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The EU Council Presidency Dilemma:
An historical Institutionalist Interpretation

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Abstract

The aim of this article is to demonstrate the usefulness of taking into account the variable of EU institutional development when analysing the consequences of EU membership. Using an historical institutionalist perspective, the article examines the path of the Council Presidency since its origins and argues that five decades of institutional feedback have unexpectedly altered its nature. Originally conceived as an intergovernmental function, today the Presidency has become hybrid and increasingly identified with the Community interests. This process of institutional conversion has essentially limited the scope of action of the member states.

Key words

EU Council -EU Presidency- Europeanisation- Historical Institutionalism-EU

Institutional development-Path Dependence.

Just over fifty years ago, six European states decided to embark on a common venture. In a Europe divided by the Iron Curtain, they chose to unite and to create a new kind of political organisation. The aim of this article is to improve the understanding of this atypical political system. It is an exercise to further understand the relationship between structure and agency within the European Union, and, in particular the structuring effect of the institutions on political actions. In this sense, the intention is to contribute to the academic debate on the implications of EU membership. The starting hypothesis lies in the claim that the evolution of the institutional system constitutes a variable with explanatory power that should be taken into account when analysing the consequences for states of being members of the EU. Researching the changes that the EU imposes on national executives involves focussing attention on the functioning of this political structure as well as considering its ever changing nature.

I. Why the EU Council Presidency?

In order to illustrate this idea, the case of the EU Council Presidency will be considered. The main reason to study it is related to a recurring debate in progress since the seventies regarding the scope of this function for the member states. The qualitative leap in the roles of the Presidency over the years has led various authors to question the implications of the exercise of the Presidency for member states that for six months on a periodic and rotational basis occupy this post. Starting from the analysis of the role of

the Presidency in terms of organisation, impulsion, mediation and representation both within and outside the Union, several authors have tried to establish the level of responsibility and/or political opportunity that the exercise of this function implies (Bengtsson *et al.*, 2004; Edwards and Wallace, 1976; Elgström, 2003, Tallberg, 2006; Thomson, 2008).

Three principal hypotheses have been formulated regarding this particular aspect. One part of the literature considers that the holding of the Presidency represents a great responsibility that does not however bring about any political power for the state concerned (Bassompierre, 1988; Dewost, 1984; Metcalfe, 1988; O'Nuallain, 1985). From this perspective, the Presidency is a *supranational* function that involves placing national administrations at the service of the Union and subordinating the pursuit of national interests to that of common interest. Seen in this light, the Presidency is essentially a neutral and impartial role that prohibits political capitalisation, except for the prestige obtained as a result of a job well done.

Another body of literature argues the contrary: that the Presidency is essentially an *intergovernmental* function (Ayral, 1975; Tallberg 2003 and 2004; Sherrington, 2000). From this perspective, the holding of the Presidency places the member states in a privileged position that allows them to guide the European agenda and to maximise their own interests. This second hypothesis that is anchored into a rationalist theoretical framework, questions the disinterested nature of the Presidency and highlights the level of discretional power inherent to its exercise.

In contrast to these two principal approaches that highlight respectively the 'silencer or amplifier' character of the Presidency (Bengtsson *et al.*, 2004), a third line of interpretation has emerged. This vision nuances the previous views and sustains that the presidential role combines both *communitarian and intergovernmental* components (Kirchner, 1992; Ludlow, 1993; Wallace, 1986; Westlake, 1999; Schout, 1998). According to this vision, the Presidency is a complex role in which responsibility and opportunity are present at the same time. As the prominent figure within the Council, and therefore as one of the main bridges between the supranational and intergovernmental dimensions of the Union, the Presidency implies a balancing act between the individual interests of national government and the general interests of the Community.

This debate regarding the dilemma of the Presidency in terms of representation of interests is particularly interesting. Nevertheless, the approach used by scholars to contrast these suppositions is not completely satisfactory. The usual approach to determine the competing or complementary expectations that arise from the tenure of the Presidency consists in analysing the current competencies of this institution. Existing studies centre the subject of the Presidency from the perspective of the power given to the member states and, in this way, focus on the mechanisms at the disposal of the Presidency to influence the European agenda (see Tallberg, 2006).

This type of perspective, while useful, fails to address two previous and interrelated questions that are fundamental if we are to gauge the nature of this impact. In the first instance, what is the relative position occupied by the Council Presidency within the European institutional system? Secondly, to what extent this rank has been

stable over time? In other words, how can we resolve the question of the implications of the Presidency for the agents of the political system in terms of representation of interests without establishing the scope of this institution within the overall system and considering the fact that the relative position of this institution has changed throughout the years?

