The Presidency in EU External Relations: Who is at the helm?

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THE PRESIDENCY IN EU EXTERNAL RELATIONS: WHO IS AT THE HELM?

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THE PRESIDENCY IN EU EXTERNAL RELATIONS: WHO IS AT THE HELM?

The Lisbon Treaty considerably alters the presidency in EU external relations. In the Common Foreign and Security Policy the rotating chair is replaced by the long-term chairmanship of the High Representative of the Union for Foreign Affairs and Security Policy (HR), while other areas of EU external relations remain with the rotating presidency. This contribution first examines the historical development of the Presidency in EU external relations. In line with the focus of this special issue it pays special attention to the position of the Presidency vis-à-vis other institutional players. Secondly, it examines the post-Lisbon situation. The double hat of the HR as chair of the Foreign Affairs Council and Vice President of the European Commission radically affects inter-institutional relations. While the HR may bring more continuity and leadership, the position also raises new coordination challenges: not only within the Council and amongst various institutions, but also amongst different dimensions of EU external relations.

La présidence dans les relations extérieures de l'Union européenne: qui est à la barre ?

Le traité de Lisbonne change fondamentalement la présidence dans les relations extérieures de l'Union européenne. Dans le domaine de la politique étrangère et de sécurité commune, un nouveau Haut représentant de l'Union pour les affaires étrangères et la politique de sécurité (HR) remplace la présidence tournante. Mais d'autres domaines des relations extérieures restent sous l'autorité de la présidence tournante. Cet article examine tout d'abord le développement historique de la présidence dans les relations extérieures. Dans le cadre de l'objectif spécifique de ce numéro thématique, cet article met particulièrement l'accent sur la position de la présidence vis-à-vis des autres acteurs institutionnels. Par ailleurs, il examine la situation après Lisbonne. La double casquette du Haut représentant affecte

radicalement les relations interinstitutionnelles. Si le poste de Haut représentant paraît apporter une plus grande continuité et renforcer le leadership, il n'en soulève pas moins de nouveaux défis en termes de coordination : non seulement au sein du Conseil et entre les diverses institutions, mais aussi entre les différents domaines des relations extérieures.

Introduction

For most of its history, the European Union (EU) has been characterised by a single Presidency of the Council. Every six months a different member state was in charge of chairing the meetings of the working parties, the ministerial level and the meetings of the heads of state and government. While this system had the advantage that every member state, – be it small or large – had the chance to be at the helm of the EU, it lacked *continuity* and was hostage to the organisational and *leadership* capacities of the individual countries (Elgström, 2003; Kirchner, 1992; Wallace, 1985). Especially in the intergovernmental area of the Common Foreign and Security Policy (CFSP), where the Presidency traditionally had more responsibilities, the six-monthly stop-go process was increasingly seen as problematic (Grant and Leonard, 2006). Third countries constantly had to face new interlocutors and they found it hard to understand that their negotiation partners in CFSP were different from those in trade and development (Bengtsson *et al.* 2004). Or as the former British Prime Minister Tony Blair put it: “The six-month rotating Presidency was devised for a Common Market of 6: it is neither efficient nor representative for a Union of 25 and more. [...] How can Europe be taken seriously at international Summits if the Chair of the Council is here today, gone tomorrow?” (Blair, 2002, 6).

It is therefore not surprising that it is precisely in EU external relations (trade, development and CFSP) where the Lisbon reforms of the Presidency system have been most drastic. In an attempt to address the increasing criticisms about lack of continuity, leadership and coherence, the Lisbon Treaty (December 2009) has introduced a long-term chair in the person of the High Representative of the Union for Foreign Affairs and Security Policy (HR). Nominated for a period of five years, the HR is at the helm of the newly established Foreign Affairs Council (FAC). At the level of heads of state and government, a long-term chair of the

European Council (elected for 2,5 years) represents the Union and gives it strategic direction. In addition, the so-called trio system whereby three succeeding rotating Presidencies prepare an 18-month programme and closely cooperate is further strengthened.

Starting from an analysis of the traditional Presidency roles in EU external relations¹ and an evaluation of the strengths and weakness of the rotating chair, this contribution investigates the new Presidency system as established under Lisbon. The central question is how the Treaty affects the long-established roles of organiser, broker, political leader and external representative in the area of EU external relations, and to what extent does it provide a remedy to the weaknesses with regard to continuity, leadership and coherence. With this objective in mind, this article contributes to the academic debate about the driving forces in EU external relations and in particular to the question about the involvement of different institutional actors, especially the presidency and the newly established European External Action Service (EEAS), in the decision-making process. In the pre-Lisbon era, the rotating presidency was considered as the focal point in providing leadership in the political dimensions of EU external relations, in close cooperation with the High Representative. After the adoption of the Lisbon Treaty observers claimed that there would be no role for the rotating presidency in external relations and its tasks would be subsumed by the High Representative. This article, however, shows that the impact is not that clear-cut and that a more rigorous analysis is crucial to grasp the extent to which the changes introduced by the Lisbon Treaty have potential to significantly alter the EU external relations system.

