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The Rotating-Presidency in a Post-Lisbon Environment: agenda-setter or agenda-manager?

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ABSTRACT

This thesis examines the impact of the Lisbon Treaty on the rotating-presidencies ability to pursue national preferences and examines the consequences of these changes on the potential evolution of the EU as a whole. By using a qualitative text analysis and conducting a literature review this thesis acknowledges the subjective nature of a policy environment where almost all of the data and records of negotiation are kept behind closed doors.

The literature review examines the theories and current thinking around leadership and negotiation with a particular emphasis on the European Union and the role of the rotating-Presidency. These theories examine the ability of the rotating-Presidency to act as a policy innovator through agenda- setting, prioritizing agendas and management of negotiations to elicit an outcome that is congruent with the national preferences of the Member State holding the office of the rotating-presidency.

This thesis reviews the hypothesis that the Lisbon Treaty has removed the powers of the rotating-presidency by transferring agenda setting power to the elected-presidency and attempts to highlight trends in legislative outcomes that could explain a reduction in legislative vigour by the Council and the situation whereby a Member State's ability to influence priorities or outcomes congruent with their national interests is contingent on the power and size of the Member State. The result of which could lead to a reduction in interest in the position of the rotating-presidency and the institutions of the EU by the Member States.

Keywords: Lisbon Treaty, negotiation, rotating-presidency, EU, international relations

Words: *21,549*

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Abbreviations

CAP	Common Agricultural Programme
CEE	Central and East European
Coreper	Committee of Permanent Representatives
CFSP	Common Foreign & Security Policy
CO2-e	Carbon dioxide equivalent emissions
COP-15	15 th Conference of the Parties (Copenhagen)
CSDP	Common Security & Defence Policy
CSCE	Conference on Security and Cooperation in Europe
CSSD	Czech Social Democratic Party (Česká strana sociálně demokratická)
DRS	Danube River Strategy
EEAS/EAS	European External Action Service/External Action Service
EC	European Community
ENP	European Neighbourhood Policy
EP	European Parliament
ETS	Emissions Trading Scheme
EU	European Union
GAERC	General Affairs & External Relations Council
GAC	General Affairs Council
HR	High Representative
IGC	Intergovernmental conference
INC	Intergovernmental Negotiating Committee
JHA	Justice and Home Affairs
KDU-CSL	Czech Christian Democrat Party (Křesťanská a demokratická unie - Československá strana lidová)
ODS	Czech Civic Democratic Party (Občanská demokratická strana)
QMV	Qualified Majority Voting
SBH	Spanish-Belgian-Hungarian Trio Presidency
SZ	Czech Green Party (Strana zelených)
TEU	Treaty of the European Union
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change

1. Introduction

”Nothing gets done without people but that nothings lasts without institutions” – Jean Monnet

1.1 Problematising the changing institutional framework

The Lisbon Treaty changed the institutional structure of the European Union but the question remains as to how these institutional changes will affect the evolution of the EU—this thesis attempts to problematise and propose some answers to that question in relation to the institution of the rotating-Presidency and the ability of the Member States influence that evolution.

The ability of Member States to shape policy outcomes provides a greater understanding how the Member States contribute to the evolution and dynamism of the EU. Additionally, understanding the provision of asymmetric power and the limits of leadership allows a greater understanding of negotiation and decision making processes.

1.2 Overview

Although the Council of the European Union (hence forth referred to as the Council) does not have the power to pass laws by itself, however it acted as the agenda-setter that sets out the general political priorities for the European Union. During each six month term of office the Council gathers representatives from all the EU Member States, the presiding President of the Council of the EU and the President of the Commission EU to discuss and propose legislation within the EU.^{1&2} As a result, the Member State that held the Presidency would have had significant power to determine, control and manage the agenda, decide which parties held the floor for discussion and debate, as well as creating side negotiations when developing priorities for the length of the six-month period³.

To understand how the rotating-presidencies have pursued national interests can be understood from previous research into leadership and negotiation processes of the EU as covering in Section 2.

However since the introduction of the Lisbon Treaty, the rotating-Presidency powers have been reduced to presenting the agenda for the next six months to the European Parliament (EP) as well as chairing some internal issues within the Council of the EU. The role of agenda-setting,

¹ EU (2009) November 2009 – Lisbon Treaty background paper -

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/111298.pdf

² EU website 2012 http://europa.eu/about-eu/institutions-bodies/european-council/index_en.htm

³ Tallberg:2006:204

negotiation management and chairing for external issues falls to the newly elected-President of the Council of the European Union and the High Representative. The new roles for these positions are covered below in sections 1.2.1, 1.2.2 and 1.2.3.

The aim of the thesis is to investigate the ability of the rotating-presidencies of the European Union (EU) to achieve outcomes that reflect national preferences of the Member State in a post-Lisbon environment and determine any consequences of this institutional change on the future development and evolution of the EU. Therefore, the research question is to investigate how the Treaty of the European Union impacts the ability of Member States holding the office of the President of the Council of the EU, to secure outcomes that are concordant with national interest during their six-month term of office.

Using a qualitative text analysis, this paper evaluates the final trio rotating-presidencies prior to the Lisbon Treaty and the trio-presidencies directly after⁴, to assess if the position of the post-Lisbon rotating-presidency has been stripped of its power to influence negotiation outcomes in the EU. The methodology for reviewing national interests and the data sampling techniques are more clearly articulated in section 3 of this paper. In Sections 4 through to 10, a summary of each of the presidencies between 1st July 2008 and the 31st June 2011 can be found with an assessment of the priorities and actions of the presidencies to observe if national interests were pursued.

The next section outlines the results on an aggregate level, observing trends and changes in the pursuit of national interest. The final section, Section 12 defines what these results could mean for the evolution of the EU and assesses the effect these institutional changes to the structure of the Council Presidency will have on the course of European integration and the outcomes brokered.

1.3 The Lisbon Treaty

It has been said that the Lisbon Treaty will be the last significant change to the structure of the European Union for a significant period of time⁵--making the ratification of the Lisbon Treaty in 2009 a significant turning point in the history of the European Union. Its predecessor, the Treaty for Establishing a Constitution for Europe, was accepted by the Member States but voted down by two separate Member State referenda. A similar fate could have awaited the Lisbon Treaty, however, it was eventually ratified by the Czech Republic President and an Irish Referendum in 2009.

⁴ The rotating-presidencies of the European Council from 1 July 2008 to 31 June 2011 include: France, Czech Republic, Sweden, Spain, Belgium and Hungary

⁵ White & Case (2009) EuroBusiness (2009)

The Lisbon Treaty was ratified and came into effect on 1 December 2009. It was the fifth amendment to the 1957 Treaty of Rome and the culmination of years of negotiation to provide greater integration and institutional reform for the European Union. One of the most significant changes to come out of the Lisbon Treaty was the appointment of a more permanent, elected President of the European Council and the High Representative. Although this potentially increased the ability of the EU to speak with one voice and with greater continuity, it has the potential to significantly reduce the powers of the rotating presidencies of the Council of the European Union (henceforth referred to as the rotating-presidency) and hence the Member States ability to influence the direction of the EU.

Article 15 (2) & Article 18 of the Lisbon Treaty articulate the creation of the position of an elected President of the European Council (forthwith referred to as the elected-President) and a High Representative of the Union for Foreign Affairs and Security Policy(HR). However, the exact role of the job was not clearly articulated in the text⁶ and was left to the Swedish Presidency to negotiate the responsibilities and the appointment of the inaugural HR and elected-President.

The Lisbon Treaty changed the procedure by which acts are adopted, delegated and implemented. This constitutes a significant part of the EU's activities with regard to regulatory output. Although much of this work is technical and as Vos pointed out “ it is in many cases about very technical and detailed directives, but their nature often defines the exact implementation, strictness and concrete application under European law. In this case, too, the Lisbon treaty provided the blueprint for future negotiations on the exact modalities...As from March 2011, the comitology procedures of old will be replaced by a completely new practice.⁷” Therefore it is not only interesting, but important to understand how these changes will effect evolution and how Member States and affect change.

1.3.1 The rotating-Presidency

Prior to 1 December 2009, when the Lisbon Treaty came into power, the Presidency of the Council of the EU (also known as the rotating-Presidency) was responsible for setting the agenda of legislative work for the coming six months within the EU and managing international security and international relations. In a post-Lisbon EU, this role falls to the elected-President of the European

⁶ European Union (2008) full treaty text regarding the appointment of the elected-President and the HR.

⁷ Vos 2011:6

Council and the High Representative(HR); dissolving the representative role of the rotating-Presidency towards the outside world⁸.

The rotating-Presidency of the Council of Ministers has undergone significant changes as a result of the Lisbon Treaty—the European head of state currently holding the rotating-Presidency’s powers are now limited to presenting priorities to the European Parliament. “They still chair their national cabinets and in this function exercise oversight and in some cases straightforward control over the ministers who do act as president of a particular Council⁹”

Although the external role has limited the visibility of the rotating-Presidency and its role chairing meetings has been simplified, the demand for coordination between institutional actors adds a new organizational dimension to the role¹⁰.

Solidified during the Belgian Presidency were the procedures¹¹. With the stronger position of the European Parliament in the post the Lisbon configuration, “the parliament will have the last say on files relating to trade, agriculture and judicial cooperation. This implies that a presiding country will have to increasingly take into account the susceptibilities of the parliament.¹²” In other words, rather than agreements being between Member States, the European Parliament will be actively involved in such deals.

1.3.2 The elected-Presidency

The newly created elected-President of the European Council presides over the work of the European Council. Currently held by Herman Van Rompuy, he invites and creates meetings, sets the agenda and chairs meetings. The elected-Presidency assumes many of the agenda-setting powers as well as negotiation management tasks that were previously the domain of the rotating-Presidency.

As well as assuming a role as an additional member of the Council of the European Union, the elected-President also:

- chairs and drives forward the work of the Council whilst endeavouring to facilitate consensus and cohesion;

⁸ Vos 2011:4

⁹ Batory & Puetter 2011:4

¹⁰ Dreiskens, Van Hecke & Bursens 2010: 11

¹¹ European Council Decision 2009/882/EU adopting its Rules of Procedure, published in OJ L315/51

¹² Vos 2011:5

- ensures the preparation and continuity of the work of the Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council;
- presents a report to the Parliament after each of the meetings of the Council;
- ensures the external representation of the Union on issues concerning its Common Foreign and Security Policy, without prejudice to the powers of the High Representative)¹³

Eighteen months after taking office Van Rompuy's handling of the European Stability Mechanism as its chief coordinator and broker has made it clear that longer-term processes (such as the economic crisis) has proven the role's potential to "better manage complex designs than a series of rotating presidencies would have been"¹⁴.

1.3.3 The High Representative

The international security as well as the international and diplomatic relations tasks that were the responsibility of the rotating-Presidency prior to the Lisbon Treaty, now fall to the High Representative (HR).

The HR is the EU representative for the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP). The HR is also the President of the Foreign Affairs Council chairing meetings with European Member State Foreign Ministers once a month and is the President of the European Defence Agency responsible for the coordinated defence of the European Union.

In addition to these roles the HR also participates in Council meetings, acts in the role of (ex-officio) Vice President of the European Commission and is the Head of the External Action Service¹⁵. The HR also holds the position of Secretary-General of the Western European Union until the expiry of the Treaty of Brussels on 30th June 2011.

However, the European Parliament (EP) is also more involved in this role than prior to the Lisbon Treaty, as the EP will have input into a large portion of the EEAS finances. Ministers of the EP (MEP) will have a say over a large portion of the service's finances, and must be informed in

¹³ Chalmers, Davies & Monti 2010:Chapter 2

¹⁴ Romsics 2011:72

¹⁵ European External Action Service (EEAS or EAS) is the diplomatic arm of the European Union operating EU delegations around the world. http://www.eeas.eu/what_we_do/index_en.htm

advance of any strategic policy changes. Additionally, at least 60% of the staff at the EEAS will be permanent EU officials rather than Member State diplomats.¹⁶

2. Literature & Theoretical Review

Previous research has clearly shown that the office of the rotating-Presidency has enabled Member States, regardless of their resources and power status within the EU, to enjoy elevated possibilities to pursue outcomes in the EU that are in-line with their own national interests. This is achieved through the office of the rotating-Presidency because as the chair, the Member State is the agenda-setter, organizes negotiation procedures and has privileged access to negotiating parties information which allows them to guide negotiations to the most favourable outcome¹⁷. This is not to say that the chair always achieves its preferred outcome but that the chair has the potential to negotiate the best possible outcome due to its asymmetric power in comparison to the other negotiating actors.

One definition of the role of the chairman states that its role is to transform the wealth of competing proposals into negotiable core texts, create structural negotiation conditions conducive for concessions, encourage parties to unveil their bottom lines in confidential talks, and discover issue-linkages and engineer package agreements¹⁸.

In the case of the rotating-presidencies, Bengtsson et al. (2004) Tallberg (2006), Verhoeff and Niemann(2011), Thompson(2008), Kollman(2003) and Elgström (2003) have demonstrated how Member States have used the role of the rotating-Presidency to set agendas and negotiate outcomes through negotiation management that are directly favourable to their own national interests. Bunse (2009) added to this body of research by demonstrating that the role of the chair provides asymmetric power far beyond a Member State's pre-existing demonstrated capabilities by outlining how smaller EU Member States had unprecedented political power whilst in the rotating-Presidency role.

2.1 EU Integration: institutionalism, policy networks and actors

Although this thesis focuses on the ability of actors (Member-States) within the Council of the European Union to effect change in a new institutional environment, it is important to understand the schools of thought that have guided much of the EU integration research.

¹⁶ EurActiv – 22 June 2010 Spanish Presidency seals EEAS deal. <http://www.euractiv.com/future-eu/spanish-presidency-seals-eeas-deal-news-495455>

¹⁷ Tallberg 2006:230

¹⁸ Tallberg 2006:231

Understanding the European Union as a supranational government organisation has been the object of study since the 1970's. Understanding of the Council of the European Union (hence forth referred to as the Council) and its predecessor the Council of Ministers, has often been a side reference for the competing claims of neoliberal institutionalists such as Keohane, liberal intergovernmental rationalists like Moravcsik or neo-functionalist policy network theorists such as Haas¹⁹.

Although Bunse's work does look at policy networks, it tends more towards a New Institutional perspective on EU integration as it considers the impact and constraining effects of the institutions²⁰. Whereas leadership and negotiation academics like Elgström, Tallberg, O'Naullin et al. have a greater preference for Liberal Intergovernmentalism—where rational Member State actors behave according to relative power positions and expected gains²¹. As this thesis examines the behaviour of rational Member State actors within the context of changing institutional structures, it has a shared theoretical position between New Institutionalism and Liberal Intergovernmentalism—a position which is not uncommon in the existing EU integration literature.

2.1.1 New Institutionalism

Simply put, New Institutionalism (NI) attempts to explain political actors and outcomes within the context of the institutions that define and constrain actor behaviours. It is the idea that institutions have an impact on the type and characteristics of political debate and outcomes. “Rather than being simple and passive vessels within which politics occurs, institutions provide contexts where actors can conduct a relatively higher proportion of positive sum bargains.”²²

However, it is not uncommon for NI theorists observing EU integration to still observe the primacy of Member State nationalism which is a particular claim of Liberal Intergovernmentalism (LI).

Under the umbrella of NI is the idea of policy networks and actor-based models as an attempt to depict the “highly segmented nature of EU decision-making in which advice, consultation expertise and technocratic rationality are the means used to cope with the regulatory thicket of day-to-day decision-making.”²³ NI explains the continuity of decision-making despite the changes in actors and political ideology preferences.

¹⁹ Rosamund 2000: 124-125, 154, 142 & Moravcsik 1998:497

²⁰ Bunse 2009:6

²¹ Tallberg 2006:235-236

²² Rosamund 2000:114

²³ Rosamund 2000:123

New Institutionalism is particularly relevant to this thesis as the institution of the rotating-Presidency has changed, therefore it is possible to extrapolate that it is indeed the change in institutional structure that enables and constrains actors—impacting on the policy networks and actor-behaviours.

2.1.2 Liberal Intergovernmentalism

Liberal Intergovernmentalism(LI) in the context of EU research, is a grand theory designed to explain EU integration through the observation of actor-centred behaviour. LI is concerned with the ways that national governments as “emissaries of national interest interact when placed in the institutional confines of the EU”²⁴. Central to the concept of intergovernmentalism is the idea of the primacy of the nation-state, that it is the actor rather than the governing institutions that determine behaviours and outcomes. In the context of the EU, this actor-centred model is clearly visible in the position of the rotating-Presidency of the Council of the EU as legislative agenda-setters.

Institution-building within the EU is explained by LI as a deliberate act of nation states and national elites to develop social and economic interdependences with other nation states for their own (and mutual) benefit²⁵.

The Lisbon Treaty, seen from the intergovernmental perspective would therefore be a series of negotiations that resulted in a Treaty that was a crucial juncture in institutional development that defines how nation states relate to each other through strategic bargaining.

There is a distinct core belief in Intergovernmentalism of liberalism and rationalism where actor interaction is based on the concept of self-interest where “rational state policy-making involves minimising risk and maximising benefit²⁶”. In the context of this thesis the rotating-presidencies can be seen as pursuing outcomes that most benefit their social and economic positions in an effort to maximize benefit and neutralise potential risks.

