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## The trio presidency in the European Union of the Lisbon Treaty

The case of the Spanish, Belgium and Hungarian group presidency

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## Introduction<sup>2</sup>

On January 1<sup>st</sup>, 2011 Hungary will for the first time ever take up the rotating presidency of the Council of the European Union (EU). The country is not alone in this endeavour as the Hungarian presidency is part of an 18-month group presidency. Together with Spain and Belgium Hungary is member of a so-called ‘trio’. Over the past several years the three countries’ preparations for their respective role as the country holding the EU presidency reflected the recognition that their tasks would be performed in the context of a wider group. The three member states form the third trio presidency of this kind in the history of European integration.

This paper takes a closer look at the Spanish-Belgian-Hungarian group presidency and argues that this trio is special for two reasons. First, compared with the two previous EU trio presidencies Spain, Belgium and Hungary engaged in deeper and more extensive cooperation already in the run-up to their trio presidency. In this respect, this paper considers the procedures chosen for coordination and discusses how the administrations of the three countries opted for a complex drafting process of the joint presidency programme involving the line ministries in the three capitals. Second, the trio presidency of Spain, Belgium and Hungary coincides with the entering into force and the implementation of the Lisbon Treaty. The Treaty has significant repercussions for the way the EU functions and, in particular, how its presidency system is organised. The paper therefore also outlines this new institutional context and illustrates what the immediate consequences for the first trio presidency under the new system are. It is demonstrated how the rotating presidency is now part of a multiplicity of presidency arrangements involving a mixed system of permanent and rotating chairs. Overall, these new arrangements have significantly reduced the visibility of the rotating presidency.

One of the main conclusions of this paper is that the institution of the trio group presidency is subject to a number of, at times, contradictory pressures. On the one hand, the rationale for the rotating presidency in providing effective and legitimate governance to the overall EU system of decision-making continues to be strong. A cohesive and well-designed trio presidency has the potential to counter-balance or at least mitigate a consequence of the the Lisbon Treaty, namely the fact that the role of individual member states in presiding over EU decision-making has diminished. On the other hand, the incentives for member state governments and in particular their most senior representatives – the heads of state or government and the foreign ministers – to invest political capital in the preparation of the trio and the respective presidency of their own country have been reduced substantially. How this tension between the demands placed on a country holding the rotating presidency and the decreased visibility and influence of the post internally and externally is resolved remains to be seen, and may differ from presidency to presidency. The model of the trio presidency can thus be expected to stay in an institutional limbo for some time.

The paper is structured as follows. The first section below outlines and reviews the institutional context of the trio presidency after the entering into force of the Lisbon Treaty. Section two then connects the argument advanced here with existing research on EU presidencies. The third section of the paper turns to the case of the Spanish, Belgium and Hungarian trio presidency in greater detail and delineates the key aspects of the preparatory and the implementation stages. Finally, the paper concludes with reviewing the role of the rotating EU presidency and the trio format within the framework of the Lisbon Treaty by making particular reference to the case of the current trio presidency.

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<sup>2</sup> This paper has been written in the context of joint research project by the authors on the EU’s trio presidency model. Research has benefited from a CEU research grant. The authors are grateful to Stefan Cibian and Johannes Müller for their research assistance. The paper draws on over 20 anonymous expert interviews with officials from member state governments and the EU institutions, carried out in Budapest and Brussels in 2010.

## The trio presidency model under the Lisbon Treaty

The requirement that outgoing and incoming presidencies work together is not an invention of the Lisbon Treaty. The trio format was first introduced in 2006 by the way of changing the Council's rules of procedure.<sup>3</sup> Two trios have operated prior to the entering into force of the Lisbon Treaty. Germany, Slovenia and Portugal started as the first group in 2007 and were followed by France, the Czech Republic and Sweden from the second half of 2008 onwards. Following this practice, a declaration annexed to the Lisbon Treaty formally confirmed the trio group format as the applicable standard model for running the rotating EU presidency.<sup>4</sup> However, strictly speaking neither the Lisbon Treaty nor the annexed declaration refer to the 'trio presidency' – although the term is frequently used by the member state governments making up the previous trio presidency groups. Instead the declaration refers to 'pre-established groups of three Member States'.<sup>5</sup> The declaration has been implemented through a European Council decision in connection with the entering into force of the Lisbon Treaty.<sup>6</sup> This fact is significant, because it implies that the decision can be changed by the European Council in the future – a prerogative of the European Council formally recognised by the Lisbon Treaty (Article 236, TFEU).