Since Lisbon only entered into force in December 2009, the experience with the new system is very short. The rules and practices are still being developed. The Spanish, Belgian and Hungarian Presidencies (2010 – first half of 2011) can therefore be seen as transitional Presidencies where old procedures were no longer valid but the new ones were not yet fully in place. While trying to integrate the first experiences of the post Lisbon period, this contribution remains to some extent an abstract exercise based on an interpretation of the Treaty provisions and drawing

¹ In this article we use the term “EU external relations” to refer to the core of the Union’s external action namely CFSP (including the Common Security and Defence Policy [CSDP]), trade policy and development policy.

on past experiences. Although the three core areas of EU external relations will be covered, the main emphasis is on the CFSP since this is the field where the impact of Lisbon has been most substantial. In line with the focus of this special issue the contribution pays attention to relations with other institutional players, such as the European Council, the Commission and the EEAS, especially with regards to challenges to coherent decision-making and co-ordination mechanisms.

The Presidency Roles in EU External Relations Before Lisbon

The Presidency of the Council fulfils a broad range of different tasks ranging from mundane jobs, like distributing minutes, to key functions such as setting the agenda and brokering agreements. Broadly speaking the many different duties can be compressed into three main roles: those of *organiser*, *broker*, and *political leader* (Schout and Vanhoonacker, 2006). In the field of external relations one should add the *representational* role. In the intergovernmental CFSP area and for particular questions in the shared competence of development, so far the rotating presidency represented the Union *vis-à-vis* third countries and international organisations.

The most straightforward Presidency role is undoubtedly the logistical one. The country in the chair prepares and convenes meetings, distributes documents, arranges interpretation, and deals with any other matters required for a smooth running of meetings. It is hereby assisted by the Council General Secretariat who has a long-term organisational experience and whose main task it is to support the Council in its day-to-day work (Mangenot, 2003, 2010). It is well-known that the track record of countries running the Presidency from the Brussels permanent representation rather than from their national capital is generally better. In the field of external relations it is the staff of DG E of the Council General Secretariat who takes care of this supporting role. If well done, the role of *organiser* is hardly noticed. But when neglected, it can lead to major irritation and negatively affect the performance of the other roles.

The literature on Presidencies emphasises time and again the neutrality requirement, i.e. the need for the rotating presidency to act as an honest *broker*. During its period at the helm of the Council the chair is not supposed to defend the national interest or that of particular member states but to act as a moderator and mediator (Verbeke and Van de Voorde, 1994). As chair of the meetings, the rotating presidency is at

the centre of information flows and is particularly well placed to suggest compromises or formulate package deals. National viewpoints can only be expressed through the voice of the national delegation which normally adopts a low profile and helps the chair in the mediation process. The chair's central brokerage role, however, does not prevent it from also relying on others when forging agreements. Especially the Council Secretariat is well placed to assist, particularly when it comes to procedural and strategic advice. Its staff closely follows dossiers throughout the decision making process and provides a strong institutional memory (Christiansen and Vanhoonacker, 2008). Also other member states with particular expertise and the European Commission may be of help to the chair in brokering agreement. They are also sometimes "used" by the chair to test the ground for certain solutions.

The need to avoid bias and to be perceived as neutral does not mean that there is no scope for giving political guidance and showing *leadership*. A Presidency is well placed to influence the agenda, give priority to particular dossiers and steer the negotiations in a certain direction. This behaviour is accepted and even welcomed, as long as the proposed political choices are made in the light of the European rather than the national interest. Six months, however, is a very short time to make any difference. It is therefore important to take a long-term approach through close cooperation with previous Presidencies, the Commission and the Council Secretariat. Only the most ambitious Presidencies grasp the opportunity to play this role, for it requires strategic thinking, good preparations, excellent negotiation skills and sufficient resources. In CFSP, the scope of manoeuvre has traditionally been bigger than in the areas of trade and development. The chair does not depend on the Commission's exclusive right of initiative but can itself put forward proposals. Yet the line between political leadership and promotion of hobby horses is sometimes thin and many countries in the chair do not resist the temptation to push the issues closest to their national interest (Grant, 2002). Therefore, if for example Spain puts Latin America on the agenda, this is by other member states not necessarily perceived as an act of political leadership.

In addition to the three above-mentioned traditional Presidency roles, the chair in the area of external relations also plays an important role with regard to *representation* in international organisations and *vis-à-vis* third countries (Bengtsson *et al.*, 2004). Besides the Minister of

Foreign Affairs and the supporting administration in the capital, also the national embassies in third countries and permanent representations to international organisations are key in the coordination of positions, preparation of joint reports, implementation of policies and in acting as EU spokesperson.² Again, there are differences depending on the policy area. In the area of trade, which is an exclusive Community competence, the role of the European Commission and its delegation to third countries and international organisations is central. In the area of CFSP on the other hand, the Union has until now been represented by the rotating Presidency. For a shared competence like development, the situation is more complex as both the Presidency and the European Commission have a role to fulfil.

The distinction between the different roles is a useful analytical device in the light of analysing the impact of the changes introduced by the Lisbon Treaty. At the same time, it is clear that in practice the delineations are not always clear-cut and that there is a close interconnectedness between them. The organiser role, if poorly fulfilled can negatively affect the brokerage function. At the same time the neutrality requirement of the brokerage role and the need for political direction does not necessarily cause a contradiction, as not all roles have to be fulfilled simultaneously. Quite on the contrary, it is one of the most difficult skills of the rotating presidency to assess and to decide which role is most appropriate in a particular situation (Schout and Vanhoonacker, 2006).

The four roles of organiser, broker, political leader, and external representative as outlined above have gradually taken shape over time. As a symbol of equality amongst the member states, the rotating Presidency enjoyed a high degree of legitimacy. Over the years, however, the workload and the responsibilities of countries at the helm considerably increased and more and more also the weaknesses of the system became apparent.