2.2 Definition of national interest

The one subject that binds all of these theories discussed above is the belief that political actors pursue national interests or positions that are most favourable to the nation state in question.

National interest has been defined as emerging from “domestic political conflict as societal groups

²⁴ Rosamund 2000:152-153

²⁵ Rosamund 2000:130

²⁶ Rosamund 2000:132

compete for political influence, national and transnational coalitions form and new policy alternatives are recognized by governments.²⁷”

Previous literature has also highlighted that national interest is a key determining factor in the behaviour of actors in the political arena stating that:

“a pattern of underlying national preferences, not the distribution of power resources or institutionalized information, is the most fundamental determinant of state behaviour in world politics²⁸.”

Given that the Council is a policy community²⁹ demonstrating a high degree of inter-dependency on other actors to achieve their ends, it is safe to assume that the Council as an institution partly defines the rules of engagement and acts as a constraining factor for rampant pursuit of national interests. But more importantly, there is an element of self-censoring because as Bunse (2009) highlights, accommodating others interests benefits a Member State in the long run and “what happens when a country is no longer holding the presidency weighs heavily on its calculations”³⁰.

2.3 Chairmanship: theories of leadership

If the aim the thesis is to assess the ability of Member States to pursue national interests in a post-Lisbon environment there must first be an understanding of the role of leadership of the Council and its position as the chair in negotiations. Previous research has highlighted that the Chair has access to privileged information, and that the institution of the rotating-Presidency can explain the conditions by which these formal leaders are likely to influence outcomes in multilateral bargaining.³¹ However, to date, there is no literature on the role of the chair in a post-Lisbon environment or its potential repercussions.

Game Theory is commonly used to understand how multiple-players interact and determine outcomes. However Game Theory has limitations in that exists on the premise that all the players are rational and equal, and that they have complete knowledge of the

²⁷ Moravcsik 1993:481

²⁸ Moravcsik 1998:497

²⁹ The most stable forms of policy network is said to be the policy community. Here actors are bound together in a series of relations of dependency (i.e. actorA needs X from actorB and actorB needs Y from actorA) and networks remain impenetrable to outside actors. *Pg.124 Rosamond, B. (2000)*

³⁰ Bunse 2009:214

³¹ Tallberg 2006:5

preference and payoffs of all parties³². In contrast, political leadership and negotiation research concludes that revealing true preference can be both risky and non-tactical³³ only specific information is revealed by players during negotiations and the chair is privy to the preferences and limitations of all the players as a way of determining areas for consensus. This provides the chair with asymmetric power over the negotiations due to the enhanced informational resources they have at their disposal³⁴.

Research into the effect of political leadership within negotiation processes and procedures, has been limited. This area of study has been referred to as “under-researched and under theorized³⁵” by Simone Bunse and by Jonas Tallberg(2006) as in need of revision “if it is to properly explain the outcomes of multi-lateral negotiations...with an understanding that conventional wisdom must be supplemented with an understanding of the power wielded by formal leaders³⁶”.

What Tallberg refers to as, a need for a reassessment of conventional wisdom, is the preconceived idea that formal political leadership is constrained by the institution of the chair and that there is a general expectation of neutrality and impartiality³⁷ in its provision of leadership, mediation, and avoidance of negotiation failure. Building on this idea of the presidency as an agenda-setter with powers to influence and guide negotiation outcomes, others, such as Wurzel (2004) have concluded that “the Presidency holder must find a balance between acting as an honest broker while also showing some initiative in driving forward the negotiation process. The Presidency therefore has agenda-shaping rather than agenda-setting powers.³⁸”

Due to the lack of volume in the research and understanding as to the political power of the EU rotating-presidency, there is almost unlimited scope for exploration. For a Master’s thesis this is both a blessing and a curse, as this allows significant room for maneuvering

³² Young 1975 *Bargaining: formal theories of negotiation* University of Illinois Press, 1975

³³ Tallberg 2006:25

³⁴ Tallberg 2006: 29-31

³⁵ Bunse 2009:2

³⁶ Tallberg 2006:238

³⁷ Elgström 2006:172

³⁸ Wurzel 2004:29

but also makes it difficult to be precise and address a particular issue with reference to existing knowledge and research.

O’Naullin (1985) examined the effect of ten Presidencies between 1973 and 1983 on national administrations but stopped short of addressing the issue of the ability of the presidency to lead and influence outcomes.

It is particularly difficult to quantify the influence of the Council Presidency as its negotiations occur almost entirely behind closed doors. Therefore, the study of the effect of the chair is limited to outcomes that coincide with the national preferences of the Member State holding the Presidency. Tallberg(2006) illustrated the power of the chair by defining a link between outcomes and national preferences, however, in a post-Lisbon European Union, it is yet to be seen if the Member States have the ability to achieve outcomes that are in concert with national interests. Other recent research has also indicated that the ideal of the Presidency as a neutral element is not congruent with actual outcomes and that the concept of a strong constraining norm of neutrality does not exist³⁹ or is under question⁴⁰.

A criticism one can level at almost all the previous research into leadership and negotiation in the European Union is that researchers have tended to cherry-pick their way through the history of the European Union and selected examples that suit the theory that the chair is more than an unbiased, mediating role aiming to achieve an outcome. Therefore, this research attempts to observe a set period of time observing each presidency equally to assess if they pursued national interests.

Previous research also has a tendency to select particular policy outcomes by certain Member States—Tallberg (2006) examines six rotating presidencies (Germany, France, Sweden and Denmark) between 1999 and 2003 to confirm his theory of achieving outcomes congruent with national preferences. However, this may not indicate that Presidencies always achieve favourable outcomes or that the outcomes could have more factors such as availability, interest-level of other actors in the issue, visibility, impact

³⁹ Tallberg 2006, Bunse 2009, Elgström 2003, Thompson 2008, Kollman 2003 and Verhoeff & Niemann 2011

⁴⁰ Elström 2003

(economic or social), or even an individual leader's charisma and presence on the global scene.

On the other hand, Bunse (2009) observes three smaller states (Finland, Belgium and Greece) and concludes that despite their relatively weaker power position within the EU their power is augmented by the institution of the Presidency and their ability to act as agenda-setters. Bunse concludes that the Member State holding the Council Presidency had a unique comparative advantage to push specific issues and solutions and increase an issues' visibility, as well as increase the intensity of debate around an issue—because they can exploit procedural powers and informational advantages⁴¹.

Studying the changing role of the chair (in this case the Presidency of the Council of the EU) in negotiations gives an understanding of the conferred asymmetrical powers that they otherwise may not have had access⁴². It also provides a broader understanding of the potential impacts that changes to this institution will and are bringing with it.

Traditionally, leadership in the form of chairing negotiations has been understood from the perspective of a process within institutional theory or outcomes explained by game-theory and rational actor negotiation where the chair is another negotiator equal (due to the belief that they act as neutral mediators) alongside other negotiating parties.

Typically, research into the presidency and its role as a chairperson within negotiations is discussed from the perspective of institutionalism and new institutionalism with the Presidency viewed from a policy entrepreneur perspective. Rational choice institutionalism is also a common theme of researchers when studying the impact of the rotating-presidency, as actors with well-defined preferences will aim to achieve outcomes that are in-line with their preferences.

Bunse (2009) indicates that the rotating-Presidency as a policy entrepreneur⁴³ explains the nature and influence of the position well whilst also conveying the subtleties of its influence, bias and informal powers. She finds that the rotating-presidencies of Finland,

⁴¹ Bunse 2009:51-56 &212-215

⁴² Tallberg 2006:205

⁴³ Policy entrepreneurship is the generation of new policies and legislation into the political environment through the use of formal and informal powers (Bunse 2009:17).

Greece and Belgium put them in a position to strongly influence foreign policy decisions. Bunse's findings are inconclusive with regard to a clear-cut definition of the casual variables that could explain policy outcomes, as she finds that with the ability to influence outcomes, presidencies must also adopt a consensus position that is central to the Council of the European Union's institutional framework⁴⁴.

Tallberg (2006) also views the rotating-presidency from the perspective of rational institutionalism as "the extent to which negotiation chairs succeed in shifting distributional outcomes in their own favour is conditioned by the institutional environment in which they operate."⁴⁵

The research of Elgström (2001, 2003), Gray and Stubb (2001), Metcalfe (1998), Bunse (2000, 2009), Thomson (2008), Tallberg (2000, 2004, 2006, 2008) and Kollman (2003) all highlight the importance of the institution in not only providing the framework from which presidencies can achieve outcomes but also the constraining effect of the institution of the European Council on the presidencies. Post-Lisbon Treaty research such as Kaczynski & Byrne (2011) has focused on the areas for cooperation between the rotating & elected presidencies and assessing the success of these changes⁴⁶. All of which point to the question at hand—what happens when the institutional framework changes and how does this influence the ability of the rotating presidencies to achieve outcomes congruent with its national interests?

The consequences of the Lisbon Treaty changes have clear ramifications on the ability of Member States to pursue outcomes that are in line with national interest at an EU-Level. Tallberg highlighted that the structure of the role of the Presidency of the Council of Ministers (prior to the Lisbon Treaty) enabled Member States to act as the chair in negotiations within the European Union and significantly contributed to outcomes via agenda management, agenda control and negotiation management. The access to privileged information about other nations made the rotating-Presidency an opportunity for Member States to steer outcomes that would be in-line with national preferences. He went as far to predict that the Member States would never agree to the

⁴⁴ Bunse 2009:207-211

⁴⁵ Tallberg 2006:33

⁴⁶ Kaczynski & Byrne 2011:1-2

creation of a permanent presidency because the role was so influential⁴⁷. The thesis therefore will examine if the current rotating-Presidency can still agenda-set, and manage negotiations to achieve outcomes that are favourable to their own interests.

2.3.1 Leadership and Negotiation in a changing environment

This research aims to contribute to the body of knowledge about leadership and constellations of influence within the European Union by observing a unique turning point in history—the creation of the elected-Presidency and the High Representative. How these changes will affect the Member States ability to control and shape the future evolution of the EU will become more apparent as time goes on, however, by studying this period of change in the institution of the rotating-Presidency is a unique opportunity to fill a clear and demonstrated gap in knowledge about the changes in institutional framework as a factor that can impact on legislative outcomes.

On the whole, this thesis aims to observe these potential changes as a result of the evolution of the institution of the Presidency of the Council of the EU by observing the changes in legislative and policy outcomes against the backdrop of their specific national interests.

Secondly, this research aims to observe if there are any obvious constellations of power that could enhance the outcomes of rotating-presidencies post-Lisbon. The reason for this secondary aim is that in the first trio-presidency after Lisbon, Belgium held both the permanent-Presidency and the rotating-Presidency simultaneously and therefore it will be interesting to see if this could have any impact.

Research into the area of policy communities would suggest that actors rather than policy communities have an interdependence⁴⁸ that could allow for specific constellations of power whereby Actor A actively pursues Y in an effort to illicit Actor B's support for X. There could also be more obvious constellations of power around national commonality—which is the case with the Belgium who happened to hold the rotating-Presidency between 1 July and December 31 of 2010 whilst also holding the elected-Presidency from 1 December 2009.

3. Methodology

At this point in time, the first trio-presidency after the Lisbon Treaty has come to a close and it is possible to examine how, or if, the institutional changes that have occurred in the Council's

⁴⁷ Tallberg 2006:223

⁴⁸ Rosamond 2000:124

structure could have impacted on the decision-making possibilities of the rotating-presidencies in their new role. Therefore, it seems perspicuous to pursue a case study comparison between the last trio-presidencies⁴⁹ with the first trio-presidencies to observe the potential pursuit of national interest outcomes and observe if there are any changes in the legislative action of the council during this period.

By examining the last trio presidency before the Lisbon Treaty changes, the study can establish a base-line of presidencies' behaviors and compare it to the following trio-presidencies to establish changes in trends, patterns of policy behavior and outcomes.

3.1 Documentation data sampling

As Marshall & Rossman indicate “qualitative sampling usually requires a flexible, pragmatic approach⁵⁰”. This is particularly appropriate as discussions within the Council of the European Union are held behind closed doors and there is little primary source data. Therefore, the bulk of the data sample is of a qualitative nature from secondary sources.

The data under scrutiny will include a qualitative text analysis from various sources including speeches and public comment given during the various presidencies, publicly available documents such as press releases, interviews and press articles as well as political commentary and academic analysis. These will be divided into each term of office of the rotating-presidencies from 1 July 2008 until 31 June 2011. The reason for this background analysis is to define the national interests and as Moravcsik points out “an understanding of domestic politics is a precondition for, not a supplement to, the analysis of strategic interaction among states.”⁵¹

Observing a wide variety of sources provides a richer descriptive element to the case study and provides an all-encompassing method that is especially suited to technically distinctive situations (such as the change in rotating-presidency roles) but that have more variables of interest than data points⁵².

Bias is a particular issue for this research as it relies on secondary source material. It is important to critically examine the source and ask what are their motivations for writing this article, who are they writing for and are they attempting to convince the audience of the value of their argument.

⁴⁹ Trio, meaning three, is a common phrase within the EU used to describe the grouping of rotating-presidencies in groups of three to provide greater consistency of programmes over an eighteen-month period.

⁵⁰ Marshall 1996: 524

⁵¹ Moravcsik 1993:481

⁵² Yin 2009:14

Loseke (2008) highlights some considerations when dealing with claims-makers⁵³. This term fits political analysts, as although they are analysts and often academics it is uncertain if they have objective interests. There must also be consideration of the hierarchy of claims-makers as often the political analysts are political science academics and they are “at the top of the hierarchy of credibility⁵⁴”. Therefore, by varying sources the research attempts to avoid repeating claims or perspectives from a single source.

Therefore, by noting the commonalities in observations and reported actions of the rotating-Presidencies from various perspectives, I will be able to sample data events and reduce the potential for the bias of the text creeping into this research paper.

As a result, the text for consideration is from a variety of political analysis organisations such as CEPS, SIEPS and Notre Europe, the Centre for Global Development, EU-27 Watch, the Institute for European Politics as well as the European Commission, the rotating-Presidency public website information, press releases and journalistic articles. By deeply engaging in the literature available there is a conscious attempt to combine a broad range of secondary source literature together with the previous research to avoid guiding the research⁵⁵ and allow trends and patterns of comment to emerge with regard to a rotating-Presidency’s national interest, or economic benefit as a result of programmes and legislation.

3.2 Statistical data sampling

In addition to a qualitative analysis, I will review new legislation that came into force during the period of office of each presidency. The reason for the legislative review is two-fold. Firstly, the quantitative data could support the qualitative data, providing impartial supporting evidence in the form of simplified counting of legislation during the presidencies. Secondly, it will be interesting to note if Bunse’s conclusion that the short rotating-presidency term was potentially responsible for a level of legislative vigour⁵⁶. Thus, this data could provide supporting evidence for the claim that the asymmetric power of the rotating-Presidencies has the power to influence what is discussed, negotiated and in some cases legislated.

⁵³ Loseke 2003:35-40

⁵⁴ Loseke 2003:35

⁵⁵ Marshall & Rossman 2006:47 & 205

⁵⁶ Bunse 2009:213

3.3 Analytical approach

This research attempts to use as many of the sources and blends qualitative methods with simple quantitative counting of legislation as a way to avoid distortions that might create bias in the research and subsequent analysis⁵⁷. Although much of the research into the Presidencies of the EU are on the whole qualitative, the addition of quantitative data can be “particularly helpful in the generation of an intensive, detailed examination of a case.⁵⁸” Schout & Vanhoonacker highlight that there is often a simplified calculation, or counting, of the legislation that has passed during a specific period of office⁵⁹.

As previously discussed the majority of negotiations within the Council are held behind closed doors, making the analysis of first-hand accounts difficult to obtain. It is therefore appropriate to conduct a comparative case study analysis using an abductive approach. As there is a combination of existing theory that provides a prior analytical framework from which it is possible to observe the cases before and after the Lisbon Treaty enactment and thus draw inferences about that theory that are either consistent or inconsistent with the theory⁶⁰.

As the primary data sampled during the three year period are the outcomes of legislation, the issues under discussion and the analysis of the presidencies concerned. The qualitative data is secondary source and will be subject to a comparative and critical qualitative text analysis of the documentation (political analyses, press releases, articles etc.) to determine trends in attitudes, behaviours and outcomes that define national interest and a presidency’s efforts to attain results.

The analysis procedure in this thesis will be presented in a three step manner:

1. Qualitative text analysis to determine national interests for further analysis.
2. A review of legislative records to ascertain and discuss the variations in legislative originating from the Council.
3. Comparative case study analysis

3.4 Critical, qualitative comparative case study.

The case study chosen can be described as a comparative critical analysis between the last trio-presidency before the enactment of the Lisbon Treaty to the first trio-presidency post-Lisbon.

⁵⁷ Becker 1967:247

⁵⁸ Bryman 2008: 53

⁵⁹ Schout & Vanhoonacker 2009:1051-77

⁶⁰ Dey 2004:90-91

Therefore this thesis research fulfills a certain level of subject or case density which would enable the research to fulfill a sense of validity and provide generalisability.

As a comparative case study it reflects a level of complexity in data that would be useful, as well as contributing to the body of knowledge within the field of leadership and political science. “Implicit in most social science notions of case analysis is the idea that the objects of investigation are similar enough and separate enough to permit them as comparable instance of the same general phenomenon”.⁶¹ In the case of the trio-presidencies they are similar enough in time-frame, structure and political power to be comparable on their own. With the dependent variable of the Lisbon Treaty institutional changes, the comparison of the two trio presidencies represents a natural experiment worthy of comparison.