To sum up then, the main problem of the existing analyses resides in the static conception of the structure-agency relationship. While considerable efforts have been spent in scrutinizing the semesters and in comparing national performances (e.g. Elgström, 2003; Quaglia and Moxon-Browne, 2006; Svensson, 2000), little attention has been paid to the institutional variation of the Presidency over time. The evolution of the Presidency is mentioned but institutional change as an explanatory factor of the actual scope of this function for the member states –the level of responsibility and/or opportunity that its exercise involves- is not considered. Taking this into account, this article claims for the need to situate the study of the structure-agency relationship within an historical perspective in order to fully understand the impact of the Presidency on the member states. More specifically, it argues that if there is no doubt that the presidential term of office constitutes an especially relevant moment in terms of the interaction between the European and the national spheres, it should however be stated that its effects have not always been the same. The scope of the Presidency for the member states has varied in function of the evolving position of this institution within the European system.

II .The EU Council Presidency from the perspective of historical institutionalism: a win-win exercise

The basic hypothesis is that the Council Presidency is not a constant variable. Five decades of institutional feedback have unexpectedly altered its nature and this process of institutional conversion has locked in the scope of action of the member states. In 1951, the Presidency had a low-profile, intergovernmental function. Its competences were limited and were basically administrative in nature. The functioning of the erstwhile Special Council of the European Coal and Steel Community (ECSC) was simple, with little formal organisation. In this context, the Presidency had a mostly symbolic importance for the member states. The presidential mandate did not involve either a great deal of responsibility or major organisational efforts, although on the other hand, it did provide a mechanism to ensure equal representation within the Council.

Fifty years later, things have changed. Five decades of institutional increasing return effects have considerably upgraded this institution and led to its progressive communitarisation. This office no longer represents a mere administrative role identified with the defence of intergovernmental interests. It has become a complex exercise that is increasingly associated with the defence of community interests. Historical institutionalism is the approach used to confirm this hypothesis.

The usefulness of this theory lies fundamentally in the theoretical importance attributed to the time factor, and, more specifically, to the historical trajectory of institutional options (e.g. Aspinwall and Schneider, 2000; Hall and Taylor, 1996; Pierson, 2004). This school of neo-institutionalism accepts the realist premise that the

starting point of institutional design is the rational choice of political actors, and proceeds to research the long-terms effects of the initial decision, stressing the contingent nature of such effects. From this approach, current political outcomes should be interpreted in the light of past institutional choices (Bulmer, 1994; Krasner, 1984 and 1988; Thelen, 2003). The actors that create the institutions are, at the same time, conditioned by the development of the institutions themselves. The main feature of this evolution is its continuity or path dependency. The greater the time elapsed, the greater the difficulty involved in going back to the original choices and implementing alternative solutions, even if they are more efficient (Arthur, 1989; David, 1985). The amortization of the initial investment, the experience acquired and the co-ordination with other institutions all produce inertias (Pierson, 1993). In this context, changes with regards to the original model tend to be limited and set in a pre-established pattern of development.

However, institutions do undergo substantial changes. To explain this, historical institutionalism uses the term of 'critical juncture', a concept that is similar to the 'performance crisis' coined by March and Olsen in 1989, and is based on the idea of turning point in the development of a system. Profound changes are not frequent, while the catalyst is to be found in the socio-political environment and takes the form of an event that is at once exceptional and crucial, with the result that the foundations are laid for a new path to be established (March and Olsen, 1984, 1989). Such a change in direction may involve the creation of norms and procedures that break, to a greater or lesser degree, with the institutional legacy of the past. The institutional transformation may be complete or partial, but it will contribute to the development of new models of representation and behaviour.

Overall, by situating the structure-agency relationship in a dynamic and diachronic perspective, historical institutionalism allows us to shed light on the mechanisms of innovation, reproduction and institutional change as well as to make clear the impact of this evolution on the behaviour of political actors (Steinmo *et al.*, 1992). In other words, the analytical importance attributed to the structure-agency dialectic over time allows us to sequentialize institutional development and to examine the evolution of the structuring effect of the institutions on political action. In this sense, it helps to show the long-term implications of institutional decisions.

In the case of the Council Presidency, this approach is interesting because it allows us to trace the path of this institution since its creation; to identify the key moments that have marked its development; and to highlight both the role played by the member states in driving this process of change and its lock-in effect regarding the definition of future actions.