² This role was first mentioned in the Copenhagen report (1973). See: "Second Report of the Foreign Ministers to the Heads of States and Government of the Member States of the European Community of 23 July 1973 (Copenhagen Report)", *European Political Cooperation*, Bonn: Press and information service, 1988, pp.34-48.

The rotating Presidency: Strengths and Weakness

The rotating Presidency of the Council is as old as the European Union itself. It was already established by the Treaty of Paris (1952) stipulating that “the office of President shall be held by each member of the Council in turn” (Art. 27, ECSC Treaty). Initially it was foreseen for a three month period but with the Treaties of Rome (EEC and EURATOM) it was extended to six months, although it was not clearly specified what the exact obligations of the rotating presidencies should be (Thomson 2008: 594). When in 1970 the member states started European Political Cooperation (EPC), they extended the system to foreign policy cooperation, even if it was established outside and kept separate from the EC Treaty framework.³ This means that prior to the Lisbon Treaty there was one single Presidency of the Council covering the entire field of EU external relations. When a country was at the helm, it was chairing all meetings from the European Council to the working groups, no matter whether trade, development or CFSP was on the agenda.

At the same time, however, the term “single Presidency” in the area of external relations has to be taken with a pinch of salt. Although there was only one country in charge at a time, its role differed considerably due to the different integration ambitions. In the intergovernmental area of EPC/CFSP, the position of the Presidency was strongest because it had the right of initiative. In principle, it had to share this right with the other member states and the European Commission but in practice it was the country in the chair who was taking the lead. Most member states took advantage of this prerogative to give special attention to third countries with which they had special geographical and historical links. In a comparative study on Presidencies, Elgström and Tallberg (2003) illustrate how during the period 2001–2002, Sweden, Belgium and Spain respectively prioritised relations with Russia, Central Africa, and Latin America. In the areas of trade and development, decisions

³ The Luxembourg Report (1970) stipulates that “The Minister of Foreign Affairs of the country having the chair in the Council of the European Communities will chair the meetings”. As concerns the political committee, it is stipulated that the chairmanship will be subject to the same rules as those which apply to ministerial meetings. See: “First Report of the Foreign Ministers to the Heads of States and Government of the Member States of the European Community of 27 October 1970 (Luxembourg Report)”, *European Political Cooperation*, Bonn: Press and information service, 1988, pp.24–31.

are taken according to the supranational Monnet method whereby the Commission has the exclusive right of initiative. While development is a shared competence where the member states have maintained a high level of sovereignty, trade is a truly common policy and the role of the European Commission is much stronger. In international trade negotiations or the World Trade Organisation (WTO) for example, it is the Commission and not the Presidency which serves as the spokesperson of the European Union.

The development of the rotating Presidency is very much a reflection of the history of the European integration process itself. The gradual expansion of the Community competencies, the successive enlargements and the changing inter-institutional balance between Council, Commission and European Parliament all contributed to its development as one of the crucial players in the European machinery. Although its roles and workload considerably developed over the years and the performance of countries widely varied, the system's viability was only first seriously put into question during the Convention on the Future of Europe (2001-2003). Before that time adaptations had only taken place within the system of the Council of Ministers. This does not mean however that so far the member states had been blind for the weaknesses of the rotating chair of the Council. On the contrary, the problems in terms of *continuity, leadership and coherence* were all too well known. Six months was a very short period to realise objectives and especially in the area of CFSP the stop-go process characterised by a lack of follow-up to what had been started under a previous term was heavily criticised (Crowe, 2003, 534). Also the absence of strategic direction had for long been identified. In the area of external relations there was furthermore the additional problem that not only the decision making mode but also the actors involved and their respective roles in trade and development differed from that of CFSP, opening the way for inconsistency.

Although various documents ranging from the Tindemans Report (1976) to that of the Three Wise Men (1979) and Trumpf Piris (1999) had made suggestions for improvement, they never questioned the principle of rotation as such. The fact that every member state, whatever its size, had the opportunity to be at the helm of the Council was the utmost expression of the equality amongst the member states, and especially the smaller countries were not ready to give it up (Thomson, 2008, 595; Grant, 2002, 3). Further advantages were the pedagogical and social

effect as well as the domestic impact of Presidencies. Being in the chair allows ministers and civil servants to be immersed in the intricacies of EU policymaking and their brokerage role gives an enormous boost to their network. Moreover, for countries in the chair, the Presidency is an opportunity to bring Europe closer to its citizens. It offers opportunities to put important domestic issues on the European agenda and a national capital shining on the European scene strengthens the EU legitimacy. Furthermore, the preparations are often used to make extra efforts with regard to the implementation of EU legislation and to have a critical look at the national coordination mechanisms.

