

The Presidency in the EU of 25



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Abstract

Working methods in the Council of the EU are under pressure to change in the context of enlargement. New guidelines concerning the preparation and conduct of meetings have been annexed to the Council Rules of Procedure. The next few Presidencies will be important in determining how these new methods will evolve in practice. This article discusses ongoing developments concerning the way that Council business is managed, incorporating insights gained in the framework of the large-scale programme organised together with the Clingendael Institute in the framework of the Dutch Presidency preparations in the first half of 2004.

The Presidency in a changing EU environment

The Presidency of the Council plays a crucial role in EU decision-making. The success of a Presidency is usually associated with the results of Summits but its importance stretches far beyond individual events. All Council business revolves around it. Even though they cannot decide on things alone, Presidency teams can exert a significant influence on how agendas are set, what levels of ambition are pursued, when negotiations can be brought to an end, how interaction is managed with the other European Institutions. The Presidency consequently constitutes an important factor in determining not only the efficiency and effectiveness of the operations in the Council, but also influences the quality of EU policies and legislation.

For some time now, however, the way in which the Presidency is conceived (and sometimes also the way in which it is conducted) has prompted strong debate.¹

On the one hand, the six-monthly Presidency has been subject to many criticisms. To mention only the most obvious, this relatively rapid rotation between countries – whose governments wish to leave their mark and press their own priorities while at the helm – is seen as a source of discontinuity in the European agenda. Cooperation between Presidencies, and between consecutive chairs, is often considered inadequate. Some Presidencies do not prepare adequately or early enough. And it is questioned whether the smallest of the Member States simply have sufficient administrative resources to handle the Presidency.

On the other hand, the system of equal and full rotation, by which all Member States hold the Presidency in turn, is staunchly defended on political grounds, both

as a symbol of the equality of states and as a means to bring the European agenda closer to the populations of the Member States. Moreover, its defenders argue that the Presidencies of small countries have often been notably successful, and that small countries may in fact have some political advantages in this role compared to the largest ones. Yet, with the prospect of enlargement of the Union to 27 or more Member States in the coming years, even the strongest defenders have tended to agree that some rethinking is inevitable in the way the Council is organised and chaired.²

A major step in this reform process was taken at the Seville European Council in 2002. The Seville Conclusions urged Presidencies to work together more closely through annual and multi-annual programmes in which the individual programmes have to be fitted. A first step towards team Presidencies was thus taken. At this time of writing it is highly likely that the 2004 Intergovernmental Conference (IGC) will further define the size and functioning of future Presidency teams (possibly pre-established groups of three countries working together flexibly over a period of 18 months in the sectoral Councils).

The precise nature of the new Presidency system will remain uncertain for the time being, but the preliminary agreements arrived at in the IGC

indicate that some form of rotating Presidency will be retained.

With the innovation of team Presidencies, and the introduction of annual and multi-annual work programming, new ways need to be found to strengthen cooperation between countries. The new way of programming has already resulted in longer-term strategic agendas being prepared by the consecutive

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Presidencies. However, in more day-to-day work, the cooperation between Presidencies has remained of varying strengths and is not yet taking place as intended.

Moreover, with more Member States and more official languages, the efficiency of meetings has become a pressing practical issue both for the Council Secretariat – with a view to ensuring momentum in decision making and keeping meeting costs down – and for the Member States – to be able to handle the work that is involved in aligning 25 Member States. New guidelines have therefore already been adopted regarding how meetings should be prepared and managed, in an annex to the new Council Rules of Procedure adopted in the spring of 2004.

This paper discusses the likely effects that these new guidelines will actually have on the management of Council business.

The particular challenges for the Dutch Presidency

The Dutch have had particular reasons for thinking that their Presidency in the second half of 2004 will be different and in some ways particularly difficult.

Every country thinks that its term at the helm is special and fraught with idiosyncratic difficulties. These fears are to some extent part of a normal ‘pre-Presidency depression’ but they are also genuinely felt in view of difficult files on the table and tricky situations that demand attention. There are always important events that make those involved somewhat nervous, such as elections in the big countries, looming international crises, a recently elected – and hence inexperienced – government. In that sense, all Presidencies are the same.