A true natural experiment would observe the same presidencies under each set of rules, however, with 27 Member States, the rotation is not close enough to allow comparison in the given time frame. Plus it is almost impossible to recreate the same circumstances (with the same or similar political environment, knowledge/experience levels within the EU etc.). That being said the two trio-presidencies have similar constitutions with one large long-standing member of the EU (France and Spain), a second longer-term member smaller state (Sweden and Belgium) and a third CEE Member State (Czech Republic and Hungary).

Although this research aims not to compare the successes and failures of presidencies, it instead observes and compares if or how each presidency could achieve national interests in the given institutional environment of the specific time period.

3.5 Analysis methods

By utilizing the secondary-source documentation and the legislative record, this research combines qualitative and quantitative analysis. The analysis of the secondary-source documentation would pursue a general qualitative text analysis, relying on the instances of correlation between stated national interests and negotiated outcomes as reported in publicly available documentation and political analysis. In essence this analysis looks to uncover behavior and explain outcomes through explanation building through causal links⁶² in this evaluative case.

⁶¹ Ragin 1992:1

⁶² Yin 2009:133 & 141-143

3.5.1 Qualitative Text Analysis

To assess the ability of the rotating-presidency to achieve national preferences this thesis must investigate the policies pursued by the Member State and their priorities and attempt to match the issue to economic benefit, political benefit or long-standing country-based preference.

As the priorities of the trio-presidencies are defined in a collaborative process to ensure a longer term consistency over an eighteen-month period, the three Member States attempt to define common areas of interest. However, how they each achieve these objectives and their interpretation of the common programme of work is individual.

Additionally, there can be exceptional circumstances where the Member State may follow a course of action to answer a crisis that allows them a unique opportunity to pursue a national interest. Therefore, to complete this qualitative text analysis required the definition of benefit that could be derived from any of the published priorities, programmes or crises where the presidencies chose to involve themselves.

After reviewing the published priorities and examining academic analysis and comment to define the areas of involvement, there was a need to pursue a course of deductive reasoning to search for information that could link involvement with a direct financial, political or personal benefit.

In the case of the Czech Republic, there was a requirement to search for information about energy reliance and energy provision. By understanding the background information one can understand the actions taken by the Presidency. In the case of France, there was a requirement to look at reports on election promises made by Sarkozy which explained why a traditionally “brown”(non-environmentally focused) Member State was now actively promoting “green” (environmental) issues.

In the end, the qualitative text analysis relied on a variety of sources beyond an academic review and a review of European Union documentation with supporting evidence from a press search as well as issue-specific deductive research to locate evidence that revealed potential benefits (interests) or alternatively honest broker behaviours. In summary, how each Presidency was deductively examined was reliant on the priorities pursued.

3.5.2 Legislative Data as supporting evidence

The second step in the process of analysis is to assess the origin of legislation (decisions, regulations and directives) to determine if the reduction in the supply of formal leadership, in the

form of the rotating-Presidency, has had any effect of the amount of legislation originating from the Council.

Although this process could be described as a quantitative analysis as it contains figures from the legislative data, it is difficult to assign the term quantitative analysis to this section of the “analysis” as there will be no correlative or any other type of quantitative analysis of the figures. The analysis is to simply record the amount of legislation of the specific rotating-Presidency in question. Therefore, it is probably more correct to call this analysis supporting numeric evidence than quantitative analysis.

3.5.3 Deductive analysis and conclusions

The final step in the analysis is reviewing the data collected from the perspective of achievement of national interests. Observing trends in type of priorities pursued and legislative record between pre- and post-Lisbon Treaty presidencies would support or disprove the asymmetric-power leadership theories and potentially reveal how institutional changes impact national interest outcomes and policy-entrepreneurship by Member States.

3.6 Issues of quality & validity

There are inherent issues when studying an institution like the Council of the European Union— firstly is the difficulty in studying the process of negotiations that are confidential, the second is attributing outcomes to other actors with differing levels of influence and power.

To counteract the issues of the quality of the data, it is therefore important to rely on more than one source of data and compare and check between the data to assess the validity of the data and to find correlation between sources⁶³.

There is also the question of bias—it would be impossible to suggest that any researcher is not biased by the current thinking and attitudes towards an area of study. In this case, current literature on the council presidency has an underlying negative tone towards the idea that the role of the chair has the ability and the track record of influencing outcomes in favour of national interests.

However, it could be argued that as democratically elected individuals, Member State representatives are elected to act in the interests of the people who elected them.

The exception to the literature is Bunse (2009) who positively highlights that the six-month rotating-presidency national interest pursuit may provide variety, legislative vigour and enthusiasm

⁶³ Marshall&Rossman 2009

that could be lost with the introduction of a permanent president of the Council of the European Union⁶⁴.

As a way of combating the potential influence of singular sources, the research will cover a specific period of time between July 2008 and June 2011 and examine each of the presidencies using a variety of similar data sources.

As the negotiations are behind closed doors much of the information about the presidencies comes from political commentary about the term of office. For this reason I have decided to use political analysis from reputable academic sources such as the Scandinavian Institute of European Politics, the Centre for European Policy Studies in conjunction with the European Union's own analysis of the presidencies as well as other analyses. By uncovering correlative opinions and attitudes to the various presidencies from more than one source it becomes possible to draw conclusions and deduct the validity of the question posed in this thesis.

As Becker points out, the position of the well socialized researcher is to immediately assume "that any tale told by at the top intrinsically deserves to be regarded as the most credible account obtainable."⁶⁵ On this point, the fact that there is little direct source data from the Presidencies, it is difficult to access any of the tales told by political elites. However, it is just as appropriate to be critical when using the political analysis documentation as the researchers may be subjective and as Becker points out position (the university elite) is not always an indicator of impartiality.

3.6.1 Validity of case study research

Flyvberg (2009) observes that conventional academic attitudes are often against case study research as it is often believed that academic knowledge could not possibly be generated from a single case. However, as previously indicated, this is not a single case study but a comparison between two trio presidencies—three pre-Lisbon and three post-Lisbon presidencies.

This research builds on the previous case study research of Tallberg (2006) and Bunse (2009) and could be interpreted as secondary documentation/data analysis⁶⁶, as the thesis attempts to use similar methods and sources as previous researchers. This thesis research also attempts to apply a more scientific comparison between two distinct periods of institutional structure. Rather than "cherry-picking" through a rotating-Presidency's legislative outcomes, this work attempts to

⁶⁴ Bunse 2009:213

⁶⁵ Becker 1967: 241

⁶⁶ Elman 2010:26

observe the rotating-Presidencies as a whole and evaluate their legislative contribution during this time period.

3.6.2 Generalisability

Although many European academics believe that the EU is a unique experiment, there are elements of this study which can impact how we study leadership within a political system. Leadership is a ubiquitous feature of politics and by definition is an “asymmetrical relationship of influence in which one actor guides or directs the behavior of others towards a certain goal over a certain period of time⁶⁷.”

The two types of leadership (formal and informal) within political systems are vital in understanding negotiations and outcomes. Whereas formal leadership is where a group confers powers to an individual or institution via a position of authority, informal leadership can be enacted by any resource-endowed actor with power⁶⁸. In this particular study, the examination of formal leadership structures and constellations can have direct implications for our understanding of the asymmetric power exerted by formal leadership institutions regardless of the individual’s informal power level.

This study examines if the restructuring of the rotating-presidency and the introduction of a permanent President of the Council will have implications on the formal powers of the rotating-presidencies. However, this study can be directly translatable to other political systems as restructuring political power is not a European-only situation, it is universal in nature.

Leadership is an almost universal concept within any organizational structure and could in turn have potential application in areas beyond the political sphere. For example, Bunse’s hypothesises that the rotating-presidencies despite being, or even because they are exceedingly short, provide the impetus for the presidency-holder to do as much as possible within the timeframe given—resulting in a legislative fervor⁶⁹. If this study indeed confirms that the amount of legislative activity has subsided, it could have significant implications for explaining political outcomes.

4. THE PRESIDENCIES

The following sections 5 to 10 provide an overview of the presidencies in context of the priorities presented and the legislative and policy agreements achieved as reported by political elites, close

⁶⁷ Underdal 1994:178 in Blavoukos et al. 2007:234

⁶⁸ Blavoukos et al. 2007:234

⁶⁹ Bunse 2009: 231

commentators, political science academic papers and the media. These following sections attempt to present each Presidency as a broad overview to attempt to find linkages between priorities pursued and national interest and thereby identify and compare any changes in the ability of Presidencies to pursue national interests due to the institutional changes in the format of the rotating-presidency.

Each section concludes with a summary table of issues and a table indicating the legislative record of the Council, the Council & EP and Commission during the term of office of the rotating-Presidency. The summary table attempts to provide a snapshot of the issues and highlight the connections between the priorities and actions of the rotating-presidency with national interest congruency and outcomes, such as policy, legislation or changes in issue awareness (introduction of a new issues or heightened action of an issue within the EU).

5. The French Presidency

5.1 The energetic presidency

The French rotating-Presidency of the Council of the EU (forthwith referred to as the French Presidency) was characterised as “energetic”⁷⁰ by EU, media and political commentators alike. The “hyperactive”⁷¹ Sarkozy was called a “force of nature, rather than a conventional leader”⁷² by ex-Prime Minister of Great Britain Tony Blair. During the French Presidency, Sarkozy chaired more EU summits than any other President in the Council’s history⁷³. However, even though Sarkozy’s style of leadership was a significant departure from previous presidencies, he was considered Napoleonic⁷⁴ the French Presidency continued to push for and support the traditional positions within the European political sphere with continued focus on the Common Agricultural Programme (CAP) and reduction in Value Added Tax (VAT) on restaurants.⁷⁵

⁷⁰ Sarkozy and the French Presidency were expressed as energetic with an ambitious agenda for the 6 month rotating presidency in many publication the following are a sample of opinion expressed:

- EU Voice <http://www.europeanvoice.com/article/imported/sarkozy-an-honest-broker-for-the-eu-/63292.aspx>,

- Irish News <http://www.rte.ie/news/2008/1217/sarkozyn.html?radiobutton=Google?view=print>,

- CNN <http://edition.cnn.com/2008/WORLD/europe/07/02/euro.sarkozy/>

⁷¹ Irish National News broadcasting company RTE referred directly to Sarkozy as hyperactive. Terming Sarkozy’s presidency as energetic and occasionally over-stepping protocol by suggesting that France maintain control over the Euro-zone issues during the following Czech Presidency. <http://www.rte.ie/news/2008/1217/sarkozyn.html?radiobutton=Google?view=print>

⁷² Blair, Tony 2008 in TIME Wednesday 16 December 2008

http://www.time.com/time/specials/packages/article/0,28804,1861543_1865103_1866541,00.html

⁷³ Taylor, Simon 2008 - European Voice 4 December 2008 <http://www.europeanvoice.com/article/imported/sarkozy-an-honest-broker-for-the-eu-/63292.aspx>

⁷⁴ Bloomberg 2008

⁷⁵ Lequesne & Rozenberg 2008:8

The programme of work for the French Presidency was also hyperactive with four planned areas of engagement: energy and climate change, European defence, immigration and the future of the CAP. It was stated openly by commentators that France was actively pursuing national interests, there were a “number of areas where Paris seemed to be using the presidency to pursue its national aims⁷⁶.” The SIEPS interim report commented that the six-month presidency agenda was “carefully selected by the French Government (to be) in-line with the European agenda but also with national interests.⁷⁷”

5.2 Priorities and national preferences

5.2.1 The Mediterranean Union

As well as this extensive programme of work, an unofficial fifth priority should also be included: Sarkozy’s attempted Union of the Mediterranean⁷⁸. The French Presidency began with its frenetic pace of work with a summit for the creation of the Mediterranean Union whose membership would include only those nations bordering the Mediterranean.

The Mediterranean Union, which was similar in content to the existing Barcelona Process, was at best seen as an attempt to reinvigorate this process and at worst, a way for France to secure hegemony over the region⁷⁹. That the Barcelona Process was too bureaucratic was conceded by Germany’s President Angela Merkel however, there was also very little interest in the project from other European Member States bordering the Mediterranean such as Spain, Italy and Greece and in the end the revamped Barcelona process⁸⁰ and the Mediterranean Union was created⁸¹ with its own Secretariate in Barcelona.⁸²

⁷⁶ Taylor, Simon 2008 - European Voice 4 December 2008

<http://www.europeanvoice.com/article/imported/sarkozy-an-honest-broker-for-the-eu-/63292.aspx>

⁷⁷ Lequesne & Rozenberg 2008:6

⁷⁸ Lequesne & Rozenberg 2008:7

⁷⁹ Financial Times 31 January 2008 - *Merkel Rebuffs Sarkozy on Mediterranean Union.*

<http://www.ft.com/intl/cms/s/0/058e75e4-cfa0-11dc-854a-0000779fd2ac.html#axzz1bc5qTmMF>

⁸⁰ Spiegel 3 March 2008 - *Franco-German tensions ease, Merkel & Sarkozy find ‘ClubMed’ Compromise*

<http://www.spiegel.de/international/europe/0,1518,539247,00.html>

⁸¹ Lequesne & Rozenberg 2008:21-22

⁸² Union of the Mediterranean - History <http://www.ufmsecretariat.org/en/history/>

5.2.2 Asylum & Immigration

The first priority, immigration and asylum, can be directly connected to internal political interests of France. The rise of Jean-Marie Le Pen's National Front party resulted in an attempt by Sarkozy to win-over these voters over to during his presidential election campaign with hard-line positions on immigration with a specific focus on integration. Therefore, this focus can be seen as Sarkozy continuing this line of argument on a higher level of government⁸³. However, it is Sarkozy's background as Home Affairs Minister that would have given him a comprehensive understanding of the issues and the other Member States' positions on this issue. SEIPS believe that this explains the willingness of the French Presidency to negotiate on this issue, however, an alternative explanation could be that Sarkozy deliberately wanted to move this issue away from the national political arena and effectively neutralize LePen within French domestic politics. Either way the issue relates directly to national interest.

As a result, the French Presidency initiated the European Pact on Immigration and Asylum. It has five areas of commitment and clearly defines the difference between irregular migration(refugee and asylum seekers) and legal migration (relating to competency migration and family migration)⁸⁴.

Unsurprisingly the pact also has a particular focus on integration of an immigrant to the host country—a theme that was present in Sarkozy's presidential campaign. Importantly the pact also highlights the need to control numbers with the right of the host country to force repatriation of migrant workers when they are no longer required.

The third area of commitment highlights the need for coordinated and effective border controls and strengthens the position of the Frontex which was established in 2004.

The fourth area of commitment was an effort to construct minimum standards for the recognition of the validity of asylum-seekers within the European Union. Even though steps were taken to establish a single system for processing refugee application, it was far from the initial centralized organization for the assessment of asylum-seekers that France had hoped for.

The final area of commitment within the pact was to promote the creation and strengthening of political ties with migration-origin countries to foster social and economic stability.

⁸³ Lequesne & Rozenberg 2008: 30-32

⁸⁴ CEPS Policy Brief No.170 September 2008

5.2.3 Climate Change & Energy

Climate change was a significant issue during Sarkozy's presidential election campaign. In addition, there was pressure as to how the European climate package would calculate the three 20% objectives by 2020, as well as the global political community as the commitment period of the Kyoto Protocol drew to a close.

The challenge faced by the French Presidency was to navigate this issue in a period of financial crisis and attain a cohesive EU position on climate change from the Central and Eastern European (CEE) EU Member States. Notably, the Czech Republic, who would hold the presidency after the French, were particularly vocal in their economic concerns of the climate package and could have potentially unraveled any work completed by the French Presidency if they felt that their concerns were not being met⁸⁵.

On one hand Sarkozy was insistent that energy and climate were an absolute priority due to the position taken during his presidential campaign⁸⁶, on the other hand, the climate package was increasingly perceived as potentially damaging to economic growth in a time of a financial crisis⁸⁷.

The French government is not traditionally one of the "green" Member States of the European Union due to strong industrial interests in France⁸⁸. Traditionally, the Scandinavian Member States and Germany are the "green" states in the European Union.

Sarkozy and France were making strong comments and publicly stating their environmental stance above national interests:

"If you, government representatives, don't defend your countries' interests, no one will do it in your place. But if we all stick to defensive positions protecting our countries'

⁸⁵ Lequesne & Rozenberg 2008:37

⁸⁶ 18 April 2008 - In a speech given at the Third Major Economies Meeting on Energy and Climate Change, Sarkozy stated "On the evening of my election, I indicated that the combat against global warming would be one of the main priorities of my term of office." <http://www.ambafrance-ca.org/spip.php?article2191>

⁸⁷ Lequesne & Rozenberg 2008:40

⁸⁸ Lequesne & Rozenberg 2008:37

parochial interests, however legitimate these may be, what will this lead to, in the end?

To disaster⁸⁹”

However, although on the surface combating climate change seems contrary to defending Europe from the economic crisis, Sarkozy commented that—”We need to impose a carbon tax at [Europe’s] borders. I will lead that battle”⁹⁰ Sarkozy’s position was also echoed by Nobel-prize winning trade economist, Paul Krugman who stated that carbon taxes at the border are —”a matter of leveling the playing field, not protectionism”⁹¹. This argument would have gone a long way to mollifying the economic concerns of the CEE Member States.