The EU Council Presidency: Analysis of a changing nature

Today, the Presidency continues to represent the main intergovernmental counterweight to the supranational dynamic embodied by the European Commission. Nevertheless, this institution has also become one of the driving forces of the European integration process, namely, an institution increasingly associated with the defence of collective views and the implementation of common policies. This unexpected change that may be described as the "communitarisation" of the Council Presidency can be

explained by the institutional choices made by the member states at decisive moments of European construction.

1. The creation of the Council Presidency as an intergovernmental guarantee

The origin of the EU Council Presidency should be placed in the context of the political negotiations that presided over the creation of the first European Community. In 1951, the main concern of the founder states was centred on the autonomy of the High Authority (Dinan, 2004, p.51; Houben, 1964). The idea contemplated in the Schuman Declaration to create a supranational institution that would be independent of national governments caused misgivings among the contracting parties and in particular among the Benelux States who would finally condition their participation in the European project to the creation of a Council of Ministers that would institutionalise member state participation in the Community structure (Poidevin and Spierenburg, 1993, p.13; Rittberger, 2001, p.695). This was the source of a hybrid political system based on the principle of institutional balance. The power of the High Authority, the forum of the representation of the general interest of the Community, was counterbalanced by the creation of a Special Council of Ministers, a body of collective control and centre of member-state interests (De Visscher, 1957, p.23; Kersten, 1988, p.293).

The Presidency of the EU Council finds its origins in this context characterised by the will to organise the conditions of state participation in the communitarian enterprise. Its beginnings were modest in terms of competencies but important from a

symbolic and political point of view. Effectively, the Presidency was then designed as a double institutional guarantee. On the one hand, it represented governmental interests within the communitarian structure, which at that time allowed for the powerful figure of Jean Monnet, first president of the High Authority, to be counterbalanced. On the other hand, it also guaranteed the equal representation of the member states within the Council (Dumoulin, 1988, p.272). The conditions regarding how the Presidency would be attributed and exercised could be summed up in terms of two key principles: representation and equality. Both were set out in Art. 27 of the Treaty of the ECSC and were considered to be, until recently, non-negotiable by the small states of the Union. This system, whose precedent was Art.IV of the Internal Rules of Procedure of the Council of the League of Nations of 1933, involved two ideas. Firstly, the fact that the Presidency would be assumed by the member states and not by a collective representative. Secondly, the idea that each member state would exercise this function periodically on a rotating basis, regardless of its demographic size or economic and political power (Di Bucci, 1988, p.5). During this first stage, the rotation sequence was fixed by the alphabetic order of the member states in the French language[2]. By choosing an institutional design based on the principles of representativeness and equality, the founding states ensured a national profile for the Presidency, in contrast to the communitarian profile of the Presidency of the High Authority. This was also foreseen by the Treaties of Rome[3], and was reinforced during the shift to intergovernmentalism in the 1960s.

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[2] According to this rule, the first meeting of the Special Council of Ministers that was held in Luxembourg on 8 September 1952 was presided over by Konrad Adenauer.

[3] By way of example, during the negotiations surrounding the Treaties of Rome, the Benelux countries, and in particular Luxembourg, strongly defended their "participation in the steering organs of the

2. The reproduction of the Council Presidency in the shadow of increasing intergovernmentalism

The 'sixties and 'seventies marked the functional 'take off' of the Presidency. Events such as the Luxembourg Compromise in 1966, the creation of European Political Cooperation (EPC) on an intergovernmental basis in 1970 or the institutionalisation of the meetings between the Heads of State and Governments through the creation of the European Council in 1974 activated the potential of the Presidency as well as strengthened its intergovernmental character.

The first great impulse in terms of responsibilities of the Presidency occurred after the election of Charles de Gaulle to the Presidency of the fifth French Republic in January 1959. Critical of the supranational thesis of the Founding Fathers that gave the power of political initiative to the Commission, De Gaulle called for the central role for states in the European system (De Gaulle, 1971, p.1030; Palayret *et al.*, 2007). From the perspective of the Council Presidency, the struggle for a European model based on mechanisms of cooperation between states instead of transfers of sovereignty to a supranational institution that reached its highest point with the institutional crisis of 1965 and with the adoption of the Luxembourg Compromise in January 1966 had a noteworthy result: the end of the monopoly of the Commission in terms of external representation of the European Communities and its substitution by a dual system based

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Councils of the EEC and Euratom". See Note of Luxembourg Delegation of 13th September delivered to the negotiating commission led by Paul-Henri Spaak. Doc. 271/56. Quoted in Spaak, 1987, p. 68.

on the idea of the right to active and passive legation shared between the President of the Commission and the Council President[4].

