CHAPTER 15

Conclusion. The Rotating Presidency of the Council: A Major Actor of the EU Here to Stay

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15.1 Introduction

In Chapter 1, we examined the evolution of the roles and functions of EU Council presidencies and how they have been analyzed in EU studies so far. We have shown that, despite its centrality and its dynamic development, the rotating Presidency has attracted limited academic attention compared to the other aspects of the EU institutional system. This relative

The views and opinions expressed in this chapter are those of the authors and do not necessarily reflect the views or positions of any entities they represent.

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R. Coman and V. Sierens (eds.), *EU Council Presidencies in Times of Crises*, Palgrave Studies in European Union Politics,
https://doi.org/10.1007/978-3-031-44788-4_15

lack of academic interest suggests that this institution is somehow considered to be an anomaly or a legacy from the early days of the European Communities, when it was similar to a classic international organization. However, this institutional feature's resistance to reform, despite the Lisbon Treaty, suggests that it is here to stay and deserves to be more systematically analyzed. In this conclusion, we look back at the contributions of the 14 chapters in this volume, examine possible avenues for reform of the Council Presidency, and argue that this imperfect system is unlikely to disappear anytime soon.

15.2 Lessons Drawn from the Presidency of the Council

In Chapter 2, **Uwe Puetter** explores the research on the Presidency with the aim of conceptualizing the role of this institution and presenting an overview of possible research designs. He shows that many studies have important theoretical ambitions, and that the rotating Presidency can be alternatively considered as an act of delegation, as a key actor in a broader institutional context, or as a social field. He concludes that there are still many unanswered questions. As far as the first perspective is concerned, there is still a need to better understand why Member States delegate the Presidency function and thus to study its agenda-setting capacity and its role as an "honest broker". Also, one needs to better determine what makes a "good" presidency, and to understand how Eurosceptic leaders fulfil this paradoxical mandate. At the institutional level, the role of the rotating Presidency has evolved, thanks to a moving institutional environment. Even if EU treaties are unlikely to undergo massive reforms in the years to come, evolutions such as the new challenges of EU external policy or the generalization of trilogues have important implications on

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how the Presidency is conducted. At a micro level, research is also needed to better understand the role played by specific groups of actors, such as the Secretariat General of the Council or the COREPER ambassadors, who play a key-role in the trilogue process.

Emanuele Rebasti discusses in Chapter 3 the legal nature of the Council's rotating Presidency. The law of the Union provides for the office of the rotating Presidency in the Treaties and its organization is defined by secondary law, but the Presidency is held by representatives who belong to the national legal order and act in accordance with their Member State´s political and administrative structures. This tension has consequences at several levels, especially regarding the ethics rules the Presidency of the Council must abide by. The topic is crucial today. Indeed, the European Parliament has recently questioned Hungary's suitability to hold the Council Presidency in the second half of 2024, notably in view of its record as regards the respect of EU law and values.

Since one of the aims of the book is to examine how the roles of the Council and its presidencies have been shaped by crises, in their chapter, **Sofia Vandenbosch and Antoine Misonne** analyze in Chapter 4 the "procedural legacy" of the Covid-19 pandemic and discuss how some temporary modifications to the institution's Rules of Procedure have endured. They show that the differentiated and lower majority requirements that were used to overcome the crisis have become permanent. This is especially the case for the lower majority required at the COREPER level to switch to the ordinary written procedure. The Covid-19 pandemic has thus added a new layer to the sedimentation process that has shaped the Council's functioning over the years. We thus need to know more about the circumstances in which the Council choses a written procedure, and its impact on overall EU policymaking.

Still with a focus on institutional dynamics and institutionalizations, in Chapter 5, **Martin Westlake and Oriane Gilloz** examine the 2009 transition from the rotating to the permanent Presidency of the European Council. They analyze the appointment of Herman Van Rompuy and show how the transition from the Swedish rotating Presidency was managed in that context. They underline the role played by certain senior civil servants in steering this important institutional change within the European Council and Council, and question how those actors are appointed, as well as the part played by "chance" in the whole process of EU institutional transformation. They finally survey the role of crises in

the process of European integration, especially regarding the evolution of its institutions and how its policy-making is organized.