In the end, Sarkozy refused to back down on the 20 percent reduction in CO₂-equivalent⁹² emissions by 2020. Even with concessions to provide free emission quotas for some industry sectors particularly exposed to international competition, a review clause in the following year and allowing Member States to have autonomy over how the revenues of the Emission Trading Scheme (ETS) were spent—the outcome was inconclusive⁹³.

The climate change compromise reached by the EU in December of 2008 was generally praised by political observers as paving the way for a strong EU position in Copenhagen at the 15th Conference of the Parties (COP-15) round of climate talks.

However, the “success” of the French Presidency in this area may have been less related to national interest and more closely tied to a combined need of the EU Member States to create a position in the lead up to post-Kyoto talks at the COP-15.⁹⁴

5.2.4 The Common Agricultural Programme (CAP)

France is the largest Member State recipient of money from the Common Agricultural Programme (CAP) as shown below in Diagram 1. The CAP accounts for 40 percent of European Union budget

⁸⁹ Sarkozy 2008 - 18 April 2008: Sarkozy Speech to the Third Major Economies Meeting on Energy and Climate Change. <http://www.ambafrance-ca.org/spip.php?article2191>

⁹⁰ Mattoo, A. et al 2009

⁹¹ Krugman Blog on New York Times- 1 July, 2009 <http://krugman.blogs.nytimes.com/2009/07/01/carbon-tariffs-the-legal-aspects/>

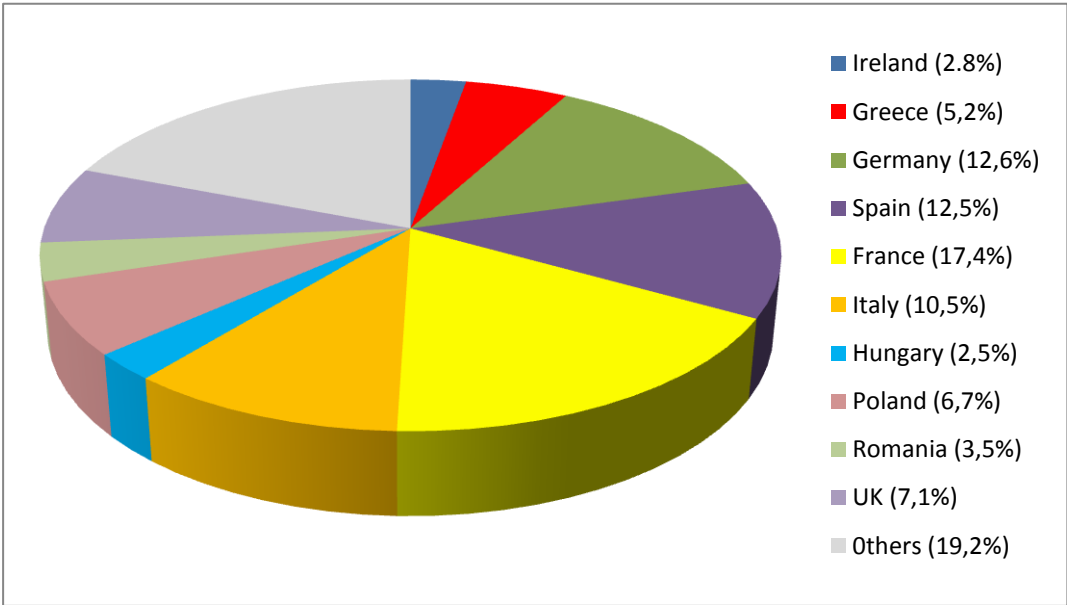
⁹² CO₂-equivalent is a term used to express the amount of greenhouse promoting gases in the atmosphere, using carbon dioxide CO₂ as the base unit of measurement. For example methane has a chemical composition that has a green house effect that is 23 times more potent than CO₂. Therefore, emissions of methane are multiplied by a factor of 23 to produce a CO₂ equivalent figure.

⁹³ Lequesne & Rozenberg 2008:41.

⁹⁴ Lequesne & Rozenberg 2008:39-40

expenditure⁹⁵ & ⁹⁶ of which the health check of the CAP was designed to review if the CAP was achieving its policy goals. This next phase of CAP reform is scheduled to take place in 2013. This issue is an issue of significant importance to France and has been traditionally strongly defended by France, however, according to the SIEPS interim report on the French Presidency, France wished to appear more flexible than previous Governments: “after years of autism under Chirac, France may be open to dialogue... however, it was clear to everyone that placing the CAP among the priorities of the Presidency was a way for France to defend its traditional position.⁹⁷”

Diagram 1: Distribution of CAP expenditures across EU countries in 2009



Source: European Commission(2011).

Despite France’s softened position on the CAP did it attempt to leverage their privileged position as chairman in these discussions to stave off potential threats or erosion of their 20% share of the CAP budget. Wallace & Wallace (2008) concluded that the enormous financial outlays of the CAP make it difficult for Member States to reform the CAP as it endangers a significant revenue stream and “has now become an essential element in brokering deals necessary for policy reform outside of agriculture.⁹⁸” It could be therefore concluded that the French Presidency succeeded in limiting reform to the CAP and preserving its position.

⁹⁵ Lequesne & Rozenberg 2008:41
⁹⁶ Zahrnt 2011:2
⁹⁷ Lequesne & Rozenberg 2008:43
⁹⁸ Wallace & Wallace 2005:179

5.2.5 European Defence

The French presidency was clearly pushing for a more coordinated approach by the EU on military issues and Sarkozy had stated a preference for full integration for France into all aspects of NATO. However, significant progress in this area was overshadowed by crises such as the Russian-Georgian war and the financial crisis.

5.3 Overview table and legislative record

Table 1: Overview of priorities

Priority Area	Congruent with National Interests	Resulted in legislation	Resulted in favourable policy changes/ stability*	Resulted in increased issue awareness
Mediterranean Union	Yes - Fulfills economic rational actor behaviour	no	yes	no
Asylum & immigration	Yes - Fulfills domestic electoral sensitivities	no	yes	possibly
Climate Change	Yes - Fulfills domestic election promises	yes	yes	possibly
Energy	Yes - Preserves the nuclear industry	no	no*	yes
CAP	Yes - Attempts to preserve existing funding levels	no	no*	no

Table 2: Legislative action from the Council & the European Parliament during the French Presidency

	Regulations	Directives	Decisions
Council	16	111	125
Council & EP	36	37	5

6. The Czech Presidency

6.1 Preparations for the Presidency – followed by Crisis

The Czech Presidency was surrounded by wary expectation as it was the first time the Czech Republic had held the position and there was feeling of uncertainty as to whether the Czech

Republic was sufficiently capable of dealing with the huge diplomatic and administrative task of the role.⁹⁹ These opinions were centered on the Czech Republic's relative newness to the European Union and its lack of experience in comparison to older Member States but also due to fact that the President of the Czech Republic was an open EU-skeptic^{100&101} and that the Czech Republic had a relatively short history of democratic-rule after the fall of communism. However, concern was primarily centred around the Czech Republic's political instability after the 2006 elections, which resulted in a loose coalition of parties with a shaky political mandate.

An example of how this internal political instability affected the Czech Presidency could be seen as early as 2006. The preparations for the EU presidency started in 2005, however, these plans were put on hold as the outcome of the 2006 Czech general election produced no clear majority government. The result was a period of stalemate until the Civic Democratic Party (ODS), Christian Democrats (KDU-CSL) and the Greens (SZ) could not establish a three-party coalition government without the support of two deputies from the Social Democrats (CSSD)¹⁰², who in turn specifically demanded that the sitting coalition government would ratify the Lisbon Treaty by the end of February. During the Czech rotating-Presidency, ODS's Vaclav Klaus held the Presidency of the Czech Republic—an open EU-skeptic¹⁰³, he was opposed to ratification of the Lisbon Treaty¹⁰⁴.

In the end, Topolánek held the EU Presidency for three months before a vote of no confidence in the House of Deputies toppled the government—requiring his eventual resignation in early May. Although Vaclav Klaus may have had ambitions to sit as President of the EU Council, it never eventuated and the remaining two months were handled by a caretaker government with Jan Fischer filling the role of the rotating-Presidency.

In the lead up to the Presidency the Czech Republic issued their priorities, which after internal review identifying where the Czech Republic could add-value were reduced from five priority

⁹⁹ Král, Bartovic & Riháckova 2009:68

¹⁰⁰ Economist 3rd March 2009

¹⁰¹ Ramet 2010:175

¹⁰² As ODS (centre-right) and CSSD (centre-left) are the two main parties of the Czech Republic two deputies of CSSD made up the coalition government creating a “fragile armistice” so that the Czech Republic would be able to focus on holding the European Council presidency.

¹⁰³ White et al. 2007:54

¹⁰⁴ Král, Bartovic & Riháckova 2009:20-23

areas to three, focusing on a liberal trade agenda and security¹⁰⁵. The three priorities (also known as the 3E's) were:

- Energy & Climate Change
- Trade liberalization & improved regulation
- Open and Secure Europe

Although, these aims were congruent with the Swedish Presidency's position on eastern enlargement, liberalization of internal markets & trade and better regulation; the trio-presidency found little in common with the French Presidency was against further liberalization of internal markets in a time of financial crisis¹⁰⁶.

Given that the French Presidency had concluded discussions on the CAP reform and on energy-climate package, the Czech Republic was left with trade liberalization. In the face of the global economic crisis, the agenda was narrowed to combating the global financial crisis and maintain trade liberalization in the face of French protectionism.¹⁰⁷

In the end the Czech agenda became known as the 3 E's – Energy, Economy and Europe in the World.

6.2 Crises, policies and priorities of the Czech Republic

6.2.1 The Gazprom Crisis

Although the energy-climate package had been put to bed by the French in the previous Presidency, the Gazprom Crisis in early January of 2009 put the focus for much of the next six-months on resolving the crisis between Russia and the Ukraine and securing energy supply for the EU Member States¹⁰⁸ to the detriment of other issues¹⁰⁹.

Due to a dispute between Russia and the Ukraine over gas flow inconsistencies, Russian energy giant Gazprom halted supply of natural gas to Europe. This resulted in the intervention of the EU and Topolanek's Czech Presidency were centre-stage to mediate a solution that would allow resumption of gas services to Europe. On this point, the general opinion is that the Czech Republic's diplomatic handling of their Eastern neighbours was exemplary and roundly praised.

¹⁰⁵ Král, Bartovic & Riháckova 2009:30-31

¹⁰⁶ Král, Bartovic & Riháckova 2009: 31

¹⁰⁷ Král, Bartovic & Riháckova 2009: 32

¹⁰⁸ Speech by Mirek Topolanek 29 January 2009

<http://www.eu2009.cz/en/news-and-documents/speeches-interviews/speech-by-mirek-topolanek-at-nabucco-summit-7778/>

¹⁰⁹ Král, Bartovic & Riháckova 2009: 47

This allowed the Czech Government to open the door on unresolved issues of the climate package decided during the French Presidency.

The crisis was followed by a seminar on a common energy security policy, an issue that the Czech Government had articulated as a priority prior to entering the presidency office.

6.2.2 Economic Crisis

The Czech Presidency had anticipated the management of discussions around the single market and better regulation however, the global financial and economic crisis was a continuing concern into the Czech Presidency and, unsurprisingly, consumed much of the work of the Presidency during its term of office. As one of the shock-therapy transition economies of the CEE region, the Czech position is decidedly liberal and therefore it is unsurprising that it actively worked against any protectionist proposals such as those suggested by Sarkozy to repatriate investment and jobs back to French industry^{110&111}.

The original economic focus of the presidency was to encourage the free movement of goods and services within the EU and enlarge free-trade to include neighbouring countries. However, with the continued financial and economic crisis, encouragement shifted to maintenance of the trade status quo.

The US was requesting that Europe invest hundreds of billions of Euro into the economy, a move supported by Germany and the UK but rejected by Topolanek as “the road to hell”¹¹². Although, this outburst by Topolanek may have been perceived as unhelpful¹¹³, it clearly pitted the power of the Czech Presidency against protectionist suggestions from Member State heavy-weights UK, France and Germany.

To this end the Czech Presidency organized a summit culminating in Member State agreement to not pursue protectionist domestic policies. This clearly demonstrates the power of the chairing role of the Presidency to set the agenda and influence the outcome of meetings.

¹¹⁰ Král, Bartovic & Riháckova 2009: 42& 43

¹¹¹ Sarkozy was quoted in the press as saying: "I want us to stop out-sourcing and if possible in-source. If we give money to the auto industry to restructure itself, it's not so we can hear about a new plant moving to the Czech Republic or wherever." Industry Week 9th February 2009

¹¹² 12th February 2012 - The Telegraph: EU labels Brown/Obama plans for economic recovery ‘road to hell’ <http://www.telegraph.co.uk/finance/financialcrisis/5050584/EU-labels-BrownObama-plans-for-economic-recovery-road-to-hell.html>

¹¹³ CEPS (2009) Five Mistakes of the Czech Presidency

Although the Czech Republic were not the only Member State against protectionist policies, their clear voice throughout the debate on the economic policies to be put in place to combat the economic and financial crisis and their swift action to set up extra economic summits on the issue demonstrate a link between the position of the presidency and their ability to manage negotiations that result in outcomes that are favourable to the chair-holder.

6.2.3 Energy Security

Moravcsik wrote about national interest that it emerge(s) “through domestic political conflict as societal groups compete for political influence, national and transnational coalitions form and new policy alternatives are recognized by governments... Through this process emerges the set of national interests or goals that states bring to international negotiations¹¹⁴. In the case of the Czech Republic, the competing internal forces make it difficult to define the national interests. It then even more difficult to ascertain if the Czech Republic could achieve these aims due to the fact that the domestically-troubled ODS coalition was dissolved and replaced by a caretaker Presidency led by Jan Fischer.

Moravcsik highlights an important point that, without domestic stability and competing positions within a country’s domestic politics, there is little possibility for a coherent set of national interests or goals. However, there is general consensus on the position of the Czech Republic on issues such as their pro-US stance and wariness of the EU as an Eastern-Bloc substitute.

The pursuit of a common energy policy for Europe is also in strong alignment with Czech national interests as it is heavily reliant on coal for its energy needs (59% of energy production is from solid fuels¹¹⁵). Therefore, further caps and reduction of CO₂-e negatively impact on the Czech Republic’s largest electricity producers. The climate-energy deal concluded by the French Presidency contains a weak compromise that, according to political commentators, was a relief as the Green Party (SZ) and the Civic Democrats(ODS) had opposing positions that could have potentially lead to greater unrest on the domestic political front¹¹⁶.

Table 3: Energy Mix in the Czech Republic

¹¹⁴ Moravcsik 1993: 481-483

¹¹⁵ European Commission - Energy Fact Sheet - http://ec.europa.eu/energy/energy_policy/doc/factsheets/mix/mix_cz_en.pdf & Energy Security of the Visegrad Region <http://www.visegrad.info/energy-security-infrastructure/factsheet/energy-security-of-visegrad-region.html>

¹¹⁶ Král, Bartovic & Riháckova 2009:47

Key Figures (2004)					
Mtoe	Primary Energy Supply	Domestic Production	Net Imports	Final Energy Consumption	Electricity Generation (TWh)
Solid fuels	19.5	23.5	-3.3	4.3	49.6
Oil	9.4	0.6	8.8	6.7	0.3
Gas	7.8	0.2	7.1	6.6	4.7
Nuclear	6.8	6.8			26.3
Electricity			-1.4	4.6	
Renewables	1.4	1.5	-0.1	0.8	2.8
Other	-1.3	0.1		2.7	0.5
Total	43.6	32.6	11.0	25.8	84.3

Source: Czech Republic Energy Source Fact Sheet ¹¹⁷

Although the Czech Republic is one of the lowest importers of energy fuels (relying almost entirely on domestic coal and nuclear energy provision see Table 1 above), it does import gas and oil from Russia¹¹⁸. With emission reduction targets in place, the Czech Government will need to look to energy supply from lower emitting sources than its domestically-supplied brown-coal. Therefore, the Nabucco pipeline would allow supply of gas from other regions, effectively ending the Russian monopoly of supply to the Visegrad region; and, provide other energy options.

Another reason for the Czech Republic strongly pushing the Nabucco pipeline and a stronger stance on energy security is the historically tense relationship between Russia and the Czech Republic. As a pre-20th century natural ally, the relationship with Russia soured during the Eastern Bloc era but has returned to cool-normalcy after the fall of communism and although today is perceived less of a threat¹¹⁹. Russian-Czech relations are often described as pragmatic, neither hawk (hostile) or dove (placating)¹²⁰. Therefore, Russia's actions during the Gazprom crisis could have been interpreted as a throw-back to communist control by Czech politicians and would have most likely promoted a sense of urgency around a single energy policy for the EU that would deliver a reduced reliance on Russia as a supplier of energy.

The pursuit of a common energy policy is therefore clearly in-line with national and regional interests. Through the Czech Presidency the Nabucco pipeline gained visibility and the issue of energy security.