In this perspective, in preparing for their Presidency, the Dutch have faced more or less the usual quota of uncertainties (will the Irish finish the IGC and, if not, will it be wise to let the IGC rest for a couple of months or try to finish it), possible crises (deterioration in Iraq or the Middle East more generally) and hot potatoes (accession debates, financial discussions, Lisbon process).

Yet there are some special circumstances. A new and enlarged European Parliament will start to function after the June elections, and there will be a new Commission starting at the first of November. Both institutional changes will demand creative approaches to keep up the momentum in decision-making. And there is the simple fact of an enlargement of unprecedented proportions and challenges. It is not only a question of numbers. The new Member States differ in many ways from the previous countries in terms of administrative histories, cultural backgrounds and political situations. Therefore, getting to know the new actors was an important issue already in the Dutch preparations,³ and getting used to this increased diversity will remain a challenge for some time to come.

Although the Irish were the first to deal with an

enlarged Council in the months of May and June, it is the Dutch who will have the first full Presidency in EU 25 and play a major role in seeing how to make work in practice the new guidelines for managing business in the enlarged Council. New ways have to be explored for chairing, organising the workload in the Council and stimulating cooperation between delegations. Extrapolating current ways of working in the approximately 160 working parties with table rounds (“tour de tables”) and unlimited speaking time would lead to an overload of the meeting facilities. Meetings would be more time consuming as well as more expensive in view of interpretation costs. Moreover, rooms and other facilities are already overloaded.

Chairing: business as usual?

The changes in the management of the workload of the Council in the EU of 25 that are flagged in Annex IV of the new Rules of Procedure include:⁴

- *No table rounds in principle.* Instead, more targeted discussions and distribution of information in the form of overviews and background documents are needed.
- *Limitation of speaking time to 2 minutes and prevention of repetition.* Interventions have to be managed so that they are short, and countries have to be prevented from simply reiterating ideas and objections which have already been heard.
- *Negotiations have to be conducted as much as possible outside the meetings.* The pitch of the meeting should be such that only the real sticking points are addressed in the meeting rooms. This changes not only the ways in which meetings are prepared but also the role of the chair in getting groups of countries to negotiate among themselves between meetings. Questionnaires and summary tables can be used to speed up the negotiations by distributing information on positions and sensitivities prior and between the meetings.
- *Get groups to prepare common positions.* To prevent repetition, it is now increasingly important for the chair to attempt to stimulate ‘like minded’ papers and positions – e.g. Benelux memoranda – or to get the contending parties together to solve their differences in between meetings.
- *Only send items to Coreper when the discussions in working parties have isolated the political issues.* The rationale is to unload the Coreper meetings.

In addition, there are new set of rules for interpretation in the meetings⁵ and for translating documents. A distinction is made between meetings that have full translation (‘20-20’ – referring to the 20 official languages that can be spoken in and listened to, for which the Council has only two available rooms) and more limited interpretation schemes, introducing a

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“request-and-pay” system with lump sums for each language in the Council Secretariat budget. If the needs of particular Member States go beyond that, they will have to cover the costs.

These changes have consequences for the chair as they reduce flexibility. A working party that works with 20-20 cannot use all the rooms. Hence, there are now even fewer rooms to choose from. Moreover, composing the different interpretation teams according to the particular set of languages requested will add further constraints to the Presidency’s planning process. Compared to earlier practice, this means that, at the start of the Presidency, even greater attention has to be given to the allocation of rooms and interpretation facilities. In the past, chairmen would have some flexibility to add meetings at the end of the six months but this will now be even more difficult to organise. Moreover, additional meetings may imply that Member States have to pay more for interpretation if they have used up their lump sum. Priority setting in terms of translation of documents has also increased in importance. The current translation facilities in the Secretariat give preference to Ministerial meetings and publication of legislation. Other papers and meeting documents have much less priority. On the whole, interpretation and translation – always sensitive issues! – will make the life of the chair much more difficult and will demand a great deal of tact in preventing countries from being frustrated by not having documents in their mother tongues or not being able to listen to or speak their languages.