In Chapter 6, **Lucas Schramm and Wolfgang Wessels** further analyze the relations between the European Council and the rotating Presidency beyond the formal treaty rules, and frame them in terms of cooperation and rivalry. They show that the agenda-setting function of the Council Presidency is small, because of the central role played by the European Council in this matter. In sum, they argue that the rotating Presidency has lost much of its pre-Lisbon powers and authority, even if one should not exaggerate its prior agenda-setting capacity. Today, the Presidency can be described as an agent of the European Council. Comparing the German and the French presidencies in the context of the Covid-19 pandemic in the second half of 2020 and in the first half of 2023 in the context of the Russian war in Ukraine, they show that there are nevertheless ways in which the country holding the Presidency can weight on the agenda, especially if its program fits within the EU's broader agenda, if it has clear and realistic objectives, and if it avoids conflict with other institutions. Size also matters. For instance, the Council Presidency was able to play a key-role in managing the Covid-19 pandemic and the war against Ukraine mainly because two of the largest Member States were in charge.

Vivien Sierens and Thijs Vandenbussche analyze in Chapter 7 the relationship between the Council presidencies and the European Parliament in the various crises. Even if the centrality of the Presidency has been eroded by the Lisbon Treaty, its role regarding the EP has increased, thanks to the generalization of the Ordinary Legislative Procedure and to the systematization of trilogues. The chapter shows that, from this perspective, rotating presidencies still matter in terms of agenda-setting in legislative files, as they decide on the time and order of discussions within the different Council configurations. However, the success of a Presidency, especially regarding its capacity to negotiate with the EP, depends largely on several factors. First, there is the legislative agenda it inherits, as well as its own objectives and initial ambitions. Second, there are structural factors: larger Member States tend to conclude more agreements with the EP, because of the size of their network within the assembly; however, smaller Member States also prove to be very efficient when they have previous experience of presidencies and a rather consensual domestic mode of decision making.

Céleste Bonnamy focuses in Chapter 8 on the ambiguous relationship between the Commission and the Council Presidency in the Ordinary

Legislative Procedure, a topic that is less explored in EU studies. Taking the example of the "copyright in the digital single market" directive between 2016 and 2019, the chapter examines the informal daily work done during the first reading of this procedure. The chapter shows that the Commission plays three roles towards the Council at this stage: it explains or makes sense of the proposal, mediates between Member States, and contributes to the writing of compromises. Thus, the relation between the Council Presidency and the Commission is made of competition, but also partnership. However, the Commission's expertise—which can strengthen the Presidency—is sometimes viewed with suspicion, which results in an institutional rivalry consistent with the longstanding inter-institutional culture at the EU level.

François Foret and Yann-Sven Rittelmeyer show in Chapter 9 that holding the rotating Presidency is also a window of opportunity for a Member State to raise its international profile and discuss European politics within its domestic public sphere. This is one of the recurring arguments of those who advocate for the rotation system. The authors nevertheless argue that the erosion of the role of the Presidency has led to a decline in its contribution to the legitimization of the EU as a whole, mainly because of the limitations of its capacity to communicate and of a standardization of the discourses on the objectives and of the style of the Presidency. For political and administrative elites, the rotating Presidency can still be viewed as a process of socializations to Europe, but this is less true for the EU's citizens.

In Chapter 10, **Michele Chang and Raquel Ugarte Díez** examine the role of the Presidency in the field of European economic governance. The introduction of fixed-term presidencies for the European Council and the Eurogroup has indeed led to a situation where it is unclear who sets the agenda, and whether national interests can still be pursued within the Council Presidency. The authors focus on three moments of the economic crisis and the subsequent reform to analyze the role of presidencies in relation to the EMU. They show that the already questionable influence of the Council Presidency in European economic governance has been greatly eroded by the reforms contained in the Treaty of Lisbon. Nevertheless, like other authors in this volume, they conclude that presidencies with experience and an efficient administration can still contribute to finding compromises and moving along files.

In Chapter 11, **Ramona Coman and Pauline Thinus** analyze the way the Council's rotating presidencies have dealt with the issue of Article 7

TEU after the Commission triggered it in 2017 against Poland and the EP did so in 2018 against Hungary. They show that each Presidency has been able to raise or play down the rule of law on the agenda of the Council but that, five years after its activation, not much has happened. In sum, the alleged "nuclear option" has turned into a "talking shop" and the chapter explains why. Indeed, all presidencies have shown a preference for the rule of law dialogue, and national priorities and alliances have led to discontinuities in the advancement of both article 7 TEU proceedings. As the agenda-setting process has become more coordinated, several elements have forced presidencies to address the issue, such as pressure from other Member States and EU institutions, and the fact that the procedure implies the organization of regular hearings or state of play. But institutional factors do not tell the full story. There are also diplomatic rules that come into play which reveal the inability to deliberate and illustrate the limitations of intergovernmentalism. The hearings are not effective per se, especially since the members in question—Poland and Hungary—thrust the debate into sophisticated legal and technical discussions, and moving coalitions do not allow for a final decision.