As mentioned above, the proposals for adaptation prior to Lisbon were mainly changes within the existing Council system of six-monthly rotation.⁴ They were primarily meant to deal with the challenge of lacking continuity, and in the area of external relations there have also been attempts to address the problem of incoherence. The lack of *continuity*, particularly problematic in the area of CFSP was primarily addressed by encouraging closer cooperation amongst successive Presidencies. The London Report (1981) for example, introduced that countries in the chair would be assisted by civil servants of the previous and next Presidency and that they could delegate tasks to their successor.⁵ Also in regard of the representation in third countries and international organisations, member states were encouraged to cooperate through the so-called troika system of three succeeding countries. The troika is again mentioned in the Maastricht Treaty (Art J.5, TEU) and at the European Council of Seville (June 2002), the cooperation amongst Presidencies is further expanded and formalised. In Seville, six succeeding Presidencies, starting with Ireland in 2004, are asked to prepare a multi-annual strategic

⁴ There were already a few exceptions to the principle of rotation prior to Lisbon. The Seville European Council nominated the General Secretariat of the Council as permanent Chair for following working parties: Working Party on Electronic Communications; Working Party on Legal Data Processing; Working Party on the Codification of Legislation; Working Party on Information; Working Party on New Buildings; These working parties are however, not relevant for the system of EU external relations (see point 9 of the Annex II “Measures concerning the Structure and Functioning of the Council” of the Seville European Council Presidency Conclusions, 21-22 June 2002).

⁵ “Report on European Political Cooperation issued by the Foreign Ministers of the Ten on 13 October 1981 (London Report), *European Political Cooperation*, Bonn: Press and information service, 1988, pp. 61-70.

programme for three years, and in addition countries operating at the helm of the Council in the same year have to present an annual operating programme.⁶ When this mechanism does not lead to the required results, it is decided to work on the basis of joint programmes agreed by three succeeding Presidencies.⁷ The Lisbon Treaty talking about “pre-established groups of three Member States for a period of 18 months” has maintained the system.⁸ This does however not prevent individual Presidencies to adopt a more detailed six-monthly period program.⁹

An additional factor strengthening continuity in the field of foreign policy cooperation is the belated establishment of a small secretarial unit (Single European Act, 1987), which under the Maastricht Treaty is integrated into the Directorate General for External Relations (DG E) of the Council Secretariat (Dijkstra 2008; Christiansen and Vanhoonacker, 2008). The Amsterdam Treaty gives the Secretary General of this body the explicit task to assist the Council and more particularly the rotating Presidency with foreign policy matters, nominating him as the High Representative for the CFSP. From 1999 to 2009, the former Spanish

⁶ See Point 4 and 5 of the Annex II “Measures concerning the Structure and Functioning of the Council” of the Seville European Council Presidency Conclusions, 21-22 June 2002. The countries in question were: Ireland, The Netherlands, Luxembourg, the UK, Austria and Finland. See Annex II “Presidency Conclusions”, Seville European Council, 21-22 June 2002. SN 200/02

⁷ “Every 18 months, the three Presidencies due to hold office shall prepare, in close cooperation with the Commission, and after appropriate consultations, a draft programme of Council Activities for that period. The three Presidencies shall jointly submit the draft programme no later than one month before the relevant period, with a view to its endorsement by the General Affairs and External Relations Council,...”. See “Council decision of 15 September 2006 adopting the Council’s Rules of Procedure (2006/683/EC, Euratom)”, *Official Journal of the EU*, L 285/47-69, 16 October 2006.

⁸ “Draft Decision of the European Council on the exercise of the Presidency of the Council”. See Declaration on Article 9C(9) of the Treaty on European Union concerning the European Council decision on the exercise of the Presidency of the Council’, in “Consolidated version of the Treaty on European Union”, *Official Journal of the EU*, 9 May 2008.

⁹ See for example “Six-month programme drawn up by the Belgian Presidency of the Council of the EU” 1 July – 31 December 2010, Retrieved from http://www.eutrio.be/files/bveu/media/source1854/documents/27782_PL_SPF_UK.pdf; Or see also “Innovating Europe - The Programme for the Spanish Presidency of the Council of the European Union, 1 January – 30 June 2010”, Retrieved from http://www.eu2010.es/comun/descargas/programa_EN.pdf

Foreign Minister Javier Solana has occupied this position, and by developing the role in a maximalist way, he has prepared the way for a permanent chair of the Foreign Affairs Council under the Lisbon Treaty.

While continuity is particularly important in every-day policy-making towards the outside world, it is the demand for *leadership* that comes to the fore during crisis situations. In EU external relations, leadership is difficult to achieve, because of the higher likelihood of external crises impacting on the proposed agenda. A quick response is often hampered by a complex and long coordination chain spanning over various levels.

Furthermore, the member states have also been trying to address the problem of institutional *coherence* amongst the different areas of external relations, referred by Nuttall as “the need to bind together the institutions and procedures of the intergovernmental European Political Cooperation (EPC) and the integrationist European Community” (Nuttall, 2005). In the Single European Act the responsibility to ensure coherence was given to both the Presidency and the Commission and in Maastricht it was amplified to the Council and the Commission (Art. C, TEU).¹⁰ In practice however, it was primarily the Commission who provided the link between the Community and the CFSP pillar since in the Council the central interlocutor was constantly changing. The appointment of the High Representative for CFSP (HR) in the Amsterdam Treaty did not necessarily make things easier. The tensions between both institutions represented respectively by Javier Solana as HR and Chris Patten as Commissioner for External Relations became both more personalised and mediatised (Nuttall 2005). The result has been that the Lisbon Treaty merged both positions into one with the new High Representative for Foreign Affairs and Security Policy also having the hat of Vice President of the European Commission (HR).

¹⁰ “The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency. They shall ensure the implementation of these policies, each in accordance with its respective powers.”

Does Lisbon put an end to the weaknesses of the rotating Presidency?