6.2.4 Europe in the World - Eastern Partnership

The third priority of the Czech Republic presidency was the Eastern Partnership, which strongly resonated with the foreign policy priorities of the Czech Republic and is "aligned with the Czech

¹¹⁷ European Commission -Energy Fact Sheet-http://ec.europa.eu/energy/energy_policy/doc/factsheets/mix/mix_cz_en.pdf

¹¹⁸ European Commission - Energy Fact Sheet - http://ec.europa.eu/energy/energy_policy/doc/factsheets/mix/mix_cz_en.pdf

¹¹⁹ Kratochivl 2004:2

¹²⁰ Král, Bartovic & Riháckova 2009:54-55

idea of a liberal, economically open Europe¹²¹.” The Russian government consider the Eastern Partnership as strongly “anti-Russian¹²²” and this partnership in conjunction with the gas crisis negotiations and the Georgia Crisis are indicative of the Czech’s pragmatic and dual relationship with Russia.

It seems obvious to conclude that more open borders with the Czech Republic’s nearest neighbours would be of direct financial benefit to their economy and therefore would constitute the pursuit of national interests. Although, it is important to assess if they would have been the only Member State to pursue this line—and the answer is no as Sweden, Finland of course the other CEE Member States of Romania, Poland and Hungary are supportive of strengthening the European Neighbourhood Policy (ENP).

As the French Presidency had opened the debate around the situation with neighbouring states with the Union of the Mediterranean, the Czech Presidency could build on the idea of greater openness and avoid opposition from the larger and more powerful Member States not positively positioned to the idea.¹²³

Again, the interrupted nature of the Czech Presidency stalled a concerted effort in this area and it is difficult to judge how the position of the chair would have influenced outcomes in this area.

It is interesting to note that, unlike the French Union of the Mediterranean, the Czech initiatives around the Eastern Partnership were strongly couched in the ENP. This could be a result of the Commission and Barosso’s swift action to curtail the 2008 US-Czech Republic negotiations for preferential visa deals for Czech citizens in return for tougher restrictions¹²⁴. Alternatively, the Czech’s could have simply learnt the lesson of the previous Presidency that successful initiatives still require the agreement of the EU Member States.

¹²¹ Král, Bartovic & Riháckova 2009:52

¹²² Král, Bartovic & Riháckova 2009:54

¹²³ Král, Bartovic & Riháckova 2009:51-53

¹²⁴ BBC 27th February 2008- EU may act on US-Czech visa deal.

6.3 Overview table and legislative record

Table 4: Overview of actions and policies during the Czech Presidency

Priority Area/Action	Congruent with National Interests	Resulted in legislation	Resulted in favourable changes/stability	Resulted in increased issue awareness
Energy Security	Yes - 1) Preserved dependency on existing domestic energy sources 2) Neutralized Russian position and negotiated from a position of power	No	Yes	Yes
Europe in the World	Yes - Clear regional preference for CEE	No	Yes	Yes
Economy	Yes - Halted national Member State protectionism	No	Yes	n/a

Table 5: Legislative action from the Council & the European Parliament during the Czech Presidency

	Regulations	Directives	Decisions
Council	146	24	158
Council & EP	5	7	30

7. The Swedish Presidency

As the last presidency of the final trio before the Lisbon Treaty changes, Sweden’s Presidency was going to have a full agenda managing the transition. Given that that there was also an incoming Commission and EP were the newly elected, it was even busier. Add to this an ongoing international economic crisis and the Copenhagen climate talks to determine a post-Kyoto commitments, it is unsurprising that the Swedish Presidency had little time to pursue an agenda according to their national interests.

Analysts have described the style of the Swedish Presidency as pragmatic¹²⁵ and during the term of office of the Presidency the initial list of six priorities shrank. In a speech by Fredric Reinfeldt towards the end of the Presidency he admitted that “the climate and the financial crisis are the main

¹²⁵ Miles 2010: 82

priorities of the Swedish Presidency.”¹²⁶ This is not to say that other priorities were not present but that circumstances overtook the direction and ability of the Presidency to guide results to their own advantage.

Given that one of the primary responsibilities of the Swedish Presidency was to organise the details of the institutional changes in preparation for enactment of the Lisbon Treaty,

The published programme of work for the Swedish Presidency stated six priorities:

1. Economy & Employment
2. Climate
3. Justice and Home Affairs - The Stockholm Programme
4. The Baltic Sea Strategy
5. EU, the neighbourhood and the world
6. Preparation for Lisbon Treaty changes

In the lead up to the Presidency the Swedish preparations were planned under both the Nice Treaty and the Lisbon Treaty rules¹²⁷. However between 2006(when preparations began) and 2009, significant changes in on the economic stability had taken place. Europe and the world were continuing to suffer a recession due to the global financial crisis. The Swedes, like the Czechs, support a more liberal approach to the economic crisis, a position that encourages tight fiscal management by containing ballooning debt and balanced national budgets to manage debt.

7.1 Swedish presidency priorities and policies

7.1.1 Economy & Employment

The draft upcoming programme of then pending trio-presidency of France, the Czech Republic and Sweden stated that: “Particular priority will therefore be given to the comprehensive reassessment of EU spending and resources, as agreed in December 2005¹²⁸”. In an assessment of the Swedish Presidency from the Czech perspective it was stated that “the liberal centre-right constellation of both Czech and Swedish Government made it easier to share the vision of the importance of preserving the benefits of an internal market and ruling out calls for new protectionism.¹²⁹”

¹²⁶Official Website for the Swedish Presidency: 2 December 2009 *Energetic Summit in Kiev*
http://www.se2009.eu/en/meetings_news/2009/12/2/energetic_summit_in_kiev.html

¹²⁷ Miles 2010: 83

¹²⁸ Council of the European Union 10093/08:6

¹²⁹ Král 2009:30

7.1.2 Climate

Climate issues aside, the Swedish Presidency didn't have time to pursue other environmental issues during their term in office and in this particular priority "the Presidency priorities were almost preordained¹³⁰". In the lead up to the UN Framework Convention on Climate Change (UNFCCC) 15th Conference of the Parties in Copenhagen (COP-15), there was an attempt to reach agreement so that Europe could enter the negotiations with one voice. As the French Presidency had already reached agreement on the levels of reductions of CO₂-e, the Swedish Presidency was responsible for hammering out a deal to determine how the EU would financially assist poorer nations with climate change issues. In this respect, the Swedes were sympathetic to the emerging economies of the CEE and didn't force the point, which ultimately led to a failure to reach agreement.

Reaching agreement and allowing the EU to speak with one voice at the COP-15 was difficult not only from an internal perspective but also externally. This inability for the EU to act as one voice and one representative could be seen at COP-15, where the US president Barack Obama gathered the European Leaders to broker an agreement. A picture taken at the COP-15 shows the US President gathered with the heads of state from Germany (Angela Merkel), France (Nicolas Sarkozy) and the UK (Gordon Brown), as well as, the President of the EU Commission José Manuel Barroso, the sitting EU Council President Fredric Reinfeldt¹³¹—demonstrating that the US recognized that EU's ability to negotiate a deal required the three largest EU heads of state to also be present.

7.1.3 Justice and Home Affairs - The Stockholm Programme

The Stockholm Programme took off where the Hague Programme (2004-2009) left off, dealing with issues of justice and cooperation on matter of civil and criminal matters, free movement of people, asylum and migration as well as security.

The Swedish position on issues of asylum and migration are considered "liberal¹³²", although the text was agreed in December 2009, the action plan was not finalized and fell to the next presidency period.

¹³⁰ Miles 2010:84

¹³¹ BBC -22nd December 2009. Europe snubbed in Copenhagen?

http://www.bbc.co.uk/blogs/thereporters/gavinhewitt/2009/12/s_5.html

¹³² Von Sydow & Langdal 2009:11

7.1.4 The Baltic Sea Strategy

Each of the members of the trio presidency have pursued neighbourhood or regional policy. France with the Mediterranean Union, Czech Republic attempted to expand the Eastern Partnership and Sweden pursued the Baltic Sea Strategy. The Baltic Strategy is not simply about trade but also addressed issues of the environment, economy, infrastructure and security and differs from previous ENPs by implementing a new transnational-governance level for the EU with countries outside the EU¹³³.

The more macro-regional focus of the Swedish Presidency reflects the fast growing and larger trading partners as shown in Table 6 below. However, it is important to note that some of the fastest growing trading partners are neighbouring countries to Sweden and Russia is Sweden's 11th largest trading partner, which makes the Eastern Partnership and the Baltic Sea Strategy clearly congruent with national interests.

Table 6: Top Swedish Trading Partners by value and growth

Region Country	Exports				Imports			
	Value January- November		Share in %	Change in %	Value January- November		Share in %	Change in %
	2011	2010			2011	2010		
Total	1 117 955	1 037 046	100.0	8	1 043 165	974 775	100.0	7
Europe	795 960	747 604	71.2	6	882 866	810 512	84.6	9
EU countries	628 765	594 640	56.2	6	718 052	658 411	68.8	9
Germany	111 373	104 224	10.0	7	191 344	175 552	18.3	9
Norway	104 979	104 080	9.4	1	88 142	88 189	8.4	0
United Kingdom	77 806	76 826	7.0	1	61 975	55 078	5.9	13
USA	70 327	76 060	6.3	-8	31 539	31 409	3.0	0
Denmark	68 173	68 508	6.1	0	84 611	81 248	8.1	4
Finland	67 458	64 895	6.0	4	55 693	51 490	5.3	8
Netherlands	54 805	50 151	4.9	9	64 419	63 535	6.2	1
France	51 613	50 716	4.6	2	46 694	44 838	4.5	4
Belgium	49 903	41 962	4.5	19	40 662	37 996	3.9	7
China	36 328	32 292	3.2	12	40 913	39 717	3.9	3
Poland	29 281	26 484	2.6	11	30 080	28 467	2.9	6
Italy	29 039	29 926	2.6	-3	30 950	28 611	3.0	8
Russia	26 084	18 545	2.3	41	56 278	45 632	5.4	23
Bulgaria	1 014	851	0.1	19	781	585	0.1	34
Belarus	992	867	0.1	14	2 062	492	0.2	319
Estonia	10 032	7 928	0.9	27	18 852	10 319	1.8	83
Ukraine	3 413	1 939	0.3	76	569	425	0.1	34
Algeria	2 747	2 760	0.2	0	1 472	663	0.1	12

Source: SCB http://www.scb.se/Pages/TableAndChart_142266.aspx

The figures in Table 6 above show the top ten Swedish trading partners followed by the fastest growing trading partners who are neighbouring the EU. Note that Russia is actually the 11th largest trading partner for Sweden and with a growth in trade of 23% between 2010 and 2011.

¹³³ Schymik & Kumrey 2009:3

At the time of writing this thesis only a handful of initiatives have resulted from the Baltic Sea Strategy: BalticDEAL – to reduce agricultural nutrient emissions; BALTADAPT – climate change adaptation programme; Innoship – Ship wreckage removal and clean-up; CleanShip – standard for clean and safe shipping operations; Ecovillages: promoting sustainable rural living¹³⁴, however there are continuing issues around funding and coordination¹³⁵.

7.1.5 EU, the neighbourhood and the world

Although Sweden is known to support the process of enlargement to include Turkey and Iceland, its actions in this area were decidedly low-key. Sweden did support the application and although it didn't fast-track Iceland into the EU it did consider that it had a shorter track¹³⁶.

Accession talks were held with Turkey in December 2009 to discuss progress on the issue of EU-Membership and the normalization of relations between Armenia and Turkey.^{&137}

At the conclusion of Swedish Presidency there was little movement on the issue of enlargement and on the whole this priority received little attention and little action.

7.1.6 Lisbon Treaty preparations

The main achievement of the Swedish Presidency was finalizing and implementing the Lisbon Treaty. The role of the Swedish Presidency in negotiating the Czech ratification of the Lisbon Treaty was roundly perceived as vital to the facilitation of Klaus actually signing the Treaty. Potentially the negotiations could have opened up another round of discussions or veto from other Member States, all of which was deftly handled by Reinfeldt¹³⁸¹³⁹. In the end the full ratification by all the EU Member States enabled the Swedish Presidency to focus on negotiating the job descriptions and finding candidates to fill the role of HR and elected-President.

The job descriptions of these two roles were considered a blank slate with senior diplomats stating that never before had “such a prestigious and influential position been established with the detail,

¹³⁴ Haglund 2011:2

¹³⁵ EurActiv 27th October 2010: : <http://www.euractiv.com/regional-policy/baltic-sea-strategy-delivering-tangible-results-news-499197>

¹³⁶ BBC July 27th 2009 <http://news.bbc.co.uk/2/hi/8171005.stm>

¹³⁷ Official website of the Swedish Presidency – *Accession talks with Turkey*

http://www.se2009.eu/en/meetings_news/2009/12/21/accession_conferences_with_turkey.html

¹³⁸ Von Sydow & Langdal 2009:23&33

¹³⁹ Dagens Nyheter –3rd October 2010 ”president Vaclav Klaus har till och med medgett att Fredrik Reinfeldts insatser var avgörande när Klaus till slut skrev under Lissabonfördraget” – translation: even President Klaus admitted that Fredrik Reinfeldt's was conclusive to Klaus finally signing the Lisbon Treaty.

role and powers left so vague.¹⁴⁰ In fact, the Swedish Presidency was criticized for its closed-door and non-transparent negotiations by announcing the selected candidates before the job description had been revealed. However, there is little to suggest that Sweden gained anything directly from these negotiations.

¹⁴⁰ Guardian 2009 – 4th October 2009 – Irish vote sends Blair racing to EU presidency
<http://www.guardian.co.uk/world/2009/oct/04/tony-blair-eu-presidency-race?INTCMP=SRCH>

7.2 Overview table and legislative record

Table 7: Overview of policies and actions during the Swedish Presidency

Priority Area	Congruent with National Interests	Resulted in legislation	Resulted in policy changes	Resulted in increased issue awareness
Economy & employment	Yes -Preserved non-protectionist position	No	No	n/a
Climate	Yes – but not influential	No	No	No
Stockholm Programme	Yes Rational actor behavior with clear economic benefit	No	Yes	Yes
Baltic Sea Strategy	Yes rational actor behavior with clear economic benefit	No	Yes	Yes
Lisbon Treaty Preparations	No	Yes	Yes	n/a

Table 8: Legislative action from the Council & the European Parliament during the Swedish Presidency

	Regulations	Directives	Decisions
Council	87	14	159
Council & EP	62	58	13

8. The Spanish Presidency

8.1 The invisible presidency

As the first rotating-presidency after the implementation of the Lisbon Treaty, this presidency was bound to have some teething issues. There were comments in the press and by political observers that Zapatero found that no longer having a high profile role to play as the external face of the EU “hard to swallow¹⁴¹”. Although it had been clear communicated that the focus of the Spanish Presidency would be on implementing the details of the Lisbon Treaty and providing a smooth

¹⁴¹ Vos 2011:04

transition for the new presidency and HR roles¹⁴², there were areas of confusion with regard to external representation of the EU which resulted in Obama not coming to a summit in Madrid.

According to political commentators, “Prime Minister Zapatero did not want Van Rompuy to take his place in the international spotlight. That was why he invited US President Obama to Madrid and wanted to organise the reception himself. He failed in his ambition and Obama did not come to Europe in the first half of the year.¹⁴³” From the American side, PJ Crowley, the US Assistant Secretary of State said, “because of the changes involving the establishment of an EU Council President and a European Commission President on top of the rotating EU Presidency, I think it’s taking some time to work through exactly how various high-level meetings will happen.¹⁴⁴” Regardless of how each side perceived the incident it was clear it was embarrassing for the EU as the Lisbon Treaty was meant to streamline and simplify external relations.

The Spanish Presidency stated four priorities around the Innovating Europe theme to firstly reduce the EU’s energy dependency with the creation of an energy common market (an idea first floated by the Czech Presidency) and secondly to promote e-commerce among Member States by creating a digital internal market to increase productivity and e-commerce. The third priority revolved around making industry more sustainable and establishing an electric car project. The final priority was to improve universities in an effort to “invest in research and education to enable Europe to become a leading player.¹⁴⁵” These priorities reflected the 2020 Strategy launched during the Spanish Presidency at were the focus of the trio presidency (Spain-Belgium-Hungary - SBH). The 2020 Strategy was aimed at boosting world-competitiveness in Europe with five objectives centred around employment, innovation, education social inclusion and climate/energy. However, the 2020 Strategy was not launched until late March 2010, half-way through the Spanish term of office.

Amongst the priorities above, the Spanish Presidency also had responsibility for defining the procedures and processes of the EAS, implementing the citizen’s legislative initiative, furthering work on gender violence issues, hosting the Latin America summit and pursuing the Mediterranean Union.

¹⁴² Spain Presidency official website – 4th January 2010 - Lisbon Treaty focus of Spanish Presidency - Press Release http://ec.europa.eu/news/eu_explained/100104_en.htm

¹⁴³ Vos 2011:04

¹⁴⁴ Guardian 2010 – 3rd February 2010 - Snub for EU as Barack Obama ducks out of summit.

¹⁴⁵ European Parliament website: 15 January 2010 – Press release – *EU Spanish Presidency kicks off: recovery from crisis is the primary aim.*

<http://www.europarl.europa.eu/sides/getDoc.do?language=en&type=IM-PRESS&reference=20100108FCS67002#title5>

However, the criticism leveled at the Spanish Presidency was that the priorities were overly grand and diffuse, making “it was difficult to discern the core policy priorities¹⁴⁶.” Secondly, it was felt the Spanish Presidency would be unable to tackle such ambitious targets due to its lack of resources (less than half the staff of 90 fielded by Sweden in 2009), and a budget of €55 million (only a third of the budget spent by the French presidency in 2008).¹⁴⁷ The issues of credibility were further brought into question when hackers replaced the image of Zapatero with the fictional image of Mr. Bean¹⁴⁸. Maybe as a consequence of this, the Spanish presidency website is no longer available making it difficult to access much of the information about the daily events of the Presidency.