Finally, the increased importance of priority setting in the agenda means that the coordinator that each Presidency has in its Permanent Representation in Brussels will inevitably assume a much stronger position. Unavoidably, more attention has to be given to the issue of how scarce resources can be used for the items on the agenda. The traditionally sensitive relation as regards ‘who is in charge’ during the Presidency – the home capital or the Permanent Representation – will almost certainly shift in favour of the latter.

The fundamental question, however, is whether all these changes in the rules and the linguistic regime will really lead to different ways of working in the Council, that is, for the actual process of chairing meetings? After all, previous enlargements have also been accompanied by pleas for changing working methods, with rather limited results.

Indeed, it could already be seen under the Irish Presidency and in discussions with future Dutch chairs, that some people will try to implement the new rules, but that others consider it appropriate to continue more or less with the current practices of holding some kind of table rounds and of allowing countries as much time as they need to elaborate their positions.

In the first place, it is quite sensitive to cut people

short. Keeping delegations to speaking time is difficult for a number of reasons. It may be undiplomatic, because some countries genuinely have more points to make and major interests to defend, or because the phase in the negotiations make it more appropriate to be flexible with speaking time. Hence, some national as well as European officials are presently sceptical as regards the value of the Annex in the new Rules of Procedure. In addition, table rounds are seen as unavoidable in many situations, and particularly as a means of sharing information and giving countries the opportunity to vent their concerns. This is why other international organisations – which are even bigger than the EU – also rely on them. What is also clear is that many delegations actually think that lengthy table rounds are positive: they provide needed insights into each other’s positions, help to build mutual understanding, and contribute to a good atmosphere. Combined with enough speaking time, they help remove tensions, inasmuch as delegations will then feel less forced to continuously press their points.

Nevertheless, things may change. First of all, the greater transparency in the costs of interpretation may put pressure on chairmen to be more efficient and to make it really worth the time of their peers to attend meetings. In all events, the very presence of ten more countries may reinforce ‘efficiency’ as one of the evaluation criteria that the other delegations would like to see, and the clear expectation which exists that the conduct of meetings should change may in itself create further pressure.

Much will depend on what the next few Presidencies do to find a new balance and set new benchmarks.⁶ If the Netherlands, Luxemburg, the UK and Austria continue with business as usual, then the meetings in Brussels will consume more time and resources from everyone involved. On the other hand, these countries may set new trends. From discussions with some officials from Luxemburg – who take over from the Dutch – it appears that they first want to see the Dutch in action before deciding on how to run meetings. If the Dutch succeed, we may see the start of a new type of professional Presidency that is efficient and highly target-oriented. Whether this suits the social context of the meetings, and whether it supports the group processes that are inevitably needed to arrive at compromises, remains to be seen.

Points of attention for future chairs

In terms of advice to future chairmen, four general sets of recommendations can be made as to how to drive in the expected curve on the road ahead of them.

In the first place, it is essential to maintain a realistic view on the new guidelines. Some rules may make sense technically but present political risks in the course of the negotiations. They have to be seen in relation to the

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particular culture of the working party as well as to the various phases in the negotiations. To limit speaking time or to request written positions can be suitable at later stages but not at early stages of the process if countries do not have national positions ready. Also, some delegations may inadvertently state firm national interests on record, making later negotiations difficult.

Second, it will be vital to work on the basis of well-thought through strategies – or “battleplans” – for the coming six months.⁷ This will help to determine which sticking points should be dealt with earlier or later, and how many meetings are needed. Moreover, it may help to devote more time to some and less time to other topics.

The third set of recommendations relates to the management of inter-cultural differences and the necessary awareness of the own cultural characteristics. The advantage of restricting the speaking time to two minutes, taking the silence of a delegation as an assent, or preventing purely informative intervention of delegates would for example match the more ‘direct’ Dutch culture. This tendency might however not be so easily accepted by other delegates and may be perceived as being patronising.