The second qualitative leap in the powers of the Presidency came about as a result of the adoption of the Davignon and Copenhagen Reports on 27 October 1970 and 23 July 1973 respectively. By opting to create and develop the EPC mechanism on an intergovernmental formula, the member states transformed the scope of the Presidency within the European system. Apart from extending its responsibilities in administrative areas, the Presidency's political potential was activated in that the initiative, mediation and executive powers granted by the treaties to the Commission in the communitarian field were similarly granted to the Presidency in intergovernmental matters. Moreover, the lack of agreement on the creation of a permanent secretary's office in this area converted the Presidency into the only structural support of the EPC until the Single European Act (SEA).

These changes that have been driven by the member states in order to counterbalance the supranational dynamic of the European integration process implied an unprecedented challenge for the administrations periodically involved (partly due to the functional differentiation established between EC affairs and EPC matters) as well as a new role of political leadership. Since the seventies, the success or failure of the presidential term began to depend on political criteria as well as its capacity to make

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[4] This change that is contemplated in the Annex II of the Luxembourg Compromise that deals specifically with the question of the relations between the Council of Ministers and the Commission was the direct result of the Decalogue presented on 17 January 1966 by the French Government (see Historic Archives of the Council, CM 2/1966).

proposals, negotiate and find formulae of consensus in the intergovernmental domain (De Schoutheete, 1980, p.43).

In this sense, the creation of the European Council in December 1974 should also be highlighted. The institutionalisation of the Conferences of Heads of States and Governments that had taken place without a fixed timetable since 1961 endowed the European building with a superstructure (Brückner, 1982, p.60; Bulmer and Wessels, 1987). This change had an important consequence for the Presidency in that it meant that the existing presidential model of the Community and the EPC pillars were transferred to the highest organ of the European system. This new desire of the member states for a single presidency once more transformed the scope of the institution. It granted the Presidency the responsibility of representing the European Council outside as well as within the European Communities and of preparing materially and politically all its meetings.

3. The conversion of the Council Presidency:
the communitarisation of an intergovernmental function

For decades, the Presidency was essentially conceived as an intergovernmental counterweight to the supranational dynamic embodied by the European Commission. As Wallace pointed out, the design of the EC rested on an institutional balance between two levels of governance -the Community with the Commission, advocate of collective interests, and the national with the Council –and thus the Presidency- forum of the member states (Wallace, 2002, p.328). Since the middle of the eighties, this clear-cut pattern in terms of role conception has changed. Two main factors can be identified that

have transformed in particular the Council Presidency into one that is increasingly concerned with Community interests: the reactivation of the supranational dynamic since the eighties and the institutional reform process that has accompanied the latest and largest enlargement of the EU.

Conditioning Factors (I): The re-launch of the European integration process after the SEA

After many years in which intergovernmentalism had dominated, the European integration process found a new lease of life with the signing of the SEA in 1986 and of the European Union Treaty (TEU) in 1992. The dynamics created by these first two reforms of the founding treaties had an unprecedented effect on the growth in the responsibilities of the Council Presidency in both the intergovernmental and the supranational ambit of the EU. This new assignment of tasks gave rise to an important and unexpected political consequence: the transformation of an institution traditionally considered to be a bastion of governmental interests within the Community structure into a driving force of the overall integration process. Despite the fact that, in practice, variations exist between countries, in formal terms – legal, procedural and political – there was a qualitative leap forward in the communitarian duties of the Council Presidency. This turning point is reflected in at least three missions that the member states granted at that time to the Presidency, and in the fact that, for the first time, with the formal introduction of semester programmes in January 1989 (in accordance with the Stuttgart Declaration of 1983), a results based obligation was introduced (EC Bulletin, 6-1983, p.26).

➢ **The Responsibility for progress in the fields of CFSP and JHA**

Since the creation of EPC outside of the Community framework in 1970, the Council Presidency has assumed a central role in the development of the mechanisms of co-ordination of the member states' foreign policy (Rummel, 1982, p.159). The changes produced in the international scenario as a result of the end of the Cold War led to a speeding up of the development of political union. The member states decided to make a qualitative leap, transforming EPC into a common foreign policy that included the security dimension and the promotion of co-operation in judicial and home affairs that had been developing informally since the constitution of the Trevi Group in 1975.