Seda Gürkan examines in Chapter 12 how the Council legitimizes the EU's response to international crises. One of the most obvious changes provided for the Presidency system by the Lisbon Treaty is indeed the transfer of its functions to the High Representative/Vice-President (HR/VP) in the field of external relations. On top of that, the context of permanent crisis since Lisbon has led the HR/VP to take over other roles of the Presidency, especially regarding external representation and communication. The author analyzes the HR/VP's external communication role from a political psychology perspective, and shows especially how he legitimized the EU's response to Russia's invasion of Ukraine in 2022 by focusing on "anger" and "sympathy". Through an emotion-based reading of his declarations, the chapter shows that the HR/VP has become the main communicator of the EU's foreign policy decisions, at the detriment of the rotating presidencies.

In Chapter 13, **Olivier Costa and Aurélien Mornon-Afonso** discuss the capacity of the Council Presidency to make a difference by studying the case of the French Presidency during the first semester of 2022. Expectations were high, as this was President Macron's final opportunity to act on EU issues, at the end of a mandate that had not allowed him to realize his initial ambitions announced in his speech at the Sorbonne in September 2017. By looking at how the French Presidency

was conducted, the authors show that it is still possible for a country to promote its ideas and agenda. Hence, while it was able to make progress on a significant number of legislative files, its results were less obvious on external affairs, an area of particular importance to E. Macron. The outbreak of war in Ukraine was an opportunity for him to push forward the concepts of strategic autonomy and European sovereignty, but they did not materialize in concrete decisions. The French Presidency failed at getting support from other Member States on those matters, because of its limited overall ability to build coalitions, and because the EU remains a very intergovernmental system when it comes to policies that most impact national sovereignty.

In the last chapter of the book, **Alberto Alemanno and Benjamin Bodson** examine a very peculiar but interesting topic: the corporate sponsoring of rotating presidencies. It has indeed become very common in the past decade. States justify sponsoring by referring to the huge cost of running the Presidency as well as by mentioning precedents. Yet, this practice is problematic, and involves the risk of an interference of private actors in the EU decision-making process. It is also detrimental to the image of the EU and may lead to unethical behaviour by its actors. This awkward situation, which may be harmful to the legitimization of the Council, persists because the institution lags behind other EU organs in terms of the prevention of any misconduct by its members.

15.3 The Rotating Presidency: Many Crises, Several Critics, and Yet Few Alternatives

Overall, this book shows that the presidencies of the Council play, or can play under certain circumstances, a role that is far more important than was predicted after the entry in force of the Treaty of Lisbon, and that is often underestimated. It is thus worth being studied as one of the key cogs in the EU's complex policymaking. It is an all the more relevant topic of research that it is probably here to stay. The system of rotating presidencies of the Council has been criticized for a very long time. In the context of the Convention on the future of Europe (2002–2003) and, later, the negotiations of the Lisbon Treaty (2007), many studies and reports analyzed its deficiencies and proposed alternatives (Schout, 2008; Van Hoonacker & Schout, 2003). They favoured the institutionalization of the European Council, the creation of a permanent president for it, the new "trio" system of presidencies, and the strengthening of the authority

and role of the EU HR/VP. But those reforms remain modest, and the problems endure.

Several chapters of this book underscore the limitations and flaws of the system of rotating presidencies. First, it fuels confusion about who is leading the EU and who is representing it, at the domestic and international level. This system is also challenged today as seen with the recent calls from the European Parliament to deprive "illiberal" national leaders and governments such as Hungary led by the Fidesz party of its presidency in the second half of 2024.