Currently, the operation of the trio presidency is regulated by the Council's rules of procedure which establish a list of nine successive trio groups from the first trio in 2007 to the last trio presidency by Austria, Romania and Finland ending with the first semester of 2020.<sup>7</sup> By then all 27 of the current EU member states will have participated in a trio presidency. Each trio will involve one or two members of the group of member states that joined the EU in 2004 and 2007 respectively. In addition, consideration has been given to the size and geographical location of countries in order for all trio groups to represent a diversity of member states.

Because the legal status of the current presidency arrangement is relatively easy to change, it is not yet clear whether the system will continue after the 2020 presidency by Finland. The unprecedented scope of enlargement by altogether twelve new member states in 2004 and 2007 undoubtedly informed the design of the current trio model as it put the emphasis on institutionalising partnership between old and new member states. Nevertheless, when Romania will take up its first presidency in the second half of 2019 as part of the trio group with Austria and Finland it will be able to look back at an EU membership experience of well over a decade.

Besides these considerations, which are related to one-off historical events such as the 2004 and 2007 enlargements, processes of further institutional change in the EU may well alter the context of the rotating presidency. The Lisbon Treaty itself constitutes such an instance of wider institutional change with repercussions for the presidency system.

Most importantly, the Treaty abolishes what many people in day-to-day language simply refer to as the rotating 'EU presidency', i.e. the combined presidency of the European Council and the Council exercised by the representatives of a single member state government on the basis of six-month rotation. Instead, according to the Treaty the leadership of the European Council is exercised by a so-called permanent president who is appointed for two and half years – a job which went to the former Belgian prime minister Herman Van Rompuy. It is only the Council formations (apart from the foreign affairs formation) that remain under the remit of the rotating presidency. This development was widely regarded as a victory of the large member states -- particularly France, Germany and the UK, which first championed the

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<sup>3</sup> Council Decision 2006/683/EC adopting the Council's Rules of Procedure, published in OJ L285/47.

<sup>4</sup> Declarations Annexed to the Final Act of the Intergovernmental Conference Which Adopted the Treaty of Lisbon, signed on 13 December 2007.

<sup>5</sup> Ibid.

<sup>6</sup> European Council Decision 2009/881/EU on the exercise of the Presidency of the Council, Article 1, published in OJ L315/50.

<sup>7</sup> As specified in Corrigendum to Council Decision 2009/908/EU, published in OJ L344/56.

idea of a permanent president, -- expected to have dominant influence in the selection of the president, while the smaller member states generally favoured the status quo for the same reason (Mazzucelli and Dragomaca 2009: 13).

The new situation is also reflected in the changed language of the Lisbon Treaty compared to the previously applicable Nice Treaty. Whereas in the past the Treaty referred to the ‘Presidency of the Council’<sup>8</sup> and in short simply to the ‘Presidency’<sup>9</sup> it now avoids these terms in its main parts (TEU and TFEU) altogether. More precisely, Article 16.9, TEU now refers to the ‘Presidency of Council configurations, other than that of Foreign Affairs’. The reason for this is the introduction of a permanent president of the Foreign Affairs Council. The role is reserved for the High Representative of the Union for Foreign Affairs and Security Policy. This position is currently held by Catherine Ashton. Moreover, since 2005 the informal ministerial group of the euro area countries, the Commission and the European Central Bank – the Eurogroup – is chaired by Jean-Claude Juncker, the prime minister of Luxembourg, as its permanent president. Although the Eurogroup is formally not part of the Council formations its role and the related presidency arrangement is now acknowledged by the Lisbon Treaty. As the Eurogroup *de facto* performs tasks normally attributed to Council formations and meets as often as the most senior Council formations, this arrangement also has repercussions for the role of the institution of the rotating presidency. Altogether this means that the presidency of the Council has been divided into a rotating and a permanent one, with the latter itself split among foreign affairs, economic and monetary policy as well as other matters.