The Council Presidency emerged notably strengthened from both processes. As David Galloway points out, the CFSP and JHA became complex frameworks of co-ordination and consultation led by the Presidency (Galloway, 1999, p.211). Title V and VI of the Maastricht treaty not only granted it the power to propose initiatives and to represent the Union in the field of the Second and Third Pillars of the EU but also notably extended its executive duties in the ambit of the implementation of the joint positions and actions related to these areas. This strengthening of the political role of the Presidency, together with the accession of Austria, Finland and Sweden in 1995 –three 'small' and neutral countries- had an important consequence from the point of view of the functioning of the Presidency: the end of the alternated alphabetic system adopted after the accession of Spain and Portugal in 1986, and the establishment of a new order of rotation based on political criteria (Hayes-Renshaw and Wallace, 2006, p.139).

➢ **The responsibility for achieving the Internal Market and EMU**

Since the middle of the eighties, the Presidency has acquired an increasingly central role in the direction of the European integration process not only from an intergovernmental perspective but also from a supranational one. The member states added a new dimension to the Presidency by making it jointly responsible with a reactivated Commission for the implementation of the Internal Market and for Economic and Monetary Union (Armstrong and Bulmer, 1998, p.77). One of the most immediate consequences of this decision was a revised working relationship between the Council Presidency and the Commission. The rather conflictive nature that for years had characterised relations between both institutions as a result of the adoption of the Luxembourg Compromise gave way to a new climate of cooperation based on reinforced joint responsibility for the implementation of common policies. An example of this legally inducted synergy was the presentation of a joint strategy by the Luxembourg, British and Austrian presidencies in 1997-1998 in order to develop the Commission's Single Market Action Plan 1997-1999 (CSE (97) 1 final, 4 June 1997).

This was reinforced by the re-introduction and extension of qualified majority voting in the Council. As a high-level official of the Council General Secretariat pointed out, "the formal generalisation of this voting method in economic integration potentially transformed the Council Presidency into one of the principal allies of the European Commission" (Interview, Brussels, 09/11/04). The advances made towards the Single Market and EMU depended on the success of the vote in the Council. This, in turn, was conditioned to a large extent to the capacity of the President to construct a majority (Tallberg, 2006, p.60; Westlake, 1999, p. 43).

> **The Responsibility for assuring coherence between economic integration and political union**

Finally here, a third element should be highlighted that contributed to the strengthening of the centrality of the Presidency at the heart of the European institutional system, and that also supports the hypothesis that the Presidency has increasingly taken on board supranational interests: the institutionalisation of its link between the two functional dynamics of the EU. Until the SEA was passed, the Council Presidency constituted an informal bridge between the process towards economic integration taking place within the three European Communities, and the mechanism of Political Co-operation based on intergovernmentalism, which remained outside the legal framework of the Treaties. On granting a single framework to these two dimensions of European construction, the SEA took an important step forward towards closing the gap between these two systems, reflecting changes of attitudes of certain member states such as France, who up until then had sought to keep the two dynamics separate. In 1992, the Maastricht treaty formalised the creation of a European Union that included the Community pillar and the two intergovernmental pillars of European construction. Based on Art. C of Title I on Common Dispositions of the Maastricht Treaty, it was the mission of both the Commission and the Council to guarantee the coherence and continuity of all of the actions of the EU, as well as to ensure co-operation between the two institutions in this field. For the Council's part, the Presidential role was to ensure the coherence between the activities of the three Pillars of the Union and the coordination of this objective with the Commission.

Overall, the change of direction produced in the construction process since the mid-eighties has had an impact on the Council Presidency. The re-launch of the Community contributed to give this institution a new responsibility toward European *integration*, and consequently in defence of the general interests of the Union. The recent evolution of the integration process and in particular that of institutional reform which began in the mid-nineties in the context of the fifth enlargement of the EU and of the debate on the future of Europe confirms this tendency.

Conditioning Factors (II): The institutional reform in the face of enlargement and the debate on the future of Europe

Since the implosion of the Soviet block in 1991 and the end of the bipolar order, Europe faced the greatest challenge of its recent history: the end of its division. For more than 10 years, the most important enlargement in economic, political and symbolic terms centred the interests of the member states, although at the same time, it was a cause for concern.