The Lisbon Treaty has tried to address the above-mentioned criticisms in terms of continuity, leadership and coherence. In fact, together with the introduction of the legal personality for the EU (as opposed to the legal personality of the Communities so far), the Treaty introduced a number of substantial changes in the institutional setting of EU external relations. By introducing the principle of a long-term chair both at the level of the European Council and the Foreign Affairs Council, it considerably altered the roles of the rotating Presidency.

At the highest level of the European Council meetings are now chaired by Herman van Rompuy, the former Belgian prime minister, elected by the heads of state and government for a period of 2,5 years and once renewable. The role of the European Council and its president is mainly strategic: giving political direction to the EU, also in the area of external relations. In addition the European Council president represents the Union internationally at his level, i.e. towards heads of state and government of third countries. This is no longer the role of the president or prime minister of the rotating Presidency as it was the case so far.

The every-day implementation of the Union's foreign policy is down to the newly created High Representative for Foreign Affairs and Security Policy, who at the same time acts as Vice-President of the European Commission. HR Baroness Catherine Ashton, the first person to occupy this position represents the Union at the ministerial level. De facto, she replaces three persons: the former Commissioner for External Relations; the former High Representative for CFSP (who also was Secretary General of the Council Secretariat) and the Foreign Minister of the rotating Presidency. In her day-to-day work she is supported by the newly-established European External Action Service (EEAS), composed by the officials from the EU institutions (mostly DG RELEX of the European Commission, officials from the Council Secretariat's DGE and the EU Military Staff) and diplomats from the member states.

The arrival of van Rompuy and Ashton, however, does not mean that the role of the rotating Presidency has become entirely obsolete in the field of EU external relations. Firstly, there are a number of bodies in CFSP which continue to be chaired by the country at the helm. At the higher level of the Council hierarchy this includes Coreper II, which

will continue to play an important bridging function in guaranteeing coherence between CFSP issues and external economic relations, especially as the HR is chairing the Foreign Affairs Council when it deals with foreign policy, while it is chaired by the rotating presidency when discussing trade (Council, 2009a). Also the PSC, considered a “lynchpin of CSDP”, gained a new permanent chair, a representative of the High Representative. The first person to occupy that position is Olof Skoog, a former Swedish representative to the PSC.¹¹

At the working group level, the general rule is that geographic preparatory bodies, CFSP horizontal bodies and CSDP-related bodies will be chaired by a representative of the HR. There are, however, a couple of exceptions where the rotating presidency will continue to be in charge. This includes the Working Party of Foreign Relations Counsellors (RELEX), the Working Party on Terrorism (COTER), the Working Party on the application of specific measures to combat terrorism (COCOP), the Working Party on Consular Affairs (COCON), the Working Party on Public International Law (COJUR), and the Working Party on the Law of the Sea (COMAR) (see Annex II of Council Decision on the exercise of the presidency, 16517/09). Secondly, the rotating Presidency will continue to chair the working groups dealing with trade and development. In the area of trade, it has even been agreed that at the ministerial level, the meetings will continue to be chaired by the rotating Presidency (Council of the EU 2009b).

TABLE 1. The Multiple Presidencies in EU external Relations

	Trade	Development	CFSP
European Council	President of the European Council	President of the European Council	President of the European Council
FAC	Rotating Presidency	HR	HR
PSC	–	–	HR Representatives
COREPER II	Rotating Presidency	Rotating Presidency	Rotating Presidency
Working Groups	Rotating Presidency	Rotating Presidency	Mainly EEAS

¹¹ “EU High Representative Catherine Ashton appoints the Permanent Chair of the Political and Security Committee”, Brussels, 16 November 2010. (A 231/10).

It is clear from the above table that the new provisions are less straightforward than a first reading of the Treaty may lead one to believe. The concrete implementation as it has started under the Spanish, Belgian and the Hungarian Presidencies shows that the new system is no complete *tabula rasa*. Especially in the area of trade and development the rotating Presidency continues to play a central role. The next section systematically examines how the new rules affect the four traditional Presidency roles and to which extent they help to address the earlier mentioned deficiencies. As the advent of two additional chairs adds to the complexity of the policymaking process, we also pay attention to possible new challenges.

Organiser: the Council Secretariat now serves two masters

As argued earlier in this article, the *Organiser* role is mainly administrative and involves preparing the meetings, circulating agendas or any other relevant documents. The Presidency has been traditionally supported in this task by the Council General Secretariat (CGS). In the area of trade and development not much changes as the rotating Presidency continues to chair the working groups and Coreper II. In the area of trade, it even remains in charge at ministerial level and chairs the Foreign Affairs Council when trade issues are on the agenda. This means that in these fields the country at the helm continues to be the Secretariat's principal interlocutor. The reliance of national capitals on the Secretariat will continue to differ but given the high number of small and new member states, the demand for secretarial support may increase rather than diminish. The Hungarian Presidency (first half of 2011), for example, has been working very closely with the CSG staff and relying extensively on its expertise.