8.2 Spanish presidency priorities and policies

8.2.1 Implementing the Lisbon Treaty

The Spanish Presidency yielded results in the area of implementation of the Lisbon Treaty. Summits in Madrid and Brussels lead to clearing understanding of the roles of the HR, the Elected and rotating presidencies. Even in the last weeks of the Spanish presidency the details of the EEAS were put to bed.¹⁴⁹

This trio set the implementation of the Lisbon Treaty as one of the highest priorities along with economic coordination to combat the effect of the financial crisis. However, it should be noted here that the Lisbon Treaty doesn’t always provide exact dates for implementing specific changes and the voting system for the Council of the European Union under the Lisbon Treaty uses a proportionality system weighting the voting system on population figures. Under the Treaty of Nice the votes are less proportional giving Germany 29 votes for a population of 82 million; whereas Spain with a population of only 46 million gets 27 votes¹⁵⁰. It was determined that this change could be delayed until 2014. Although this is primarily due to Polish demands, this area of negotiation hasn’t been pursued by Spain.

8.2.2 Economic coordination – 2020 Strategy

The Spanish Presidency continued the work of previous presidencies and proposed greater

¹⁴⁶ Heywood 2011:79

¹⁴⁷ Heywood 2011:79

¹⁴⁸ BBC 2010 - 4th January 2010. *Mr Bean replaces Spanish PM on EU Presidency website*

<http://news.bbc.co.uk/2/hi/8440554.stm>

¹⁴⁹ EurActiv – 22 June 2010 Spanish Presidency seals EEAS deal

<http://www.euractiv.com/future-eu/spanish-presidency-seals-eeas-deal-news-495455>

¹⁵⁰ Molina 2010:33

coordination of national economic policies including incentives and sanctions to bind Member States to common economic policies.¹⁵¹

During their term in office Spain had an unemployment rate of almost 20% (19.3% in Spain)¹⁵² which was twice the average rate of the EU Member States (9.3%) during the same period¹⁵³. Domestically, Spain's deficit had expanded dramatically to 11.4% of GDP last year¹⁵⁴. During the presentation of the priorities to the EP the French MEP Daul questioned Zapatero's economic governance and structural reforms by saying that "I am not too sure whether you and your political family have realized whether your proposals are realistic."¹⁵⁵ MEP Daul was referring to the Spanish deficit to which Zapatero responded that Spain would "get back on track" and deliver budgets within the 3% deficit range by 2012 by reining in public expenditure. However there were fears that the financial crisis in Greece would spill over to Spain¹⁵⁶.

It is therefore unsurprising that the first meeting of the economic reform task force was held in late May 2010 towards the end of the Spanish Presidency and was headed by Herman Van Rompuy President of the European Council.

The Spanish Presidency of the Council of the European Union may have been "handicapped to some extent by his country's wobbly financial situation,¹⁵⁷" However, Zapatero did use his political presence in the EU to highlight the differences between Greece and Spain and divert attention away from potential domestic economic instability¹⁵⁸.

8.2.3 Climate/Energy

Brundtland report defined human sustainability "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."¹⁵⁹ The EU 2020 strategy defined in the previous trio-presidency of France-Czech Republic-Sweden. However,

¹⁵¹ Molina 2010:40

¹⁵² BBC 2010 – 4th January 2010 Mr.Bean replaces Spanish PM <http://news.bbc.co.uk/2/hi/8440554.stm>

¹⁵³ Spain Presidency Official Web (2010) Press release –4th Jan 2010 - Lisbon Treaty focus of the Spanish Presidency http://ec.europa.eu/news/eu_explained/100104_en.htm

¹⁵⁴ Guardian 2010 – 22nd February 2010 – Spain braced for general strikes as Zapatero tries to force labour law reform <http://www.guardian.co.uk/world/2010/feb/22/spain-zapatero-strikes-unions-recession>

¹⁵⁵ European Parliamentary website: 15th January 2010 – EU Spanish Presidency kicks off: recovery from Crisis is primary aim <http://www.europarl.europa.eu/sides/getDoc.do?language=en&type=IM-PRESS&reference=20100108FCS67002#title5>

¹⁵⁶ Molina 2010:10

¹⁵⁷ Dinan 2011:110

¹⁵⁸ The Economist – 29th July 2010 – Zapatero's balancing act.

¹⁵⁹ Brundtland Commission 1987

Spain has a natural interest in pursuing policies promoting sustainable energy industries. Not only is Spain highly dependent on energy imports, they also have the most progressive renewable and solar energy legislation and building codes that goes “far beyond the minimal level of implementation of the EC Directive on the Energy¹⁶⁰” Buildings are obliged to cover 30-70% of domestic hot water provision through solar energy.

8.2.4 Cohesion Policy and CAP

On the issues relating to the reform of cohesion policy and the CAP, Spain steadfastly support the continuation of these policies without alteration until 2012. In a Committee of the Regions (CoR) document the Spanish Presidency clearly stated the “The CoR's position will continue to rest on three main planks: rejection of any form of re-nationalisation; the need to adapt industry and employment to the challenges of a more sustainable development model; and the use of multilevel governance and an approach that is more targeted to the region concerned and to intra-regional disparities¹⁶¹”

Spain's steadfast support can be clearly linked to its long history of support from the EU due to the Cohesion Funds. Between 1995 and 2007 Cohesion Funds built 1200km of new roads, extended rail-links by 850km, 370000 people receive support as part of self-employment social/economic activities and delivered around 6 billion Euros of investment into R&D and innovation projects in Spain¹⁶². Additionally, the CAP provides over 7billion in funds and as the third largest recipient of CAP money in the EU.¹⁶³ All of which provide strong incentives to maintain the CAP and the Cohesion Policy for as long as possible.

8.2.5 Strengthening Foreign Policy & the Mediterranean Union

As “this region(the Mediterranean) is a top priority in Spain's foreign and European policies. Due to the geographical proximity and a wide range of links between Spain and the southern Mediterranean countries, this is an area where Spanish interests are at stake.¹⁶⁴” It was surprising that little was achieved in this area during the Spanish Presidency.

¹⁶⁰ EREC May 2009:8

¹⁶¹ Committee of the Regions 2010:2

¹⁶² European Union 2010 – Cohesion Policy in Spain

http://ec.europa.eu/regional_policy/sources/docgener/informat/country2009/es_en.pdf

¹⁶³ BBC 12th October 2011- CAP Q&A Reform of EU Farm <http://www.bbc.co.uk/news/world-europe-11216061>

¹⁶⁴ Soler I Lecher & Vaquer I Fanés 2010:73

Conversely, in the area of relations with Latin America and the Caribbean the Spanish Presidency convened a summit to build the EU's relations with these regions. The summit, held in May 2010 highlighted the strategic relations with the Andean Community, Central America and EU-CARIFORUM. These regions have not previously held very high priority in EU foreign policies¹⁶⁵, however, they have a long history of involvement with Spain.

8.2.6 Strengthening Social & Citizen agendas

The reasons for Spanish interest in this priority is due in part to the Euro-positive stance of Spain. Spain has pursued a strong Europeanisation of justice and internal affairs policies since the 1990s. However, there are other reasons for this position by Spain which are rooted in high levels of immigration (legal and illegal) and terrorist activities. To this end the Spanish Presidency was pushing to join the European Convention for the Protection of Human Rights of 1950.

It is also interesting to note that the Spanish Presidency was strongly pushing the social elements of the 2020 Strategy. This position is less surprising when taking into consideration the domestic political situation of Spain—with Zapatero's socialist government due for reelection in 2012 and their domestic stringent fiscal measures, pursuing a social inclusion and integration at an EU level could fulfill many election promises without placing demands on domestic finances.

8.2.7 European Citizen's Initiative

The implementation of the European Citizen's Initiative is aimed at increasing participation of the general public in EU processes and is an attempt to engage the public in EU issues. As a strongly pro-EU country, Spain was keen to launch this initiative however, it was left to the Belgian's to finalise.

8.2.8 Gender-based violence

According to Amnesty International, 70 women were killed in Spain in 2008 by their partner or former-partner; of these women 34 were foreign nationals¹⁶⁶. In an effort to provide more legal powers to protect women in situations of domestic violence as well as protection the rights of individuals regardless of gender in the workplace, the Spanish Presidency put forward draft

¹⁶⁵ Molina 2010:55

¹⁶⁶ UNHCR –Amnesty International Report 2009 – Spain
<http://www.unhcr.org/refworld/publisher,AMNESTY,,ESP,4a1fadbf41,0.html>

legislation on this issue in March 2010. However, finalizing the legislation within the timeframe of the Spanish Presidency was difficult due to technical legal issues¹⁶⁷.

8.2.9 The Stockholm Programme

Immigration is an important issue for Spain. Spain is the primary beneficiary of Frontex and EU immigration related funds, receiving €87 Million between 2007-2008¹⁶⁸. As a high volume of illegal immigration from Africa enter the EU through Spain illegally, this issue represents a significant national interest for Spain and the provision of continuing funds.

The Stockholm Programme attempts to create a common and organised way of handling immigration within the EU, however, this is not its only aim. The Programme also looks at ways to combat and control human trafficking and terrorism. This last section is particularly important to Spain and its relationship to the Basque separatists, as well as the Al Qaida train bombing in 2004.

8.3 Overview table and legislative record

Table 8: Overview of actions and policies during the Spanish Presidency

Priority/Action	Congruent with National Interests	Resulted in legislation	Resulted in policy changes	Resulted in increased issue awareness
Gender-based anti-violence	Yes – strong domestic political awareness and action	No	No	Yes
Stockholm Programme - Immigration	Yes – Continued financial support for illegal/immigration issues	No	Yes	Possibly
Priority/Action	Congruent with National Interests	Resulted in legislation	Resulted in policy changes	Resulted in increased issue awareness
CAP	Yes – preserving CAP payments and support through lack of CAP reform action	No	No	No
2020-Social agenda	Yes – strongly congruent with social policies of Zapatero Government	No	No	Possibly

¹⁶⁷ Molina 2010:60-61 & Welcome Europe (2010) March 9, 2010 – New Measures against gender-based violence <http://www.welcomeurope.com/news-europe/new-measures-gender-based-violence-6859+6759.html>

¹⁶⁸ Ministerio del Interior 2007:10 <http://www.statewatch.org/news/2008/feb/spain-bal-lucha-inmigracion-2007-mir.pdf>

Table 9: Legislative action originating from the Council during the Spanish Presidency

	Regulations	Directives	Decisions
Council	48	8	151
Council & EP	34	17	15

9. The Belgian Presidency

9.1 A cooperative compromise

In the lead up to the Presidency, the sitting Government of Belgium under the Prime Minister Yves Leterme, fell due to a lack of agreement in the coalition exacerbated by domestic division between the Wallonian and Flemish regions. A caretaker Government assumed the role of the Presidency for the entire term of office. Although the media was initially skeptical of the success or ability of a caretaker Government to fulfill the role of the rotating-presidency, the Belgian Presidency was successful in achieving the programme of work on almost all fronts. This prompted commentators to suggest that “the lack of Government was a determinant factor for success¹⁶⁹”, as the Belgian Presidency was administrative and diplomatic rather than politically driven and could devote time to the EU rather than domestic issues¹⁷⁰.

It is also important to note that even though Belgium is one of the smaller Member States, as a founder-member it has an extensive history of involvement and a wealth of experience in dealing with the EU. Secondly, it has a certain home advantage of being the host nation of the de facto capital of the European Union. In addition, the first elect-President of the European Council was also Belgian and had been heavily involved in preparation for the Belgian Presidency before assuming the role of elected President.

In an interview Bernard Bulke, representative for the caretaker government, stated that the Belgian Presidency saw its role as an “honest broker” supporting the process of greater EU integration and implementing the Lisbon Treaty¹⁷¹. However, did all these factors enable the Belgian Presidency to achieve outcomes that were congruent with their national interests?

¹⁶⁹ Drieskens 2011:91

¹⁷⁰ Drieskens, Van Hecke & Bursens 2010:45-46

¹⁷¹ Bulke, Bernard. 2010 Interview with EUR.TV <http://www.youtube.com/watch?v=WsUpztIGsBo&feature=channel>

9.2 Priorities and policies pursued

The priorities of the Belgian Presidency although closely in-line with the Spanish and Hungarian presidencies can be defined within five focus areas: Socio-economic, social, environmental, internal security and external action. Many of these issues were shaped by the situation demands such as the ongoing financial crisis. Other focus areas were a result of continuing the work of previous initiatives such as the Stockholm Programme on the common migration issues. There is also an additional focus area for the Belgian Presidency which was to implement as much of the Lisbon Treaty as possible.

9.2.1 Socio-economic – tackling the economy

The Belgian presidency reached significant decisions through trilogue discussions¹⁷² resulting in reforms for the regulation and control of financial sector and pensions through risk analysis. During the Belgian Presidency, the Council also passed a decision on the 20 December 2010 amending Decision 2010/320/EU with a view to reinforcing and deepening fiscal surveillance gave notice to Greece to implement deficit reduction measures to remedy excessive deficit levels.

One of the successes of this presidency was the introduction of financial watchdogs and industry regulation. However, “the European supervision of the financial sector did not go as far as was originally aspired to (and demanded by the European Parliament), but it is an improvement compared to the present situation.¹⁷³” However, under the Belgian term of office four European watchdogs for the banks, insurers, stocks and market supervision as well as a committee in charge of tracking and avoiding systemic risk.

With relation to “other agreements relating to the crisis in the euro zone had already been reached or initiated by the European Council, led by Herman Van Rompuy. In many cases, however, they had to be given concrete shape under the Belgian presidency¹⁷⁴”.

9.2.2 Patents

One of the failures of the Belgian Presidency was their inability to reach consensus on a common European patent system.

¹⁷² Trilogue discussions: refers to the discussions between the three policy making institutions of the European Parliament, European Commission and the Council

¹⁷³ Vos 2011: 2

¹⁷⁴ Vos 2011:2

The Belgian Presidency worked during its term in office to secure agreement on a common European Patent. Although the Belgian's put forward a compromise that limited the translations of the copyright information into English, French and German, it was unacceptable to Spain and Italy and the Belgian Presidency was forced to suggest a "reinforced cooperation procedure"¹⁷⁵.

In 2009, the Pirate Party won two seats in the European Party elections¹⁷⁶. The Pirate Party's manifesto is clearly anti-copyright with a particular emphasis on electronic media and IT copyright laws¹⁷⁷. In 2010, the Belgian Pirate Party won less than a quarter of a percent (0.23%) of the federal Belgian election in 2010 and only fielded candidates in the central Brussels arrondissement of Brussels-Halles-Vilvoorde. However, even this small voter catchment could represent a fast-growing and potential threat to established groups, in a fragmented political environment such as Belgium's. Therefore, with growing voter interest in this issue it may have become popular with the public to address and popular with traditional political parties to put to rest and neutralise at a domestic level.

To say that this issue was solely a Belgian issue would be exaggerating the issue. The Pirate Party, founded in Sweden in 2006, have had a meteoric rise in almost every country in Europe, representing a dilution of traditional parties voting bases. Secondly, copyright is an expensive¹⁷⁸ and lengthy procedure—streamlining that procedure and providing a pan European patent coverage would significantly reduce costs for new inventions not just in Belgium but in all the EU Member States. As a result it is difficult to determine if this constitutes national interest or a shared interests. Regardless, the patent issue was not resolved during the period of the Belgian presidency.

9.2.3 Bail-out mechanisms

With regard to the permanent bail-out mechanism, Belgium had to put aside its national preferences and act as an honest broker. The bail-out mechanism, is a directly applicable Council Regulation 407/2010 under Article 122 of the TFEU, was pushed heavily by France and Greece in response to

¹⁷⁵ Vos 2011:3

¹⁷⁶ BBC 2011 – 17th October 2011

¹⁷⁷ Pirate Party Belgium Official website <http://pirateparty.be/node/30>

¹⁷⁸ Karolinska Institute in Stockholm estimate that the cost of securing a patent only providing coverage in Sweden was approximately 50,000SEK (approx. 5600Euros) and a further 10-20,000SEK (1100-2300 Euro) per year to keep the patent. <http://ki.se/ki/jsp/polopoly.jsp?d=36677&a=10460&dispd=31657&l=sv>

Ireland defaulting on loans. However, at the conclusion of the Belgian Presidency the financial crisis and debt crisis, especially Ireland¹⁷⁹ and Greece, were ongoing issues.

9.2.4 Social focus – unemployment & citizens initiatives

During the Belgian Presidency the social aspect of the work programme was heavily focused on employment and the 2020 Strategy designed to encourage workforce participation for women, youth, older workers and low-skilled workers with a heavy emphasis on better integration for legal migrants. The 2020 Strategy also places a particular emphasis on green jobs.

It is unsurprising that the Belgian Presidency had little resistance in this area as the financial crisis had become a European economic crisis and employment rates were a concern¹⁸⁰. Spain had already made headway in this area and Belgium completed the work.

