings, and 1463 working group meetings in Brussels, Strasbourg, and Luxembourg.

In 100 days, the Romanian presidency managed to pass 90 pieces of legislation (80 legislative acts [see [Graph 1](#) below]³; ten common understandings on the EU's long-term budget; 84 Council conclusions; 38 files advanced in the Council; and 82 Council decisions [see [RoPres 2019](#), results in figure]).

As [Graph 2](#) shows, the vast majority of the acts concluded during the rotating presidency were introduced in 2018 (36), while 18 were introduced in 2016, and 18 in 2017. It follows that more than one third of the files were concluded about a year after their introduction, drawing also on the work conducted by the previous presidencies. Statistically, the number of legislative procedures closed during the first half of 2019 was higher than in the previous years (see [Graph 3](#)).

Most of the work was accomplished by the PermRep in Brussels led by Ambassador Luminita Odobescu, who established for the duration of the presidency a team including Romanian civil servants with working experience in EU institutions. She declared that "the real driving force behind the presidency was the strong determination coming from Romanian officials and experts to deliver" (Romanian EU Council Presidency, 7 October 19). For most of them, this was an opportunity not only to show that the Romanian presidency was able to fulfil its functions like any other presidency (interview with Romanian diplomat, June 2019), but also to seize new career opportunities in the Brussels bubble at the end of the presidency. The team of diplomats and civil servants worked tirelessly from 11–19 February, at one point experiencing "21 h of nonstop negotiations in Strasbourg and 16 provisional agreements with the Parliament – in one day" (*Politico*, 7 October 19). Luminita Odobescu declared that the Romanian diplomacy had lived up to expectations:

Graph 1: 83 Lex Texts published under the Romanian rotating presidency by field

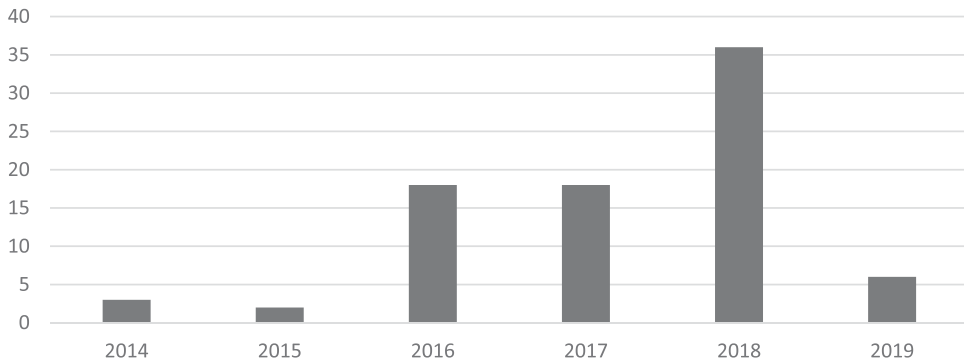


Graph 1. 83 Lex Texts published under the Romanian rotating presidency by field. Source: Author’s compilation drawing on the lists of acts adopted, available here <http://www.europarl.europa.eu/ordinary-legislative-procedure/en/ordinary-legislative-procedure/concluded-and-signed-files.html> (as of 16 August 2019).

They are young people who have approached this presidency with much enthusiasm, pride and stubbornness. I believe it was stubbornness and determination that helped us obtain good results (Progress made on EU legislation under the Romanian Presidency, 28 June 2019).

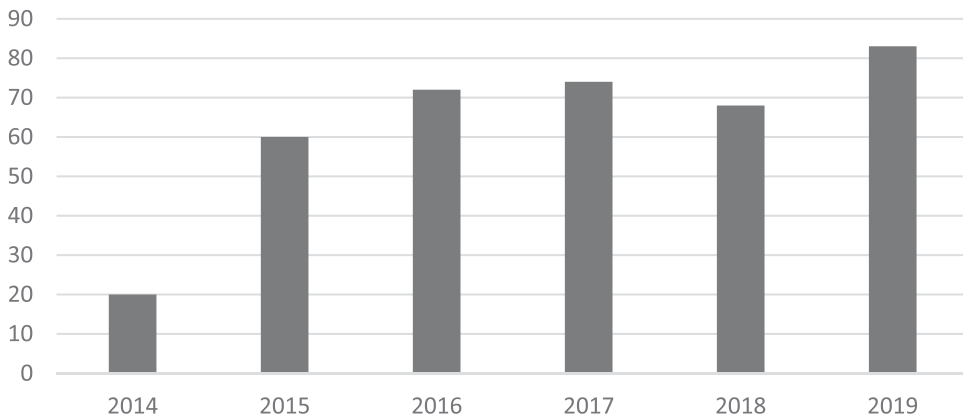
As one of the diplomats involved in the decision-making said (informal discussion, June 2019), once the presidency started, the team in Brussels benefited from the support of their homologues in (MFA) who were familiar with the functioning of the presidency