Undeniably, the Secretariat's role after Lisbon will be most affected in the area of CFSP. Since the EU's ambitions as a crisis manager in the late 1990s, the Secretariat had developed new, more executive roles going beyond its traditional administrative functions prescribed by the Treaties, and the number of its staff in the area of CFSP had expanded considerably (Curtin and Egeberg, 2008; Dijkstra, 2008; Christiansen and Vanhoonacker, 2008; Lewis, 2006, 7; Juncos and Pomorska, 2010). With the advent of the EEAS, more than 95% of the CFSP officials of the Secretariat are moving to this new body. Only the more administrative-

oriented officials are left in the structures of the Secretariat. Their main interlocutor will no longer be the rotating chair but the HR and the EEAS staff. The fact that the staff of the EEAS will be appointed for several years makes things easier for the CGS officials who no longer have to start from scratch every six months. In principle, the CSG stays in charge of the organisational and administrative tasks, while the EEAS deals with content and policymaking. In practice, however, the dividing lines are more blurred, and it remains to be seen how open the EEAS staff will be for the Secretariat's procedural expertise and its traditional supporting role in forging compromises. The finding of a *modus vivendi* amongst both players has proven a delicate process triggering severe turf battles. Even the traditional seating of the Council Secretariat next to the HR (or her representative) has been subject of long and difficult debates.

Also in the post-Lisbon period the Council Secretariat's organisational role will continue to be central. The main difference is that it now serves two masters instead of one: the rotating chair and the HR/EEAS. This brings new challenges in terms of coordination. First experiences with the Spanish and Belgian Presidencies have already illustrated that the Secretariat has an important role to play in this respect.

Broker: from continuity to co-ordination challenges

The possibility of the rotating Presidency acting as a broker is somewhat reduced by the Lisbon Treaty, given the fact that the FAC and the PSC, together with a large number of CFSP working groups, are now chaired by the HR and EEAS. It is therefore expected that the latter will develop a natural broker role, which is linked to acting as a chair (Tallberg, 2006). Ashton and her staff, rather than the rotating Presidency, will become the privileged contact point for member states wanting to share sensitive background information on their position or their ideas for compromises. The seconded staff of the EEAS with direct links to their national capitals will be well-placed to sound out the openness to concessions. The broker role may further be eased by the longer-term appointment of the chairs. Better acquainted with the intricacies of a dossier and with reoccurring national issues of sensitivity, they may have a better and more realistic view on possible compromise deals. In addition the staff of the EEAS will not have any parallel national duties what allows them to fully concentrate on their job.

At this moment observations about the impact of Lisbon on the broker role remain to a large extent speculative. In the absence of the EEAS, only operational since December 2010, all working groups continued to be chaired by the rotating Presidency. Under the Belgian Presidency the chairpersons for the first time did not chair in name of their own country but on behalf of Ashton. They no longer took instructions from the national ministry of foreign affairs. Yet, thin communication lines with the HR and her cabinet resulted in a lack of clear mandates for the chairs, complicating and even endangering the mediation process (Vanhoonacker, Pomorska and Maurer forthcoming). The lesson we learn from this is that now that the EEAS is in place, it is extremely important to develop a clear chain of command and well-oiled machinery able to produce well in time the necessary negotiation mandates.

Long-term nominations may however not always be a blessing for the brokering process. A group facing a mediocre chair will suffer for a much longer period. The higher the level, the more difficult it may be to remove a poorly performing president. A further risk of a permanent chair may be that member states may feel less empathy with the chair in difficult negotiations. The “group feeling” and the willingness to do water in the wine because sooner or later every member state is sitting at the head of the table may diminish. The double hat of Catherine Ashton as Vice President of the European Commission may furthermore be complicating the trust-building process necessary for any successful brokering. The member states will undoubtedly carefully monitor whether she is not too much bowing toward the views of the Commission which is also represented separately in the FAC through another member of the College.

The biggest challenge for the brokering of agreements may be the need for increased co-ordination: institutionally between the rotating Presidency and the HR/EEAS; and content-wise between the different dimensions of external relations. Particularly in the area of development the situation is complex since the Presidency at ministerial level (HR) is different from that at the lower levels (rotating Presidency). A difference of views between the rotating chair and the HR may hamper decision-making and negatively affect the HR’s mediating role at Council level.

The responsibility for the consistency of EU external action is – as in the past – a shared one. In addition to the Commission and Council (in practice the rotating Presidency), also the HR is in charge (Art. 10 A,

TEU). As chair of the FAC and member of the college of Commissioners, Ashton is particularly well placed to fulfil this role.¹² As a matter of fact the merger of the positions of the Commissioner for external relations and the HR for CFSP was to a large extent motivated by the desire to produce a more coherent external policy. One of the first concrete attempts to increase coherence was the decision to move the development of the strategic dimension of EU development programmes to the EEAS, while leaving the practical implementation to the Commission (Duke and Blockmans 2010). The purpose of this transfer is to make sure that EU development policy is in line with the strategic objectives of European foreign policy more broadly. On the negative side, the switch in chairmanship between PSC and COREPER will ask for a close coordination between those two levels in the Council, and it has to be seen in how far the informal agreement holds that dossiers closed in PSC will not be reopened at COREPER level. In the past the chairs of both bodies used to come from the same country and were often based in the same building. Today they each have a different hat: one is a member of the EEAS (PSC); the other is based at the Permanent Representation of the rotating Presidency. Since measures adopted to deal with political challenges often belong to the area of trade and development (and hence fall under Coreper), the lack of close interaction and coordination between both bodies is potentially highly problematic. This was already apparent during the recent revolutions in Northern Africa. The financial packages discussed in PSC went clearly beyond the scope of CFSP.

Leader: too many cooks spoil the broth?