In institutional terms, there was little doubt about the need to adapt existing structures that had been constructed around just six member states. The main question consisted of deciding how to change without altering the fundamental nature of an originally complex mechanism that was both supranational and intergovernmental; in other words, how to continue to advance towards a closer union in a framework enlarged by ten new member states, that was efficient from a functional point of view and politically balanced. Such a complex issue called for

wider reflection on the model and the objectives of the process of European integration.

As Johan Olsen has claimed, the debate on the future of Europe has always been above all a debate on how Europe should be governed, how the powers of the principal communitarian institutions should be organised, distributed, executed and controlled in the widened political arena (Olsen, 2002, p.922). This process of reflection and negotiation on the levels of the respective powers and on the rules of the European political game has lasted for nearly a decade. During all of these years, one of the most interesting and controversial questions that has arisen has been the reform of the rotational presidential system.

This was not a new issue. Since the dawn of European construction, there have been various attempts to reform a model afflicted by a central problem: the lack of continuity. As the powers of the president have been extended, the issue of rotation, first by trimester (1951-1957) and then by semester (1958-) has been increasingly called into question. The main difficulty of introducing substantial modifications in the actual system has always stemmed from the firm support given by the member states, and particularly of the smaller ones, to the fundamental principles of the Presidency: representation and equality. Thus, for years the proposed reforms have sought to maintain the rotational system on the one hand and, on the other, to introduce measures to improve the continuity of the Councils' work and also, since 1974, that of the European Council. In this sense, the unsuccessful Tindemans Report proposed to maintain the rotational system, while increasing the duration of the mandate to a period of a year. The proposal adopted in

1981 by the European Council in London was more successful in that it created a European troika in political co-operation to achieve a better level of coordination between the current, previous and forthcoming Presidency. The progressive reinforcement of the figure of Secretary-General of the Council as a means of support to the Presidency has to be interpreted in the same way.

However, the challenge of enlargement has speeded up the necessity for reform. In this context, since the middle of the nineties, two parallel processes set to improve the workings of the Council have been taking place. On the one hand, since 1999, the General Council Secretariat has issued several proposals that have led to five reforms of the Council's Rules of Procedure in less than six years[5]. On the other hand, there is the process of negotiation on this same subject that occurred in the frame of both the Convention and of the IGC 2003/2004 for the revision of the treaties.

➢ **The reform of the Presidency in the framework of the current Treaties**

In March 1999, after the failure of the Treaty of Amsterdam on the institutional adaptation of the Union in the face of enlargement, the previous General-Secretary of the Council Jürgen Trumpf presented a comprehensive list on "the workings of the Council from the perspective of an enlarged Europe" (SN 2139/99). The document went over all the organisational and functional aspects of the Council and the European

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[5] Between 1951 and 1969, the Council's Rules of Procedure had only been modified twice: in 1957 due to the signing of the Treaties of Rome and in 1969 due the adoption of the definitive Council's Rules of Procedure.

Council, and noted more than 140 ideas to guarantee that both institutions would continue to function efficiently after enlargement. One of the priorities identified to improve the working methods of the Council consisted of correcting the lack of continuity inherent in the rotating presidency.

The first specific measures in this direction were adopted during the European Council of Helsinki (10 and 11 December 1999) in which two operational recommendations were taken on board with the aim of consolidating the leading position of the Presidency and of improving the coherence of its work: the presence of the forthcoming Presidency in Community issues and global assistance of the Secretariat-General of the Council (00300/1/99).

As Javier Solana, appointed as Secretary-General of the Council in October 1999, pointed out in two successive reports presented at the European Council in June (Gothenburg) and December (Laeken) 2001, these first reforms were insufficient. The working practices of the Council continued to present important deficiencies in terms of effectiveness and coordination. The result of this pessimistic evaluation was the presentation of a new document in March 2002 in which three formulae were contemplated in order to increase the powers of the Presidency: a mandate extended to two or three semesters and the reform of the rotational system, whereby it would be substituted with a combined Presidency, a collegiate body made up of groups of five or six member states on a rotational basis and with a mandate of two and a half years. Finally, in order to strengthen the image of the EU abroad, the report proposed that the president of the European Council should be elected for a period of two and a half years (S 0044/02).