Beyond employment issues, other social issues handled during the Belgian Presidency workshops, seminars and conferences included gender equality, poverty alleviation, pension scheme, environment and health workshops. However, these appear to be legacy or housekeeping issues.

“The Lisbon treaty brought other novelties to be further shaped under the Belgian presidency. There is the Citizens’ Initiative, for instance: one million citizens can place an item on the European Commission’s agenda. The exact modalities of collecting the signatures and testing the admissibility were defined under the Belgian presidency, despite numerous initial differences between the commission, the European Parliament and the Member States.¹⁸¹”

9.2.5 Environmental focus

During the Belgian Presidency Joke Schauviliège, Flemish Minister for Environment presided over the Environment Council with four priorities on the environment agenda: sustainable materials management; the Convention on Biological Diversity (CBD) in Nagoya; the COP16 meeting of UNFCCC in Cancun and reform of the EU environmental policy instruments¹⁸². Although progress was made in these negotiations there were no significant decisions.

¹⁷⁹ Offnews 2011: 11th January 2011. Belgium’s Presidency concludes with modest successes
<http://www.offnews.info/verArticulo.php?contenidoID=26973>

¹⁸⁰ The unemployment rate rose in all 27 Member States between 2009 and 2010, apart from Germany, Luxembourg, Malta and Austria. The biggest decrease was recorded in Germany, where the unemployment rate dropped by 0.7 percentage points. Belgium, France, Romania, Finland, Sweden and the UK also performed well, showing only moderate unemployment increases (below 0.5 percentage points) between 2009 and 2010.
http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Unemployment_statistics#A_detailed_look_at_2010

¹⁸¹ Vos 2011:4-5

¹⁸² Drieskens, Van Hecke & Bursens 2010:69

9.2.6 Internal security focus – finalising the Stockholm Programme

The work begun during the Swedish Presidency was a focus area for the Belgian Presidency. This issue can be seen as important for the Belgians as the Groen! and Ecolo environmental parties are strongly in favour of greater solidarity on migrant issues at higher levels of Government¹⁸³.

The Stockholm Programme called for a harmonization of asylum seeker procedures and processing and culminated in a workshop on Roma issues with relation to the Stockholm Programme in early September and a conference on the Quality and Efficiency in the Asylum Process in mid-September.

9.2.7 European External Action Service

The European External Action Service (EEAS or EAS) was another area of the Lisbon Treaty that needed to be fleshed out through negotiations to define its role and limits of responsibility. During the Spanish Presidency there was confusion over who should handle Obama's visit, resulting in the President cancelling his visit due to uncertainty around this issue.

As a strongly pro-EU Member State, Belgium would be strongly supportive of a clear and defined role of a supranational representation on issues of external representation. During the election campaign Bart de Wever suggested that instead of revolution there would be an evolution to separate states. He often used the blue background and gold stars of the EU to allude to a broader EU involvement in Belgium¹⁸⁴.

¹⁸³ Inter-Parliamentary Union report 2010 - http://www.ipu.org/parline-e/reports/2030_E.htm

¹⁸⁴ The Economist - June 14th 2010.

9.3 Overview table and legislative record

Table 10: Overview of the actions and priorities of the Belgian Presidency

Priority Action/ Area	Congruent with National Interests	Resulted in legislation	Resulted in policy changes	Resulted in increased issue awareness
Common Patent	Yes – The growth of the Pirate Party further diluted the unstable compromise of the Belgian domestic political environment	No	No	Possibly
Economic	Yes – Economic initiatives and unemployment initiatives aid domestic and trading partners economic recovery	No	Yes	Possibly
Citizen’s Initiative	No- legacy issue	Yes	Yes	No
Stockholm Programme - employment	No- Legacy issue Yes – establishing a pro-green stance neutralises domestic green-party objection and protest	No	Yes	Possibly
EEAS	Yes –Congruent with pro-EU political environment also a Lisbon Treaty housekeeping issue that required resolution	Yes	Yes	No

Table 11: Legislative action from the Council & the European Parliament during the Belgian Presidency

	Regulations	Directives	Decisions
Council	58	8	162
Council & EP	34	22	2

10. The Hungarian Presidency

10.1 Negotiating possibilities

The priorities of the Spanish-Belgian-Hungarian (SBH) trio Presidency were overtaken, in no small amount, by the financial crisis and the implementation process of the Lisbon Treaty¹⁸⁵. In many respects, the first trio presidency post-Lisbon was always going to be a process of discovery for the

¹⁸⁵ Romsics 2011:14

rotating presidency holders to determine their new role and place within the institutional environment of the new EU.

SBH trio priorities were consistent throughout the eighteen month period, however, this did not entirely limit the ability of the rotating presidencies to contribute their own personality to the role. As a first-time rotating presidency holder, Hungary lacked the experience of EU bureaucracy and processes which was highlighted by their handling of the Media Law crisis. However, by employing young and enthusiastic staff, Hungary managed to invigorate their presidency with young, pro-EU, pro-networking personnel.

The focus of the Hungarian Presidency can be divided into five of the six SBH trio-presidency priorities:

- 1) Lisbon treaty implementation
- 2) Continuing financial reform
- 3) Energy & climate change
- 4) European social agenda
- 5) External issues and enlargement

The final priority on the SBH trio-presidency priority list omitted from the Hungarian Presidencies' list was agriculture and fisheries. It is probably important to mention that an omission of a priority can be as important as the inclusion and actions of a priority as it defines preference by national dis-interest. In the case of Hungary, the landlocked nation has little to no interest in fishing quotas and although Hungary receives only 2.5% of the total CAP budget, it is a significant contributor to the agricultural sector to which reform could trigger negative wins for Hungary.

Apart from these issues, the Hungarian Presidency who was present at the time of the Libyan civil war “successfully supported and complemented the work of High Representative Ashton... getting sanctions through in a fast-track process and providing a diplomatic channel to the Libyan regime during the crisis.¹⁸⁶”

The following summary doesn't include discussion on the European Social Agenda, financial reform and Lisbon Treaty issues as these were rolling issues or legacy issue which the Hungarian Presidency inherited rather than agenda-set. In such circumstances the Hungarian Presidency, are free to act as honest-brokers. This following section looks at three of the priorities as they relate to

¹⁸⁶ Romsics 2011:121

Hungarian national interest (Charter of Fundamental Rights, Energy Security & Schengen accession of Romania and Bulgaria) as well as two additional policy areas that were in focus during this time: The Danube Strategy and Roma Strategy.

10.2 Following the Belgian Model

10.2.1 Energy & climate change

Although energy is becoming a core issue in EU politics¹⁸⁷, Hungary (like most of the CEE Member States) has limited domestic energy supply and is increasingly reliant on the external provision of natural gas for electricity production¹⁸⁸. This currently positions Hungary as reliant on gas from Russia. Therefore its support of the Nabucco pipeline, over Gazprom's South Stream pipeline and a common energy policy and an investment commitment to renewable energy develop, would provide greater bargaining power from traditional energy suppliers.¹⁸⁹

In February 2011, the Hungarian Minister for National Development stated that the “new Member States” perceive renewable energy as an economic development issue¹⁹⁰. Given that 44% of Hungary's electricity production is powered by gas¹⁹¹, it is clearly in line with national preference that during their term in office the Presidency brought forward the discussion of EU investment support for renewable energy development, a move that would have directly benefited Hungary and placed it in a more favourable bargaining position towards natural gas providers.

During their term in office the Hungarian Presidency held an energy summit in February and meetings in May to create greater common ground and solidarity on issues of energy security and efficient energy provision. The primary outcome of these meeting was the endorsement of the Energy Strategy and Infrastructure priorities¹⁹².

¹⁸⁷ Romsics 2011:85

¹⁸⁸ EC (2007) Hungary – Energy Mix Fact Sheet

¹⁸⁹ Natural Gas Europe (2012) – Whilst writing this paper, Hungary has placed its support behind Gazprom's South Stream pipeline, citing difficulties with the Nabucco pipeline. However, the article alludes to EU political bargaining rather than dissatisfaction with the Nabucco pipeline. This article provides evidence of the power of the energy policy and its significance to Hungary and the EU.

¹⁹⁰ Hungarian Presidency official website (24 February 2011.)

¹⁹¹ EC (2007) Hungary – Energy Mix Fact Sheet

¹⁹² EC (2011) Press release 25th February 2011

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/191&type=HTML>

10.2.2 External issues and enlargement

With regards to the Stockholm Programme, the Hungarian Presidency continued the rolling programme of work as determined under the trio-presidency priorities. As a country attracting fewer asylum-seekers, the Hungarian Presidency can be perceived as acting as an honest-broker on this issue.

The implementation of the Charter of Fundamental Rights and the consolidation of the right to information were a result of the Presidency pairing down the agenda in an effort to build consensus, positively affected the pace of progress at the February and April JHA Councils.¹⁹³ However, this issue was again a legacy of prior Presidency rather than a clear choice by this Presidency.

Schengen Accession of Bulgaria and Romania were strongly supported by the Hungarian Presidency with several public statements¹⁹⁴. Although this issue does not represent national interests in play it does point to national preferences¹⁹⁵. However, France and Germany's resistance to accession made the March 2011 deadline set by Hungary as difficult within the Hungarian term of office. However, the issue was vetoed by the Netherlands and Finland during the following Polish rotating-Presidency¹⁹⁶.

10.2.3 The Danube River Strategy

Announced on the 25th February 2010 in Budapest, the Danube River Strategy (DRS) was aimed at sustainably developing the region¹⁹⁷. This Strategy has direct benefit to Hungary and its economic prosperity and therefore is regarded as a de facto national priority¹⁹⁸. The original Committee of the Regions opinion document was a general statement with little firm activities or strategies¹⁹⁹.

The DRS focuses on issues such as transport, energy, water management, environment, safety and social economic development. The Cohesion Policy granted €100Billion between 2007 and 2013²⁰⁰

¹⁹³ Romsics 2011:101

¹⁹⁴ i) Hungarian Presidency Official Website 9th June 2011. ii) AGERPRES 27 March 2011. iii) Balkan Insight 11 January 2011

¹⁹⁵ Through the Hungarian-minority in the north-west of Romania, Hungary has a strong connection with this region as well as shared national history with this region prior to Romania's independence in 1878.

¹⁹⁶ NY Times 22 September 2011

¹⁹⁷ Agh 2011:25

¹⁹⁸ Romsics 2011:90

¹⁹⁹ CoR 2009: <http://cor.europa.eu/en/archived/documents/f68c196a-a30a-4d4d-9643-4ef73d97c472.pdf>

²⁰⁰ European Commission – EU Strategy for the Danube
http://ec.europa.eu/regional_policy/cooperate/danube/index_en.cfm

for this project. However, in a situation of persistent financial and economic crisis, expansion of the project's was limited to a realignment of existing funding sources rather than additional funding²⁰¹.

Some of the current projects include: the Danube parks initiative which is restoring the environmental health and species biodiversity of the river bank area. The river also acts as a transport network and the Danube project aims to increase usage of the river and the efficient sharing of maps and communication along the river. Another project is the construction of a bridge linking Bulgaria and Romania, contributing to efficient rail and surface transport and therefore economic prosperity to the region.

It is difficult to say exactly what the Hungarian Presidency achieved for the DRS, however, as one commentator summarised: "It is, however, more likely that the Hungarian government was really seeking to ensure the survival of the framework in the form of a procedural success, and the presidency will not go very far in contributing to the development of actual practices under the DRS umbrella²⁰²".

10.2.4 National Roma Integration Strategies

In 2001 a census recorded the Roma population of Hungary at 190,046, however unofficial estimates reported figures up to 4 times that number. The majority of Hungarian Roma have been linguistically assimilated (called the Romungros), however there are also smaller groups who speak Romani (the Rom) or archaic Romanian (the Beash)²⁰³.

Since the late 70's, Hungary has had a programme of assimilation towards the Roma focusing on health, education, culture and antidiscrimination, however, Hungary, still struggles with violence and discrimination towards the Roma. Amnesty International reported that in 2008, there were 16 incidents of weapons being used against the Romani, leading to four deaths. The following year the National Bureau of investigations reported the death of a Roma man and his son and believed that it was one of several recent attacks connected to the death of four people²⁰⁴.

²⁰¹ European Commission 2010:2

²⁰² Romsics 2011:92

²⁰³ UNHRC (2012) <http://www.unhcr.org/refworld/country,,,HUN,,49749d143c,0.html>

²⁰⁴ Amnesty: 9 April 2009 <http://www.amnesty.org/en/news-and-updates/feature-stories/europes-roma-community-still-facing-massive-discrimination-20090408#hungary>

Needless to say, this is a long standing domestic issue. The economic crisis has hit Hungary harder than many EU Member State and there has been a political shift towards the right—giving the Fidesz Party a clear majority in the general election of 2010²⁰⁵.

The EU Framework for National Roma Integration Strategies by the Commission, also known as the Roma Strategy, attempts to shift the poorest and most marginalized citizens of the EU into a higher socioeconomic status. This strategy, like the Danube Strategy existed under the proviso that no new funds be assigned to these issues²⁰⁶. Kaczinski believed this policy of “no-new-funding” led to the mainstreaming of Roma issues under the social inclusion banner²⁰⁷. Although Kaczinski also stated that the Hungary’s ability to be a policy innovator was deeply constrained by the financial situation and the larger Member State positions.²⁰⁸

10.3 Overview table and legislative record

Table 12: Overview of the policies and actions of the Hungarian Presidency

Priority Action/ Area	Congruent with National Interests	Resulted in legislation	Resulted in policy changes	Resulted in increased issue awareness
Charter of Fundamental Rights	No – A legacy issue	Yes	Yes	Yes
Energy Security	Yes - A common energy policy and alternative energy sources provides increased competitiveness	Yes	Yes	Yes
Schengen Accession	Yes – As near neighbours Romania is an economic trading partner with an ethnic-Hungarian minority	No	No	Possibly
Roma Strategy	Yes – lack of action on Roma issues reflects current constituency attitudes	No	Yes	No
Danube River Strategy	Yes – DRS directly benefits the economy and infrastructure of Hungary	No	No	Yes

²⁰⁵ Open Democracy

²⁰⁶ Romsics 2011:93-94

²⁰⁷ Romsics 2011:95

²⁰⁸ Ibid.

Table 13: Legislative action from the Council & the European Parliament during the Hungarian Presidency

	Regulations	Directives	Decisions
Council	68	8	160
Council & EP	26	13	20

11. Analysis and results

The research question deals specifically with the effect of the Lisbon Treaty on the role of the rotating-presidency’s ability to pursue outcomes that correspond to national interest. A quick review of each of the rotating-presidencies reveals a measure of congruency between national interests and the initiatives or priorities and outcomes.

The six rotating-presidencies were initially anticipated to be a research question based on the comparison between the trio-presidencies before and after the Lisbon Treaty. However, after reviewing the rotating presidencies individually it became apparent that there were three distinct phases; 1) pre-Lisbon rotating –presidencies of France and the Czech Republic; 2) the interim rotating presidencies of Sweden and Spain pre-occupied with Lisbon Treaty issues; and 3) the post-Lisbon rotating-presidencies of Belgium and Hungary.

From the data collected on the rotating-presidencies it was clear that France was setting an agenda that was closely aligned to national interests and, to a large extent, was successful in pursuing these ends. Similarly the Czech Republic, who despite only holding the position for half the term of office managed to negotiate forward steps in a common energy policy and neutralise the Gazprom Crisis.

The interim phase countries of Sweden and Spain had a clearly different experience from the other rotating-Presidents of the Council of the EU. Even though they existed under different rules of procedure, they faced similar issues. The last pre-Lisbon Treaty rotating-presidency Sweden, had little time to pursue its own agenda as issues of settling the mechanics of the Lisbon Treaty into place and the ongoing economic crisis were pressing issues. The first rotating-presidency post-Lisbon was always going to have teething issues negotiating new procedures, however, like Sweden, Spain was also preoccupied with treaty implementation.

The third distinct phase was the Belgian and Hungarian rotating-presidencies both of which were highly cooperative with the HR and elected-President and behaved as a consensus building negotiator with the EP and other Member States. Although there were still opportunities to put national interest items on the agenda, the type of issues were distinctly different from France and the Czech Republic. Issues were “smaller” or rather less surprising with a heightened cooperative/conciliatory spirit. Issues with strong national preference such as the patent issue for the Belgians and extra funding for the Danube River Strategy for the Hungarians were quietly thwarted.

11.1 Interim rotating-presidencies

Where Sweden was hijacked by the Lisbon Treaty and the full realization of the economic crisis, Spain had the unenviable task of being the first to step into the “new” rotating-presidency. It was a role that they seemed to struggle with, a fact which was highlighted by the botched visit by Obama and comments in the press about the lack of visibility of the Spanish President. The Spanish Presidency, like the Swedes, were kept busy realising the details of the Lisbon Treaty and dealing with the ongoing economic crisis. Spain, as a Member State strongly experiencing the effects of the economic crisis in their domestic market, were unable to command a position of leadership on this topic²⁰⁹.

The interim rotating-presidencies leave many unanswered questions regarding their lack of pursuit of national interest. For example, Sweden had clear reasons to tweak the negotiations around the implementation and manage negotiations around specific treaty issues that would have preserved voice and influence for itself and other small states more within the new procedures, however, they didn't appear to do so.