If the EU is serious about its ambitions to play a meaningful role in the world, it needs both strategy and leadership in its external relations (Ashton, 2010). The role of political *Leader*, however, has traditionally been the most challenging and contested one. Especially in the area of CFSP where the rotating Presidency was the main initiator of policy initiatives, the frequent change in office proved problematic. The nomination of

¹² In a speech to the European Parliament (07 July 2010), Baroness Ashton emphasised the importance of her emerging service in improving the coherence of the EU's foreign policy: "we need to defend Europe's interests and project Europe's values in a more coherent and effective way. And we should be ambitious in how we do it." (Ashton, 2010).

long-term chairs at the level of the European Council and the FAC create new opportunities, but much will arguably depend on the practices and personalities that will give flesh to the skeleton outlined by the Lisbon Treaty.

The top strategic guidance and leadership in external relations comes from the European Council whose meetings are also attended by the President of the European Commission and the HR (art. 9B.1-2, TEU).¹³ In one of his first keynote speeches at the College of Europe in April 2010, van Rompuy described the European Council as a “collective head of state” in foreign affairs. He portrayed his own role as ensuring a sense of “where to go” and re-establishing “a sense of strategic direction” (van Rompuy, 2010). Van Rompuy pointed to foreign policy as the most important domain of the European Council, next to economic policy. In addition, he emphasised that the Lisbon Treaty in Art. 22 TEU explicitly states that the strategic interests and objectives developed by the European Council should encompass both “the foreign and security policy” as well as “other areas of external action of the Union” (van Rompuy, 2010).

The importance of foreign policy is also reflected in the structure of the European Council President’s cabinet where one third of its staff is dealing with this matter. During his first year in office van Rompuy’s attention was mainly absorbed by the financial crisis, although in September 2010 there was a first attempt to give “new momentum to the Union’s external relations” by discussing the strategic partnerships of the EU (European Council, 2010). The main purpose of such discussions is to harmonise the messages of different national capitals and Brussels to third countries. For example, when in October 2010 the Chinese President was visiting both Berlin and Brussels, German Chancellor Merkel and President van Rompuy had coordinated in order to convey the same message.

However ambitious the plans of the President of the European Council on foreign affairs may be, he has to consider another key actor in this area in the person of the HR. The latter has the task of conducting the Union’s Common Foreign and Security Policy (a strong wording, usually used in relation to the government and the ministry of foreign affairs

¹³ The European Security Strategy (2003) for instance, the first document defining the EU’s strategic objectives on the international stage was adopted at the level of the European Council. The latter was also responsible for adopting the follow up document in December 2008, entitled “Report on the Implementation of the European Security Strategy - providing security in a changing world”.

at the national level) (art. 9E). Having the right of initiative,¹⁴ Ashton's position is clearly much stronger than Solana's mainly supportive role in the past. As chair of the Foreign Affairs Council the HR is expected to set the agenda in EU external relations. She also can, together with the Commission, put forward initiatives in the area of trade and development policy (Art. 10 B.2). So far, we have seen little of the HR's leadership capacities. The idea of an effective HR was actively supported by member states when Ashton assumed her role end of 2009. There was a general consensus that the EU can only reassure its international role when the policies are effectively implemented under the guidance of the HR. Yet, this positive attitude of member states soon vanished and turned into mistrust and even opposition (Vanhoonacker, Pomorska, Maurer, forthcoming). This cannot solely be explained by the cumbersome process of establishing the EEAS. It has also to do with the HR's background and personality. Having never occupied an elected position and without foreign policy experience, several observers have wondered whether she is up to the post (Ricard and Stroobants, *Le Monde*, 28 January 2011). The belated response to the democratic revolutions in North Africa has led to severe criticism about her lack of vision (*The Economist*, 1 February 2011). In an unusually critical interview with the newspaper *Le Soir*, the Belgian minister of foreign affairs blamed the HR for her failure to make clear choices, poor analytical capacities, getting lost in details and poor agenda management (Labaki, *Lesoir.be*, 4 May 2011). Clearly the leadership expectations have not been fulfilled.

Finally, one should not forget to also mention the ambitions of the President of the European Commission. In his 2010 State of the Union address Jose Manuel Barosso (Barosso, 2010) listed pulling the Union's weight on the global stage as one of the key challenges for the EU. Under the Lisbon system however, his scope for playing a strategic role is rather limited. Only in the area of trade, the Commission still maintains a key role. If it wants to have an impact on other areas of external relations, closely coordinate with the HR will be indispensable.

Last but not least the question arises how much *marge de manœuvre* is left for the rotating Presidency to determine its own priorities. On the one hand it still stays engaged in the strategic process of planning

¹⁴ In the area of CFSP, the HR may act in her own right or with the support of the Commission.

the priorities for its period at the helm, also in the field of external relations. Since 2007, this is done together with the preceding and following member states, in the framework of the so-called trio.¹⁵ Since the arrival of the HR, the scope for promoting national interests has however considerably decreased. If a country wants to prioritise a certain region or foreign policy objective, it will need to closely cooperate with the HRV and her staff. The Belgian Presidency in 2010 set the example by no longer prioritising particular foreign policy actions in its programme (Belgian Presidency, 2010). Traditional hobby horses such as Congo no longer had a place (Vanhoonacker, Pomorska and Maurer, forthcoming). It remains however to be seen to which extent the bigger member states will be willing to adopt such a discrete attitude. A good test will be provided during the presidency of Poland in the second half on 2011.