Graph 2: Legislative acts signed during the Romanian Presidency by year marking the beginning of the OLP



Graph 2. Legislative acts signed during the Romanian Presidency by year marking the beginning of the OLP.

Graph 3: 2014-2019 Legislature - number of legislative acts adopted/published per year



Graph 3. 2014–2019 Legislature – number of legislative acts adopted/published per year. Source: Author’s compilation based on the lists of acts adopted, and available here <http://www.europarl.europa.eu/ordinary-legislative-procedure/en/ordinary-legislative-procedure/concluded-and-signed-files.html> (as of 16 August 2019).

and with the day-to-day legislative activity of the EU. While some diplomats praised the collaboration with the capital, others highlighted the support provided by the Commission (*Politico*, 7 October 19) and the Unit for Preparing the Romanian Presidency of the Council of the European Union.

The Romanian presidency as a mediator, honest broker and political leader

The number of acts or common understandings closed under the Romanian presidency is an indicator of success. Comparing the priorities set by the Romanian presidency and the progress made in the legislative process (see [Table 1](#) below), it appears that a considerable share of the acts adopted falls in the category “Europe of convergence”. Progress was also made in relation to the second priority “Safe Europe”, although with considerable limitations in the field of migration. As Prime Minister Dancila stated:

Despite all the persistent disagreements over this issue, we succeeded in advancing negotiations on the Return Directive as well as the discussions on establishing temporary arrangements. We also completed negotiations on the functioning of the European Migration Liaison Officers’ Network (18 July 2019).]

There was less progress with regard to the third and fourth priority “EU as a global actor” and “EU common values”. While the Romanian presidency sought to push the enlargement agenda further (pace-setting), this ambition did not translate into a concrete outcome, partly because of the reluctance of member states vis-à-vis new waves of enlargement. For instance, in June 2019, EU heads of states postponed a decision concerning the start of accession negotiations with Albania and North Macedonia. Despite this limited achievement, in the press conference following the European Council meeting in June

Table 1. The priorities of the Romanian rotating presidency and the legislative acts and common understandings concluded.

Set of priorities	Europe of convergence (63 files)	Safe Europe (8 files)	EU as a global actor	A Europe of common values (4 files)
Legislative files or common understandings concluded by the Romanian presidency (*non exhaustive list)	<ul style="list-style-type: none"> - Defence fund - Connecting - Europe Facility - Banking Union - Supervision and requirements for investment funds - European system of financial supervision (EFSF) - European Labour Authority - Transparent and Predictable working conditions - Less CO2 Emission from trucks - Copyright - EU Gas market - Road infrastructure - General food Law 	<ul style="list-style-type: none"> - European Border and Coast Guard - Information sharing between EU databases - Security of ID Cards - Visa Code 		<ul style="list-style-type: none"> - Whistleblowers - Gender equality – better work-life balance

2019, President Iohannis turned the conclusions into a positive outcome for the Romanian presidency, indicating that a reference to Moldova had been introduced in the text.

Acting as a mediator

For example, the agreement on the regulation establishing the European Labour Authority (ELA) was reached after several sessions of inter-institutional negotiations between the co-legislators (*Agence Europe*, 14 February 2019). Together with the directive on transparent and predictable working conditions, these were two major texts in the implementation of the European pillar of social rights, as stated by Jean-Claude Juncker (*Agence Europe*, 31 July 2019). In addition, in February 2019, despite opposition in the Council, the Romanian presidency managed to receive mandate (from the Council) to reach an agreement with the Parliament on the Gas Directive (2009/73 EC) concerning the common rules for the internal market, as well as on copyright reform. In both cases, the Romanian presidency needed a compromise between France and Germany. In February, after 20 h of negotiations, the co-legislators finally reached an agreement on copyright (*Agence Europe*, 13 February 2019). Two months later, in April 2019, the Romanian presidency managed to reach an agreement with the Parliament on the reform of the European Border and Coast Guard Agency (*Agence Europe*, 2 April 2019), despite the opposition of Italy, Spain, and Slovenia, which raised questions of sovereignty in the Council.