The complex new institutional set-up suggests that every country holding the rotating presidency needs to face up to a situation in which three of the most senior members of its government and/or for that matter the head of state of the given country cannot assume the high-profile role of the chair. Heads of state or government no longer convene and chair the meetings of the European Council nor do they represent the European Council in the external relations of the EU. However, this does not imply that heads of state or government do not have a role to play while their country holds the rotating presidency as part of a trio group. They still chair their national cabinets and in this function exercise oversight and in some case straightforward control over the ministers who do act as president of a particular Council formation.

Moreover, the new rules of procedure of the European Council introduce the concept of ‘the member of the European Council representing the Member State holding the six-monthly Presidency of the Council.’<sup>10</sup> According to the current provisions the prime minister or head of state of the relevant member state will replace the permanent president in exceptional circumstances when the office holder cannot perform the assigned tasks due to illness or death, or the term of office is terminated through a decision by the European Council on the basis of ‘an impediment or serious misconduct’ (Article 15.5, TEU).<sup>11</sup> Admittedly, these circumstances are unlikely to arise too often in practice.

Perhaps more importantly, however, a new provision of the Treaty requires that the permanent president of the European Council prepares any regular meeting of the European Council ‘in close cooperation’ with the prime minister and/or head of state of the member state holding the rotating presidency.<sup>12</sup> In addition, the relevant head of state or government reports to their fellow members of the European Council on the work of the Council.<sup>13</sup> They also report to the European Parliament (EP) at the beginning and end of each presidency semester on the work of the Council. That the head of state or government of the country holding the rotating presidency still plays a specific role in the context of the European

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<sup>8</sup> See for example Article 4, TEU (Nice).

<sup>9</sup> See for example Article 18, TEU (Nice).

<sup>10</sup> European Council Decision 2009/882/EU adopting its Rules of Procedure, published in OJ L315/51.

<sup>11</sup> *Ibid*, Article 2.

<sup>12</sup> *Ibid*, Article 3.

<sup>13</sup> *Ibid*, Article 4.

Council is also reflected in the seating order which places him/her between the president of the European Council and the High Representative for Foreign Affairs and Security Policy.

Finally, the Lisbon Treaty reserves important procedural functions for the 'President of the Council', i.e. the head of state or government of the member state holding the rotating presidency, when it comes to convening the 'conference of representatives of the governments of the Member States' (Article 48.4, TEU). Previously referred to as the Intergovernmental Conference this forum is now responsible for formally adopting Treaty amendment proposals by any future Convention but may also adopt smaller Treaty revisions without a prior Convention process if authorised by the European Council and the EP to do so.<sup>14</sup>

In short, the Lisbon Treaty and the new rules of procedure of the European Council and the Council which have been adopted in connection with the Treaty's implementation refocus the role of the head of state or government of the country holding the rotating presidency on overseeing and reporting on the work of the Council. Thus, while the role of the head of state or government remains significant in chairing and instructing a cabinet of ministers from which several of its members perform the role of the rotating chair of one of the Council formations (except for the one for Foreign Affairs and the informal Eurogroup), on the European level the permanent president of the European Council, the High Representative and the president of the Eurogroup may each enjoy a more high profile role.

In order to fully understand the consequences of the new arrangements it is also important to recognise the changing role of the European Council and the Council over the last two decades. The old system of the rotating presidency of the European Council not only implied a visible role for the office holder but, since the entering into force of the Maastricht Treaty, the European Council has also gradually developed into the centre of gravity of the EU's political system. Heads of state or government not only drove complicated law-making processes in the Council, but also established a non-legislative coordination agenda in a range of core policy areas including the prominent sectors of economic and foreign and security policy (Puetter forthcoming). From the point of view of the country holding the rotating presidency of the Council both policy areas are of crucial importance as they often drive those aspects of the agenda of the core EU institutions which relate to unforeseen events or politically difficult situations.