Following the recommendations of Solana, the European Council of Seville (21 and 22 June 2002) adopted some of these measures, specifying that "any adaptation of the current system of rotation by semester should continue to respect the principle of equality among all the member states" (13463/02). Within this clearly established framework, various new developments were introduced. The first concerned the issue of the programming of Council activities. In his report, the Secretary-General had proposed to extend the programme of the Presidency over two or three semesters. The European Council went much further than this, in finally giving its support to a proposal put forward by the Spanish Presidency, which contemplated the idea of a programme extended over various years (9939/02). The formula finally approved was the strategic multi-annual programme extended to three years from December 2003, as well as the presentation of an annual operational programme of activities in December of each year[6]. These proposals were introduced in the new Council's Rules of Procedure which came into force on 23 July 2002, together with other changes, such as the reinforcement of the co-operation mechanisms between successive presidencies (Arts. 19 and 20), and the attribution of the Chair of certain working groups to the General Secretariat of the Council[7].

Overall, the European Council of Seville marked a milestone in the process of reform of the Presidency. The measures discussed confirmed a change of direction in the evolutionary path of the Presidency. The ideas of a multi-annual programme, of

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[6] In December 2002, Greece and Italy presented the first operational programme (15881/02).

[7] Working Groups of "Electronic Communications", "Legal Data Processing", "Codification of Legislation", "Information", "New Buildings".

partially co-presided mandates and the delegation of the Presidency of certain working groups to the General Secretariat of the Council have involved a break with the initial format of the Presidency. In Seville, the principle of equality was maintained, but that of representation and uniqueness have been modified. Such changes, that were introduced to improve the functioning of the Council, reformed the founding principles of the Presidency.

> **The reform of the Presidency in the context of the European Convention on Treaty Reform**

This evolution has been confirmed by the results of the European Convention and of the IGC 2003/2004 on the revision of the Treaties. For almost three years a broad debate has developed concerning the future of the Union. During the work of the Convention, traditionally conflictual subjects such as the size and composition of the Commission, or the definition and area of application of the majority vote were once again placed on the table. At the same time, the introduction of new questions on the agenda of negotiation, such as the election of the President of the European Council, the creation of the role of Foreign Affairs Minister of the Union (result of the merging of the High Representative for the CFSP and the Commissioner for External Relations), or the designation of a stable presidency for the Ecofin Council and the Council of Home and Justice Affairs raised a great deal of controversy. These proposals made by the larger states of the Union contributed to raising suspicions on the part of the Commission that such a government sought to 'take over the government of Europe'. At the same time, as was to be expected, the Benelux States reacted adversely, given their traditional opposition to the introduction of any modification in the presidential

rotational system likely to alter the balance between the states in the institutional structure of the EU (De Schoutheete and Wallace, 2002).

The results of the Convention were presented to the European Council of Salonica (20 June 2003). From the point of view of the Presidency, despite the doubts raised, the Constitution project presented by Giscard D'Estaing finally contemplated the formula of the election of a President of the European Council by a majority of its members for a mandate of two and a half years, renewable only once, as well as the creation of the role of Foreign Affairs Minister of the EU. In other areas, the Constitutional project maintained the rotational presidential system but proposing to extend the mandate to a one year period.

Despite being a compromise solution, the measures drawn up by the Constitutional project marked a new turn in the evolutionary path of the Council Presidency that had been confirmed by the results of the IGC 2003/2004, the adoption of the European Constitution by the Heads of State and Government on 29 October 2004 and the new Reform Treaty project (October 2007). The constitutional Treaty included the principle of the election of the President of the European Council by a qualified majority for a period of two and a half years, renewable only once. Such a measure, confirmed by the ICG 2007 results, has various consequences. On the one hand, it detaches the Presidency of the Council from the Presidency of the European Council, therefore putting an end to the system in place since 1974, when the latter was created. On the other, it implies designating as the head of the European Council a person who, on not having a national mandate, will appear, at least in theory, as a *supra partes* figure and no longer as a *primus inter pares*. Finally, and despite the attempts of

the Benelux states (see IGC 53/03), the European Constitution made no mention of the Presidency of the European Council being designated on a rotational basis involving strict equality between member states. Thus, the principle of equality that had until that moment been in force was eliminated at a stroke.