However, the presidency did not manage to reach compromises on all the dossiers under discussion. One disappointment at the EU level was that it did not succeed in unblocking the asylum package (*Agence Europe*, 18 April 2019). After the failure of the tour of capitals launched by the Austrian presidency, the Romanian one, which did not have a mandate from the council to “organise new trilogues on the advanced texts of

the asylum package such as Eurodac and the European resettlement program”, sought to make “technical progress” on the Dublin regulation (*Agence Europe*, 26 February 2019) or to reach a partial political agreement on the revision of the Return Directive (*Agence Europe*, 20 May 2019). Despite the lack of political progress on the asylum package, toward the end of the mandate, in June 2019, the Romanian presidency presented its work on temporary arrangements for the disembarkation of migrants to member states’ ambassadors, an alternative to the Dublin system awaiting revision, which the ministers had begun to discuss in the summer of 2018 (*Agence Europe*, 13 June 2019). This document was intended to take stock of the thinking on this topic before the Finnish presidency (in the second half of 2019). According to a Romanian diplomat, another disappointment despite the attempt to put the issue forward (pace-setting), was the inability to reach an agreement on the regulation on coordination of social security systems on which the PermRep had worked in close cooperation with Commissioner Thyssen (informal discussion, Brussels, June 2019).

Acting as an honest broker

The Romanian presidency was compelled to act as an honest broker in the discussions pertaining to the rule of law. As mentioned in Section 1, the attempts of the government to change the legislation in the field of justice had given rise to considerable criticism at the EU level. The European Commission deplored the lack of progress in its 2018 report in the framework of the Cooperation and Verification Mechanism (COM (2018) 851 final). The state of the rule of law in Romania was on the agenda of the College of Commissioners meeting in Bucharest in January 2019. In April 2019, 12 of Romania’s most-important international partners called on the Romanian Social Democratic government to refrain from any changes to the judiciary laws that would weaken the rule of law and the fight against corruption in the country. The letter was signed by the embassies of Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Netherlands, Norway, Sweden, and the United States.

The Romanian presidency – which put forward European common values among its four priorities – had to address similar debates over the rule of law in Poland and Hungary (foot-dragging). Concerning Poland, the question was on the agenda of the General Affairs Council in February 2019, when 12 member states took the floor, including Germany, which also spoke on behalf of France, as underlined by *Agence Europe* (19 February 2019). The ongoing proceedings concerning Poland and Hungary, against which the Commission, in the case of the former, and the EP, in the case of the latter, triggered Article 7, were discussed on the margins of the Council in March, but the item was not formally included on the agenda of the General Affairs Council (19 March 2019). Member states seem to be reluctant to include rule of law concerns on the formal agenda of the Council.

The Romanian presidency also had to manage the debate on the rule of law with regard to the Rights and Values programme 2021–2027. Within the Council, there was a “heavy resistance” in particular to the Values Support Mechanism put forward by the EP. The aim of this mechanism is to ensure that

when there is a serious and rapid deterioration of a situation in a member state and fundamental values are threatened, the European Commission may launch a call for proposals

under an accelerated procedure in order to finance civil society organisations and facilitate and support democratic dialogue in that country (*Agence Europe*, 25 February 2019).

While the Romanian presidency was involved in the dialogue with the Parliament, the MEP Sophie in't Veld (ALDE) said she was “‘surprised’ that the European Commission ‘dominates’ the discussions so much, much more so than the Romanian presidency” (*Agence Europe*, 25 February 2019). Nonetheless, despite disagreements in the Council as well as the reluctant attitude of the Romanian government itself, the rotating presidency reached a provisional agreement with the EP. Importantly, the agreement did not include the Values Support Mechanism (*Agence Europe*, 07 March 2019), reflecting both the preference of Romania and that of other member states in the Council (foot-dragging).