A potential explanation can be extrapolated from Bunse's findings which highlights “that in repeated games (i.e. future negotiations after their term of office) it pays off to be accommodating in the long run.”²¹⁰ With this in mind, it is possible to consider that if the preferred (and current choice) for the President of the European Council is a moderate, medium to small Member State representative, then Sweden would have been cognizant of this and could have envisaged itself as a potential successor and would therefore have been unwilling to push its own interests and negotiate

²⁰⁹ Haywood 2011:77

²¹⁰ Bunse 2009:214

One can speculate on the reasons as to why the Swedish Presidency (and to some extent the Spanish Presidency) didn't attempt to adjust the treaty implementation. Although it is a question that clearly requires more research as there was no comment from political or academic sources other than to describe the Swedish Presidency as honest-brokers, it is a worthy discussion topic but unfortunately beyond the scope of this paper.

11.2 Trends and developments

The three distinct phases present a clear comparative case study that reveals that there are changes in the style and type of initiatives as well as changes in the amount of legislative originating from the Council (which is discussed in detail in the following section).

By isolating the issues that are specific to a particular rotating-presidency (and beyond the shared trio priorities), it becomes apparent that the issues change in character. The French Presidency tabled CAP reform and the Mediterranean Union (MU), while the Czech Presidency made a common energy policy their key issue and managed to stave off protectionist moves within the EU. The Swedish and Spanish Presidencies were occupied with the Lisbon Treaty and the “credit crunch”. In contrast to the previous presidencies, the Belgians had the common patent initiative and the Hungarians attempted to bring light to the Danube River Strategy(DRS), both had limited success within their term.

The types of issues being tackled are also relevant: CAP reform, the MU and the common energy policy are big issues which received significant attention. Additionally, these initiatives were reasonably successful, and in the case of the MU the results were maybe not what the French had initially envisaged, but still successful enough to revamp the Barcelona Process and create a new secretariat. By contrast the DRS failed to secure more funding and the common patent legislation failed to find common ground – both issues are relatively small in comparison and didn't manage to conclude successfully.

It is possible to view these issues as relating to the relative power of the Member State holding the Presidency, until we consider the Czech Presidency. As a first-time holder of the rotating-presidency whose unstable domestic politics dissolved during the Presidency, it is surprising the Czechs still managed to steer a common energy policy home and hold the line against larger Member States economic protectionism. In comparison, Belgium could not boast this achievement even though they also existed under a caretaker government (for the complete duration of their term). That is not to say that the Belgian Presidency didn't achieve much, it is the type of

achievements that differed—Belgium focused on treaty implementation work such as finalizing the EEAS, but failed to negotiate a consensus position on the common patent regulations.

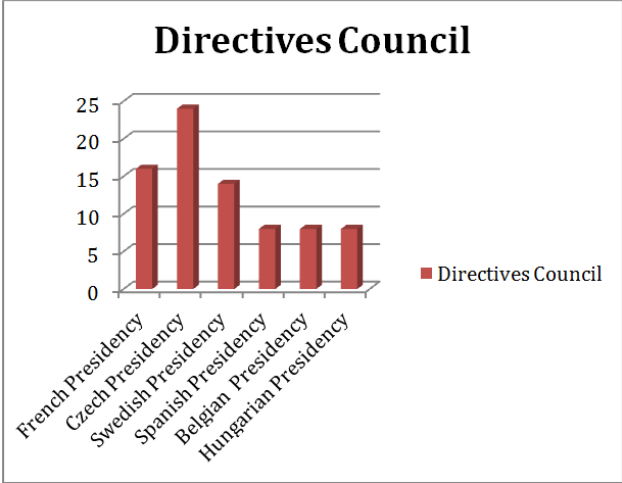
11.3 Legislative Trends

Although the European Council has no formal legislative power, it can request that the Commission submit a proposal, enabling the Council to act as a policy entrepreneur²¹¹. As the chair of the Council, the rotating-presidency has had considerable opportunities to act as a policy entrepreneur and turn the focus of the Council and the legislative bodies to areas that coincide with Member State interests.

As the role of the rotating-Presidency, prior to the Lisbon Treaty, was to set the agenda of work for the Council who could suggest to the Commission to submit issues for legislation, it is appropriate to review the legislation originating from the Council during this period of time. What becomes apparent is a clear downward trend in the number of directives and regulations originating from the Council after the Lisbon Treaty came into effect. Below is a graphical representation of the figures presented in the data from each of the observed rotating-presidencies. In the pre-Lisbon trio presidencies the average number of Directives originating from the Council was 16 (a high of 24 under the Czech Republic and a low of 14 during the Swedish Presidency. In a post-Lisbon environment the average was halved to only eight directives per term of office.

²¹¹ “The EU's laws are made by the Council, together with the European Parliament. In most cases, the Council can only legislate on the basis of proposals submitted to it by the European Commission. It can ask the Commission to submit any proposals it may deem appropriate. Since the entry into force of the Treaty of Lisbon, a million citizens may also sign a petition inviting the Commission to submit a proposal.” Retrieved: 12 May 2012 <http://consilium.europa.eu/council?lang=en>

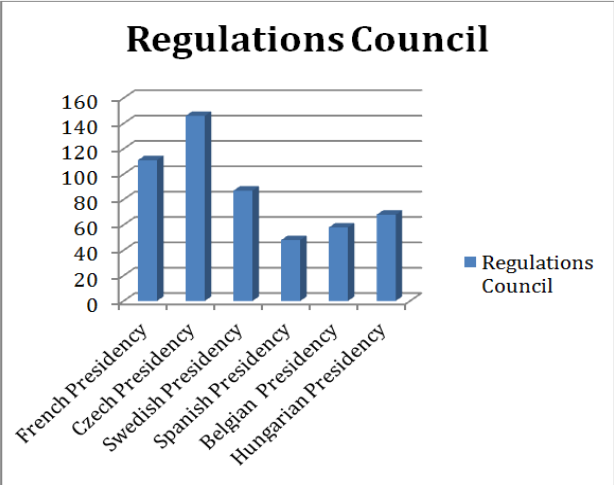
Diagram 2: Directives originating from the Council July 2008-June 2011



Source: EUR-lex – Appendix D

A similar fate was apparent for regulations: in the pre-Lisbon era regulations didn’t drop below 87, whereas the post-Lisbon trio climbed from a low of 48 regulations (passed during Spain’s term), to 58 during Belgium’s term and ending with a high of 68 during Hungary’s term.

Diagram 3: Regulations originating from the Council July 2008-June 2011



Source: EUR-lex – Appendix D

Given that there is a recovery trend in regulations, it could be a sign that for every subsequent rotating-presidency there could be incremental improvement in figures back to pre-Lisbon levels. However, the very flat eight directives per rotating-Presidency since the introduction of the Lisbon Treaty don’t show much sign of improvement or change. These graphs clearly indicate a reduction in the legislative vigour of the rotating-presidency of the Council of the EU.

11.4 Other Specific Observations

11.4.1 Constellations of power – Belgium-Belgium

What was perhaps the most interesting to observe during the Post-Lisbon trio was the interaction of the elected & rotating-presidencies, to see if there were any same or aligned Member States constellations of power that would enable greater success for a Member State's national interest ambitions. In the case of the Belgian-Belgian constellation the support came from the Member State to the elected-President. This assisted the implementation process and the strengthened the role of the elected-President but did not further realization of national interests for Belgium.

The most logical reason for the lack of assistance from Van Rompuy is the newness of the elected-Presidency which meant that it would be heavily scrutinized and any potential favoritism could have potentially jeopardised the legitimacy of the role, the Lisbon Treaty and potentially the EU. It will be interesting in the future to observe if less obvious constellations of power between like/aligned nations could assist in the realisation of Member State national interests— however, this research revealed no linkages in that direction.

Another, more political motivation for Van Rompuy lack bolstering support for the Belgian rotating-presidency may be the caretaker status of the Presidency. Success could have boosted the credibility of the opposition party (or worse, legitimized the political deadlock) and potentially provided no benefit to the party that Van Rompuy once presided over.

12. Conclusions

This thesis attempts to answer the question of how institutional changes to the role of the Presidency of the Council of EU (rotating-Presidency) will impact the evolution of the EU as a whole. The research question deals specifically with how these changes directly affect the ability of the Member State holding the Presidency of the Council of EU to set the agenda and chair specific meetings. As consequence of the removal of rotating-presidency as an agenda setter and negotiation manager from much of the work of the Council, it becomes possible to determine which of the characteristics of leadership and negotiation have potentially the most significance.

As rational actors, Member States will pursue national interests within the boundaries of the institutional and cultural constraints (norms). As a consensus-driven positive-sum culture²¹²,

²¹² Bunse 2009:213

negotiations are tempered with the understanding of repeated games. In other words, negotiations don't exist in a vacuum and actors will seek a common position rather than force a win once only to lose legitimacy and subsequent negotiations.

There are three major findings from this research: firstly, Member States are still pursuing national interest, however, the methods required to achieve national interest outcomes has changed (from driving change to coordinating change) and secondly, the type of national interest being pursued is distinctly different (own initiatives to shared initiatives) after the Lisbon Treaty.

The final conclusion relates to leadership roles and the ability of the chair to achieve national outcomes. These cases have shown that the type of national interests and way in which they are pursued has changed, which in turn reveals that of all the negotiation roles assigned to the chair, it is the agenda-setting powers that are most important. For without the agenda-setting power, a negotiating chair has limited opportunity to place issues of interest on the agenda for discussion.

12.1 Driving from the back seat – coordinating change

This research uncovered a change in the way in which the new rotating-presidency functions—as demonstrated by the Belgian and Hungarian cooperative and coordinating strategies. The Spanish Presidency attempted to continue as if the pre-Lisbon status of the rotating-presidency still applied, the results of which could be seen in failed Obama visit.

By contrast, it was Belgium who demonstrated how through cooperation and support for the elected-President, the rotating-Presidency could successfully deliver on the trio-priorities and Hungary followed in kind supporting the role of High Representative Ashton during the Libyan civil-conflict.

Belgium and Hungary spent significant amounts of time coordinating positions within the Council and the EP. As a go-between, the rotating-presidency has significant role to play. This go-between/co-ordinating role has previously been utilized by pre-Lisbon rotating-presidencies to secure outcomes that favour their own national interests. One such example of a rotating-presidency using its position as a mediator between the Council and the EP was Sweden's rotating-Presidency of 2001. Tallberg discussed the Swedish Presidency of 2001 in depth highlighting how this mediating and representative role is a key characteristic of leadership²¹³. The Swedish Presidency of 2001 negotiated transparency legislation by beginning negotiations with the EP before there was a common position within the Council. This way Sweden could play off the pro-

²¹³ Tallberg 2006:156-158

transparency EP against the pro-secrecy elements of the Council and secure a position that was very close to its own national preferences²¹⁴.

The difference today is that the rotating-presidency will be playing in this area far more often than previous presidencies, but it also represents a clear advantage area for the rotating-presidency is they so choose to use it.

12.2 Issues of consensus

Although rotating-presidencies still pursue national interest, the type and success of proposed issues that are congruent with national interest have changed. France and the Czech Republic were clearly pursuing and achieving national interest outcomes, whereas Belgium and Hungary struggled or failed to reach a consensus position on their issues of interest.

Movement away from “own” issues such as blatant pursuit and more towards issues that already hold significant or low-cost issues such as the violence against women initiative proposed by Spain.

The change in the type and amount of legislation has the direct impact of changing the course of EU evolution. It may be that there is greater consistency of direction in legislative and policy development, however, it will lack the diversity of voices that the rotating-presidency gave. Former Commission President Jacques Santer said: “My personal experience confirms the fact that every six months, impetus and new dynamism are given to the work of the EU, while longer term presidency would no doubt curtail permanent motivation”²¹⁵. The effect of which is reduced legislative vigour, which could lead to reduced interest in the European integration project and a loss of legitimacy for the EU.

12.3 Leadership and negotiation in the EU

The reduced ability of rotating-presidencies to set the agenda affects the amount and type of legislation being produced. Agenda-setting is the primary institutional characteristic which is limited by the Lisbon Treaty changes. The change in agenda-setting powers effectively alters how a Member State can table new issues that may become legislation or policy. It is therefore, only after agenda-setting that a chair can control negotiations and guide the brokerage procedures to conclusions that are most favourable and congruent with their national interests.

²¹⁴ Tallberg 2006:148-50

²¹⁵ Jacques Santer quoted in Bunse 2009:213

The analysis of the six Member States who held the presidencies between July 2008 and June 2011 clearly demonstrated how the Lisbon Treaty has limited the powers of the rotating-presidency and resulted in a significant drop in regulations and directives originating from the Council. It is therefore possible to extrapolate that, of all the powers the chair has at its disposal, its role as agenda-setter is the most significant in enabling the chair to secure favourable outcomes.

From the data collected it is clear that the characteristics of leadership conferred asymmetric power on the chair (through agenda-setting & management and informational resources due to increased access to other actors preferences and confidential information) are impacted by changing the institutional procedures. What cannot be proven from this research is whether the larger states have inherent resources available to them to overcome the changes.

Power resources such as the number of votes within the Council and the number of seats held in European Parliament could allow Member States to realize national interests more effectively. However, this would require closer coordination between national and EU-level political representatives—the effects of which could lead to a greater political synergies, encourage integration and potentially increase the legitimacy of the EU at the constituency level. Although Spain is one of the larger states of the EU, its term fell within the interim presidency timeframe and didn't allow it the possibility to explore these possibilities.

What is clear is that the smaller-states that could be observed during the post-Lisbon era, struggled to get their voice heard and to find consensus within the Council on issues that were close to their own national interest. This has obvious ramifications for other smaller-states and the evolution of the EU, as discussed in Buse. As the rotating-presidency previously gave voice to the specific national interest issues, the changes in the ability of small-states to set the agenda severely curtails these states' abilities to highlight issues that are close to the hearts of their constituents.

Hirschman's theory of exit as discussed by Weiler²¹⁶ with regard to EU integration, can easily be applied to this situation. From this point it would be possible to conjecture that there could be potential backlash, especially from smaller-states asking for increased exit in the face of reduced voice and ability to affect change. Secondly, it could slow the accession of other smaller states to the EU as they are required to relinquish sovereignty (reduced exit) with a reduced ability to participate and initiate development (reduced voice).

²¹⁶ Weiler (2000) *The Constitution of Europe* – discusses the relationship between negotiated outcomes of the Treaties of the EU from the perspective of the results as offering gains that are tempered by the ability of the member state to leave the EU.

If larger states are also impacted and there is a reduction in the ability of all member-states to influence outcomes in the EU, it could potentially trigger (in the longer term) a reaction from member states to increase exit to account for the lack of voice. However, as the elected-president is most likely to be a moderate from a smaller state there could be a stagnation in the EU and a loss of legislative and policy vitality that could further erode voter interest and democratic legitimacy of the EU.

12.5 Further Research

One of the major surprises of this research was the “exception” Presidencies of the Council of the EU, Sweden and Spain. These interim presidencies deserve further research as they could shed light on the circumstance by which actors are “forced” into honest broker roles. Interestingly the interim phase presidencies seem to have been impacted more by the situational demands of implementing the Lisbon Treaty, than by the changes in the rules of the game. This is not to say they neither the Swedish or Spanish rotating-presidency didn’t potentially achieve some national interest outcomes but that the primary output of these presidencies, as reported by political commentators and academics, was more contingent on crises and circumstance than plan. Additionally, the outcomes that were in line with national interest were weak, low-priority for other actors or diffuse. Examples of this include the violence against women initiative introduced under the Spanish Presidency—an issue with low-cost for Member States

These interim presidencies could reveal much about the boundaries of norms and the civilizing effect of publicity on political leadership. Alternatively, the behaviour of the interim presidencies could reflect that norms change depending on the longevity and permanence of an issue. In other words, issues that have longer term impacts and are less open to significant alteration will force negotiating-chairs to be more responsive to bargaining and encourage honest-broker consensus management.

As time goes on it will be interesting to track future rotating-presidencies that are able to secure national interest outcomes. Will larger Member States have more “friends” and voting power in the EP and therefore be more successful in achieving national interest outcomes.

Another area for further research is observing how aligned brokers could potentially create constellations of leadership that magnify the potential outcomes congruent with national interest. However, it will take time before a pattern could potentially emerge.

Appendix A – Legislative Origin Statistics of the EU (1 July 2008-30 June 2011)

	French Presidency	Czech Presidency	Swedish Presidency	Spanish Presidency	Belgian Presidency	Hungarian Presidency
Regulations Total	835	1060	886	723	846	717
EP and Council	37	46	62	34	34	26
Council	111	146	87	48	58	68
Commission	680	865	730	641	751	623
Other	7	3	7	0	3	0
	French Presidency	Czech Presidency	Swedish Presidency	Spanish Presidency	Belgian Presidency	Hungarian Presidency
Directives Total	95	132	130	71	95	80
EP and Council	36	57	58	17	22	13
Council	16	24	14	8	8	8
Commission	43	51	56	46	65	59
Other	0	0	2	0	0	0
	French Presidency	Czech Presidency	Swedish Presidency	Spanish Presidency	Belgian Presidency	Hungarian Presidency
Decisions Total	438	446	443	378	438	376
EP and Council	20	9	15	13	30	5
Council	125	158	159	151	162	160
Commission	273	245	249	191	211	192
Other	20	34	20	23	35	19

Source: <http://eur-lex.europa.eu/Stats.do?context=legislative&ihmlang=en>

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