Holding the Presidency also remains difficult for some Member States, those which are new to the EU, lack administrative or diplomatic resources, or face domestic crises. The Council still suffers from the lack of consistency of its programme. In this respect, the "trio" system has not proven to be very effective: establishing a common programme is often more of a formal obligation than a way to organize the Council's work and to agree on clear objectives. In no way can it be said that the Presidency is exercised by the three countries together. Finally, the increase in the number of EU Member States has created three challenges for the system of rotating presidencies. First, it has become increasingly difficult to manage and less efficient in connecting Member States' elites with the EU sphere, insofar as the frequency of presidencies for each country has been steadily declining. Second, Member States' experience of how to chair the Council tends to evaporate, as the lapse of time between two semesters increases. Third, the growing number of Member States makes the preparation of negotiations, through bilateral contacts organized by the Presidency, increasingly complex, as is reaching a consensus when unanimity is required. However, the rotating Presidency has survived 5 major treaty reforms, from the Single European Act (1987) to the treaty of Lisbon (2009), because there are not many convincing alternatives, and the process is path-dependent.

One first option would be a **fixed-term Presidency**. This would involve assigning the Presidency to a Member State for a longer duration than one semester, one or two years for example. This approach could provide more stability and continuity and allow for better long-term planning. However, it would give too much influence to a single country and, with the increasing number of Member States, the rotation rate among them would be to slow. A more realistic proposal is the one that was strongly supported by the UK in the early 2000s, of having several countries simultaneously hold the Presidency of various configurations of the

Council. This could last 2.5 years, and the Member States in charge would cooperate within a steering group. That permanent Presidency could be based on a rotating basis, similar to how some international organizations operate. British Foreign Secretary Jack Straw proposed a system involving 10 countries (Van Hoonacker & Schout, 2003: 11), while Javier Solana (2002) mentioned 5 or 6. However, Member States' resistance to any prospect of reducing the number of Commissioners indicates that they are unlikely to accept a limited group of states presiding over the Council while the others wait their turn. The limited efficiency of the "trio" system also casts doubt on the effectiveness of any coordination between the states holding the presidencies.

A second option would be to **further strengthen the role of the European Council** in shaping the EU's political direction and orientations. This would allow it to take on more of the responsibilities currently held by the rotating Presidency, especially when it comes to defining the agenda and representing the EU at the global level. Several proposals were made to this end. During the Convention on the future of Europe (2002–2003), Valéry Giscard d'Estaing, its President, suggested a "team presidency" comprising the European Council President—elected by a congress of national and European MPs—and the presidents of different Council configurations. More recently, Federico Fabbrini (2015) called for a strengthened European Council President, who would be elected directly and enjoy executive powers currently exercised by the rotating Presidency. These types of reforms would however harm the "Community method" approach and seem to be unacceptable to national leaders committed to the idea of deepening European integration.

A third option, symmetric to the previous one, would be an **enhanced responsibility for the Commission**. It would play a more active role in setting the Council's agenda and representing the EU on the global stage. One could imagine the Commission's Vice-Presidents chairing the various configurations of the Council like the HR/VP does for the one on External Affairs. This idea was found in the defunct Treaty establishing a Constitution for Europe, which proposed a permanent president of the Eurogroup, similar to the HR/VP. However, a reform such as this would create considerable issues as regards the overall logic of the EU's political system, by amalgamating executive and legislative functions even more. It would also increase the existing confusion over who holds the EU's leadership. To avoid that, Jean-Claude Juncker, when he was President of the Commission (2014–2019), proposed a system of "double hat", i.e., a

single president for the European Council and Commission, which would prevent conflict and improve the overall coherence of EU policymaking. However, it is very unlikely that a consensus would emerge among the 27 on such reforms, which would imply a strengthening of the Commission at the detriment of Member States.

The last option is a **reinforcement or an extension of the existing trio system**, as a continuation of the "Sevilla Plus" reflections conducted in the early 2000's. This could take the shape of planning the programme over a longer term and/or creating stronger requirements for the presidencies to collaborate on it and respect it. This seems to be the more realistic option. It would preserve the current role of Member States in the functioning of the EU, and all its benefits in terms of appropriation and legitimation. Indeed, as has been said, holding the Presidency of the Council is a unique opportunity for a given country to train its civil servants, but also, more generally, to communicate on the challenges of European integration, and to cultivate among its citizens a sense of belonging to the EU. A "troika plus" system would also guarantee the equality between Member States, whatever their size, international influence, and date of entry in the EU. It would moreover avoid the current rush, i.e., the obligation for presidencies to wrap-up a dossier in six months and allow medium-term strategies. Ideally, a Member State should be able to work on a file upstream and downstream of its own six-month presidency, in close collaboration with the countries in office. Finally, this approach would improve the continuity of the Council's action. All these options also involve consolidating the administrative capacity of the General Secretariat of the Council, which plays a central role in the day-to-day management of the presidencies for both the Council and the European Council.