Acting as a political leader

Although a Roexit was out of the question, before the beginning of the presidency some of the SDP members underlined the need to revisit the conditions of remaining in the EU (Doina Pană, Vice President of the SDP, November 2018). Despite increased criticism at the EU level with regard to the changes introduced by the government in the field of justice, during the presidency, the Romanian ministers sought to obtain the green light of the other member states for a Schengen accession. The issue was addressed as part of a broader discussion on migration, but the position of the Netherlands, whose opposition was made public several times, remained unchanged (*Agence Europe*, 07 February 2019). Besides Schengen, during the presidency, the Romanian Finance Minister, Orlando Teodorovici, was isolated with regard to his view on workforce mobility in Europe. The Romanian presidency put this topic on the agenda in April 2019 (*Agence Europe*, 8 August 2019). According to Minister Teodorovici, the country is affected by a brain drain from east to west, which contributes to the country's slow growth and income convergence. While EU member states were reluctant to introduce this topic to the EU agenda, the Romanian minister, unsatisfied by the dialogue with his homologues, announced in a press conference “a very incisive (package of) measures” to be adopted at the domestic level to “bring the workforce back into the country” (*Agence Europe*, 8 April 2019). His declaration that, contrary to the EU treaties' provisions, the right of people to work and move around the EU should be limited was contested within Romania. The Minister was isolated in the Council, as his homologues did not share his position according to diplomats speaking to *Agence Europe* (8 April 2019).

Several Romanian Ministers professed an issue-based Euroscepticism, a nationalist view on economic affairs with increased references to national sovereignty when domestic decisions are not in line with EU legal provisions and commitments like those related to the independence of the judiciary and the rule of law. However, the Romanian President Klaus Iohannis underlined – in his speech in the Future of Europe plenary debate that took place in the European Parliament in October 2018 – the importance for Romania joining Schengen, as well as the importance of “unity, cohesion, solidarity” for the EU. His visibility increased in the context of the summit that took place in Sibiu on 9 May 2019, when the members of the European Council were invited by the President to adopt the Sibiu Declaration – named after the Transylvanian city – that included ten vague (*EurActiv*, 9 May 2019) commitments for the future of Europe.

Conclusion

This article sought to shed light on the preparation and the conduct of the first Romanian rotating presidency of the Council of the EU in the first half of 2019, analysed as a two-level game in which the Brussels model prevails. For scholars with an interest in EU affairs, this is a contribution to the literature on the role and the functioning of the Council, with a particular focus on the six-months rotating presidency, showing how the central role of diplomats and civil servants neutralise domestic factors such as instability, Eurosceptic attitudes toward integration or lack of political vision and credibility. For scholars with an interest in Romanian politics, this shows how the involvement of diplomats and civil servants in the preparation and conduct of the presidency gave it a European flavour, disguising the increasingly nationalist and Eurosceptic attitude of the government towards the EU.

Despite political instability, the government was able to carry out its mandate as organiser and agenda setter. To conclude 80+ legislative dossiers, the presidency managed to reach compromises and agreements, first within the Council and second, with a mandate from member states, in inter-institutional relations with the Commission and the EP. The article shows that the Romanian presidency ensured continuity in the decision-making process, closing a number of dossiers in areas such as convergence and security that EU institutional actors had put forward in the aftermath of the Eurozone crises and the crisis of migration management. As a regional priority, the Romanian presidency sought to promote the enlargement agenda, although in a context in which the appetite for integrating new member states is reduced. While criticised at the EU level for the governmental changes adopted to de-criminalise acts of corruption in order to scrub the criminal record of certain politicians, the Romanian presidency underlined its commitment to European values, all listed in the presidency programme, with one exception: the rule of law, which remains a bone of contention between supranational institutions and several Central and Eastern European member states.

Notes

1. From *Agence Europe*, I retrieved 580 articles from 15 August 2019 to November 2018 related to the Romanian rotating presidency of the Council.
2. He ultimately reassured his European homologues, when in November 2018, after his meeting with Chancellor Kurtz, he declared: "I have various points of disagreement with the government but not in the field of EU affairs, nor with regards to the preparation of the presidency" (25 November 2018).
3. As one diplomat declared, the number of ordinary legislative procedures closed was higher than the number of acts published in the Official Journal of the European Union because at the end of the legislative procedure, the act is scrutinised by the legal services and translators; a process that can last eight weeks. The team of the Romanian rotating presidency in Brussels sought to accelerate this procedure so that the number of acts adopted matched the number of acts closed, as a recognition of the work accomplished (informal discussion in Brussels, Romanian diplomat, August 2019).

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