Finally, the general advice to future chairs is to liaise even more closely with the Council Secretariat to see what is possible in terms of changing meeting techniques

– also in view of the fact that each group has its own tradition – and to interpret the new rules with flexibility.

The ‘new’ Presidency and the General Secretariat of the Council

The Presidency is not the only actor that needs to explore how best to guarantee the efficiency and effectiveness of the meetings in the Council – and of course in relations with the Commission and the European Parliament. Much will depend on the support

that the Secretariat offers chairmen in finding new ways of working, and the extent to which the Secretariat institutionalises the new procedures in its own organisation and its contacts with Presidencies. The Secretariat is currently in the process of implementing a large-

scale training programme to sharpen its services, partly in view of the need to give better support to Presidencies in their preparation and running of meetings. Particularly in view of the new working methods, the Secretariat will be important both in keeping the focus on efficiency and helping to diffuse experience with new chairing techniques. Whether the next few Presidencies will be able to work more efficiently will partly depend on whether the Secretariat will adopt the new task-oriented culture itself.

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EIPA's Presidency training programmes

Better preparation of Presidencies and improved coordination between Presidencies will not be achieved only by formulating intentions and issuing rules of procedure. It also requires setting benchmarks for chairmen and diffusing experience. This kind of diffusion is needed between Presidencies and with the Secretariat. Training can serve an important function in finding out which mechanisms work, in sharing experience concerning EU negotiations and in building networks between Presidencies.

Since the 1980s EIPA has carried out different kinds of activities for Member States preparing to hold the Presidency. These have been organised in different formats for different countries, ranging from training and development programmes for the entire civil service – as has been the case with, for example, Finland, Portugal and Belgium – to smaller activities for individual ministries and Permanent Representations. In addition, we have been involved in evaluating Presidencies and the coordinating structures which Presidencies have created to manage the workload. The experience gained during the Presidency can be a major inspiration for upgrading existing EU policy coordination mechanisms within and between departments.

In the first half of 2004, EIPA carried out a large-scale Presidency programme for the Dutch Government together with the Clingendael Institute from The Hague. It consisted of three parts: 'the art of chairing' which dealt with the practical roles and responsibilities of the chair; 'chairmanship skills and cultural awareness'; and 'the political challenges'. More than 550 officials participated in the overall programme.

EIPA is already working with the Luxemburg and Austrian Governments on tailor-made Presidency programmes for chairs, for national delegates and – in view of their special responsibilities during the preparations – for management within national ministries. EIPA also organises training programmes for the General Secretariat of the Council, which makes it possible to connect experiences from national and EU officials. With the increasing importance of team Presidencies, finally, EIPA has organised intensive programmes for the officials from the consecutive countries who have to lead the sectoral Councils in more integrated ways.

EIPA will offer in the near future two- and three- day training programmes for future chairpersons in the various policy fields, starting with agriculture, transport, environment, justice and home affairs and CFSP.

These seminars are to be organised by Dr. Adriaan Schout and Nicole Bayer (project leaders). For information on our open seminars, please contact Noëlle Debie (Programme Organiser – n.debie@eipa-nl.com, Tel. +31 43 3296 226).

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NOTES

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- ¹ Wise Men report 1979; Schout, 1998; Schout and Vanhoonacker, forthcoming.
- ² See Secretary-General of the Council, 1999 – Trumpf-Piris Report
- ³ The training assessment carried out with Institute Clingendael showed that officials were particularly keen on information about recognising and respecting cultural differences between the Twenty-Five. Understanding of the specific problems and negotiating styles of the new countries was one of the main perceived threats among the Dutch officials involved in the Presidency (Keulen, 2004).
- ⁴ Annex IV: Working methods for an enlarged Council, in: Council of the European Union, Council Decision adopting the Council's Rules of Procedure, Legislative acts and other instruments, 5163/04, Brussels 21 January 2004.
- ⁵ Council of the European Union, Decision No 56/04.
- ⁶ The current debates about the reform of the Council has been a constant factor of attention since the Helsinki Summit in 1999.
- ⁷ Guggenbühl, 2004. □