15.4 An Imperfect System Unlikely to Disappear Anytime Soon

In any case, a substantial reform of the system of rotating presidencies would require a consensus among the representatives of the Member States. The EU treaties would need to be amended, and the decision-making process within the EU re-evaluated. In the current context, it is very unlikely that national leaders will give up the rotating presidencies. Indeed, the point that has been the most difficult to negotiate

in the history of European integration is the real or perceived influence of Member States within the EU institutions: voting rules in the Council, number of Commissioners, and share of MEPs. Even today, several national leaders continue to oppose the "double majority" system in use in the Council since 2014 and lament the "reweighted majority" of the Treaty of Nice. Similarly, there is a consensus to avoid reducing the number of commissioners, which remains possible according to article 17.5 TEU. This resistance to institutional change is also exemplified by the ambiguities affecting the HR/VP in his/her attempts to shape the EU's Foreign policy. Initially created to solve the problem of the external representation of the EU, as rotating presidencies did not allow for a consistent and credible approach, especially when countries with limited diplomatic clout were holding the presidency, the HR/VP still faces significant challenges in bringing more coherence to the EU's Foreign Policy. The HR/VP, supported by the European External Action Service, was supposed to provide more co-ordination and leadership, at an inter-institutional level. The Constitutional Treaty drafted by the Convention on the future of Europe (2003) even proposed calling that person "European Minister of Foreign affairs". However, the institution of the HR/VP did not solve the issue. The EU remains represented at the global level not only by the HR/VP, but also by the President of the Commission (for "civil" policies), the President of the European Council (for more "diplomatic" issues). This divided approach mirrors the way external policy is conducted within the EU: Member States remain sovereign in that field, and the EU tries to establish its own position in parallel. We should recall that, initially, one of the objectives of the system of rotating presidencies was to make clear that Member States—and not the Commission—were in charge of foreign policy co-operation. The institution of the HR/VP contradicted this principle, but Member States did not all play along, leading to the current situation of confusion.

Given the general reluctance towards institutional reforms, the system of rotating presidencies has a bright future ahead of it, for want of an alternative. The rising number of Eurosceptic governments in the EU also makes it unlikely that governments would accept additional sovereignty transfers. Significantly, the proposals for treaty reform that flourish in view of further EU enlargements rarely focus on the issue of Council presidencies. In the past, more ambitious reforms including these aspects were put forward, based on the objective of simplifying the EU political system and making it easier for citizens to understand. Indeed, the EU regime suffers

from an unclear division of powers (executive/legislative) and from institutions that mix national and supranational logics and components in a way that is utterly confusing.

However, it appears that any major reform aiming at clarifying the EU system would harm its current capacity to create consensus among a large number of actors and institutions, and to balance diverse interests. Also, the benefits of such a reform in terms of legitimizing the EU may be limited today. Citizens are becoming increasingly familiar with the fundamentally hybrid nature of the EU, and with its two-sided logics, electoral and diplomatic, supranational and intergovernmental. They are also developing a better understanding of the functional necessity to pool elements of national sovereignty in order to address today's most important challenges—global warming, international economic competition, pandemics, security and defence, innovation, energy supply, etc. Thus, the need for a "simplification" of the EU institutional design is less obvious now than it was considered to be in the early 2000s, when the Convention on the Future of Europe drafted a constitution.

Today, the rotating Presidency of the Council stands as the best symbol of the hybridity of the EU political system and of its ability to reconcile national and supranational visions of the European general interest. Despite its flaws and cumbersomeness, this long-standing system may be the necessary trade-off to manage the delicate and ever-challenging issue of pooling sovereignty at the EU level.

References

Fabbrini, F. (2015). Austerity, the European Council, and the Institutional Future of the European Union: A Proposal to Strengthen the Presidency of the European Council. *Indiana Journal of Global Legal Studies, 22*(2), 269–334.

Schout, Adriaan. (2008). Beyond the Rotating Presidency, In J. Hayward (Ed.), *Leaderless Europe*. Oxford Academic.

Solana Report. (2002, March 12). *Préparer le Conseil à l'élargissement : Rapport du Secrétaire général.*

Vanhoonacker, S., & Schout, A. (2003). Reforming the EU Institutions-Challenges for the Council. *The Rotating Presidency of the Council of the EU: Obstinate or Obsolete? European Commision* (pp. 1–19).