Secondly, the Constitutional Treaty institutionalised the Foreign Affairs Minister, appointed for a five year term, who would, *inter alia*, chair the Foreign Affairs Council for a period of five years. This new figure, which has been re-called the 'High Representative of the Union for Foreign Affairs and Security Policy' in the Reform Treaty project in an attempt to downplay all reminiscence to state vocabulary in the new text, would also be the vice-president of the European Commission. With this measure, the Constitution not only suppressed the rotational system of semesters based on the principles of equality and representation (given that, on the date that the modified Treaty comes into place, this function would fall to the Secretary-General of the Council), but also contributed to communitarise the External Relations Council. This dual role of the new High Representative would effectively involve the difficult task of juggling the intergovernmental interests of the Council with the supranational interests of the Commission. In addition, the Constitution considered the strengthening of the measures agreed in Seville for the rest of the Council formations. In contrast to what the Convention had proposed, it maintained the rotational system by semesters but within a team presidency made up of three countries, therefore pushing the idea of a combined mandate[8]. The Treaty also allowed the General Secretariat of the Council to take over

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[8] In December 2005, the Council adopted a new order of rotation for the period between January 2007 and June 2018 that introduced this change. The new system organizes the member states into geographically and economically balanced groups of three, combining the 'longstanding' members of the

the Presidency of more working groups in the future. Lastly, the constitutional text introduced the possibility of modifying by majority the means of attributing the Presidency and its tenure.

With these measures, the constitutional Treaty not only reorganised the Council Presidency, and as such had an impact on its way of working, but also affected symbolic issues tied to the underlying values of the Presidency that have endured since its origins. The new Reform Treaty seems to confirm this shift. In the case of ratification, these dispositions would involve the end of an age and a system; indeed they undermine the principles of equality, representation and uniqueness that have been inherent in the role of the Presidency since 1951. In this respect, they represent a departure in the system of representation of the member states within the European polity. They entail renouncing a privileged channel of influence in the European arena, while at the same time they involve the loss of an important instrument of socialisation to the communitarian interest.

In summary, between the Presidency of the Special Council of the first European Community of 1951 and the Presidency of the Council of the Union of 2007, fifty years have gone by in which much more than the name has changed. The Presidency has been transformed. This evolution has been contingent and multidirectional. Contingent because the roles of the Presidency have been determined by the same evolutionary process of European integration, and more specifically by the underlying institutional debate that has characterized it since its origins. Multidirectional since in little more

EU with the ten countries who became members in 2004 (Official Journal of the EU, L 328/61, 15 December 2005).

than half a century, the presidential mandate is no longer a role of administrative manager and spokesman of state interests in the heart of the Community, but rather has become a complex role of drive, coordination, negotiation, mediation and representation both in the supranational and intergovernmental areas of the Union.

This evolution has transformed the meaning of the Presidency for the member states. In functional terms, the increasing importance of the role of the Presidency since the seventies has been matched by the increase in the responsibilities of the member states both inside and outside the Union, which means that the challenge also increases for the administrations involved. On a politically symbolic level, the evolutionary dynamic of the Presidency has contributed to partially detach this figure from its founding logic related to the conflictive dialectic between the Council and the Commission. The presidential mandate has become a complex balancing challenge based on the compatibility of interests and the sum of identities. Proof of this is that, today, the main success of a Presidency does not derive form the capacity to slow down the European construction process, but rather from efforts to motivate and achieve progress.

Conclusion

In this article, the objective has been to demonstrate the relevance of placing the analysis of the structure-agencies relationship in a historical perspective and to validate the idea that the evolution of the institutional system constitutes an explanatory variable to bear in mind when analysing the implications of EU membership. To test this hypothesis, attention has centred on the Council Presidency. This case study illustrates

the evolving character of the European institutions, the role assumed by the member states in driving this process of change and also its lock-in effect regarding the definition of future actions. The aim was to demonstrate that the significance of the Presidency for the member states has varied throughout the process of European integration in accordance with the transformation of this institution and that such transformation has been driven by the institutional decisions taken by the member states at critical points in the history of European construction.

Once this has been done, a conclusion has been reached that, indeed, the implications of hosting the Presidency have not always been the same. In 1951, the Presidency had an intergovernmental function with a low political profile. The ambits were limited and were essentially administrative. In the image of the then Special Council, the way of working was simple and its organisation reduced to the minimum. In this context, the scope of the Presidency for the Member states was above all of a symbolic nature. This presidential mandate involved neither a great deal of responsibility nor major organisational efforts, although, on the other hand, it did provide a mechanism to ensure equal representation within the Council.

Fifty years later, things have changed. Today the Presidency has become a central pillar of the EU system. Five decades of increasing return effects have managed to communitarise this institution and raise it to the level of motor of European integration. This change of nature has meant an exponential growth of Presidential functions and has simultaneously transformed the principles upon which this institution functioned for decades. The initial symbolism that surrounded the Presidency has been

eroded. What was conceived as a purely intergovernmental function has become hybrid and increasingly identified with communitarian interests.

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