External Representation

When it comes to the external representation of the EU, we can distinguish between the high-level and the every-day representation (see table 2). The first is conducted by top political figures, while the latter is done by diplomats. The Treaty of Lisbon introduced important changes for both types with consequences for the rotating Presidency. As mentioned before, the President of the European Council ensures the external representation of the Union at the level of the heads of state and government (Art. 9B, TEU) while the HR does so at the level of ministers of foreign affairs (art. 13 B, TEU). Although it is clear that both actors need to closely co-ordinate, the most important challenges lay in the division of tasks with the European Commission. Especially in an area of shared competencies such as development, turf battles are never far away. Also, when there is a mix of exclusive and shared competencies, representation within the framework of an international conference or organisation representation is always a delicate matter (Emerson and Kaczynski 2010). For example, in November 2010, the EU has been represented during the G-20 summit in Seoul by both the President of the European Council and the President of the Commission.

¹⁵ Examples of trio's are: Germany, Portugal, Slovenia (2007-June 2008); France, the Czech Republic and Sweden (July 2008-2009); Spain, Belgium, Hungary (2010-June 2011).

When it comes to every-day representation in third countries or in international organisations, the Lisbon Treaty introduced the Union Delegations replacing the former Commission delegations. The change on the name plate goes together with an extension of competencies beyond trade and development to the CFSP and CSDP. This also brings an extension of the delegation staff with seconded national diplomats, directly under the authority of the HR. As concerns representation in third countries, the EU Delegations have entirely taken over the co-ordinating tasks formerly performed by the embassy of the rotating Presidency. The issue is more complicated and messy in the case of international organisations, where the post-Lisbon arrangements are still being put to test (Emerson and Kaczynski, 2010). In Geneva, for example, the EU Delegation has been split up into two, with one body taking over trade and WTO issues, and the other one covering the United Nations (UN) (European Commission, 2010). The Liaison Office of the Council Secretariat in Geneva is also merged with the EU Delegation. In the case of the UN delegation in New York, the role of the rotating Presidency used to be substantial and included representation of the EU's stance at the General Assembly, coordination meetings prior to voting and representation in front of external partners (Drieskens, 2010). All three tasks are bound to be taken over by the EU Delegation, but not without obstacles. In May 2011, the EU also managed to secure the rights for the president of the European Council to speak in the name of the European Union at the United Nations General Assembly. The HR is also allowed to speak in the Security Council, but the key players here remain the permanent members France and the United Kingdom (Bouchard and Drieskens, 2010).

TABLE 2. EU External Representation

Level of hierarchy	External representation
Heads of state and government	President of the European Council; President of the European Commission in the case of trade
Foreign Ministers	HR; Trade - Commission
Lower Levels	Issue related
Third Countries and IO's	Union Delegations, Heads and Staff

Conclusion

As this article has shown, the Treaty of Lisbon has substantially changed the institutional setting in which the Presidency operates in EU external relations. It has introduced important new actors, making an end to the monopoly of the rotating chair who used to be in charge in every policy field and at all levels (from working parties to the European Council). New players such as the President of the European Council and the HR have partially taken over some of the traditional roles of the rotating Presidency, especially those related to brokerage, leadership and external representation. There is, however, an important caveat: the rules of the game considerably differ depending on whether CFSP, trade, or development are on the agenda. The rotating Presidency's role is mostly diminished in CSFP where, with the exception of a few working groups, the chairmanship at all levels has been transferred to the HR and her staff. In trade on the other hand, the rotating Presidency continues to be at the helm, even at the level of the FAC. In the area of development, responsibilities are shared: the HR chairs the ministerial meetings but at the lower levels the rotating chair is in charge.

Having systematically examined the implications of the new system for the four traditional Presidency roles as organiser, broker, leader and external representative, we come back to the question to which extent the Lisbon Treaty addresses the identified criticisms of lack of continuity, leadership and coherence. The most important asset of the two longer-term chairs is undoubtedly the increased *continuity*. In the area of CFSP, the six-monthly stop-go process with individual countries pushing for hobby horses becomes much more difficult. The continuing role of the rotating chair in trade and development is much less problematic because it is compensated by the uninterrupted role of the European Commission. Secondly, the nomination of long-term chairs for the European Council and the FAC also considerably strengthens the scope for *leadership*. So far, however, the high expectations have not been fulfilled. The attention of President Van Rompuy has been highjacked by the financial crisis and the HR has mainly been profiling herself as a facilitator rather than as somebody giving direction. As for the third aspect of *coherence*, it is still premature to draw conclusions. The Treaty spreads the responsibility over three institutional players: the Council, Commission and the HR. In practice, it is undoubtedly the latter as chair of the FAC and member

of the College of Commissioners who is best placed to guard over the coherence amongst trade, development and CFSP policy. It remains to be seen how she gives shape to this important responsibility once the EEAS is in place.

In sum, our analysis has shown that the new system has a lot of potential to address the deficiencies inherent to the rotating chair but that it also brings new challenges especially in terms of coordination. Considering its recent character, it is too early to come up with a definitive judgement on the post-Lisbon Presidency system in EU external relations. However, even if over time it verifies to work well, this will not automatically lead to a more effective EU diplomatic influence on the global stage. Institutions matter and are key in structuring relations between different actors but they are only part of a more complex EU foreign policy story. The institutional set-up is necessary to take specific policy decisions, but it will not be sufficient on its own to achieve an effective EU role in international affairs. The appropriate institutional structure is as important as both the political will to increasingly integrate national and European foreign policy action and the capacity to reach consensus on long term strategic ambitions.

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