The 2008 conflict between Russia and Georgia, developments in the Middle East such as the Lebanon war and, most recently, the repercussions of the global financial and economic crisis provide illustrations of the high-level diplomatic activity that was required by a country holding the rotating presidency in the past. In particular, the head of state or government, the foreign and finance ministers were drawn into these activities. In addition, the agenda of the European Council and the relevant Council formations were also heavily influenced by these events, often forcing the presidency country to postpone or scale down originally planned activities. With the permanent presidency arrangements for the European Council and the Foreign Affairs Council the Lisbon Treaty has taken this dimension away from the rotating presidency. More precisely, although the rotating presidency still remains heavily exposed to the current affairs dimension of EU policy-making in the new setting, it is deprived from the instruments which would enable it to react to unforeseen events. Not surprisingly, the new president of the European Council has sought to assert himself particularly as a leader in the field of economic governance.

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<sup>14</sup> However, the likelihood of this procedure being used frequently is rather small. The discussion on the introduction of new Treaty provisions on a permanent financial support mechanism for euro area countries in financial difficulties has shown that member state governments are more likely to make use of the new 'simplified revision procedure' (Article 48.6, TEU) for introducing smaller changes to the EU's internal policies. This procedure circumvents both the Convention and the old Intergovernmental Conference model and is based purely on a decision by the European Council followed by a process of ratification.

## Scholarly accounts of the rotating presidency

The principle of the rotating presidency has been applied in the former European Communities and later in the EU since the Treaty of Paris, although the institution has gone through successive waves of reform – most strengthening the Council presidency. One key motivation for reform has been to address the ‘discontinuity inherent in the six-monthly rotation’, with this objective going back at least to the early 1980s (Hayes-Renshaw and Wallace 1997: 134-58). Six-monthly handovers result in considerable disruption to the EU’s policy processes, a cost that has been weighed against the benefit the EU realises from a single actor providing leadership in the EU’s complex institutional forums.

In the academic literature, the discontinuity is attributed in large part to the uneven quality of *individual* presidencies, with some countries regarded effective in the chair while others go down in history as unmitigated disasters. A preoccupation of the academic literature has thus been to determine ‘what makes a good EU presidency’ (Quaglia and Moxon-Browne 2006). Structural factors identified include the size of the member states (with small member states generally seen as more community-spirited whereas large member states are expected to dominate the agenda), administrative capacity and previous experience of presidencies. However, many academic observers question the relevance of such distinctions, and instead point to more transient, non-structural factors such as the credibility and legitimacy of the government holding the presidency, its general orientation towards European integration, the previous exposure of individual political leaders to European forums as well as the general political environment in which the given presidency takes place and its relations with other key EU institutions, primarily the Commission and the EP (Quaglia and Moxon-Browne 2006; Bunse 2009). Other scholars have highlighted the increasing importance of the bureaucracy underpinning the work of each presidency at the EU-level in addition to the respective administrative structures of the member states. In this regard the General Secretariat of the Council is seen as an institutional memory and ‘a bridge between various chairs’ (Christiansen and Vanhoonacker 2008: 757).

A second debate in the literature concerns the question whether the *institution* of presidency is expected to make a positive contribution. At the core of this debate is a tension between two goals. On the one hand, presidency countries are expected to act as ‘honest broker’, mediating between member states to reach agreement for the common good, normally seen as promoting further integration and/or providing consistent and effective representation of the EU as a whole towards the outside world. On the other hand, there is clear recognition that the presidency places a given member state in a position where privileged access to information and the ability to shape the Union’s agenda creates the opportunity to pursue its national interest very effectively. Real life presidencies show evidence of both role orientations at the same time but theoretical accounts in the literature differ in where they see the emphasis fall. Rational choice accounts expect utility maximisation, while in the chair. From this perspective rotation is a crucial feature of the presidency: governments only ‘accept the exploitation of the Presidency in the present because they will get their chance in the future’ (Tallberg 2006: 11). In contrast, more sociologically oriented accounts focus on compliance with, and internalisation of, the ‘impartiality norm’ seen as core to the honest broker role of presidencies (Niemann and Mak 2010).

There is a body of literature that empirically analyses which of the competing role orientations (honest broker or national champion) was dominant for a given presidency or, in other words, whether the presidency ‘silenced’ or ‘amplified’ given member states’ pursuance of the national interest during their six months at the helm (Bengtsson et al 2004). There are, however, also accounts that dispute that there is a tension between serving the collective interest and the national interest, and indeed illustrate how skilful presidencies, conceptualised as policy entrepreneurs, create win-win situations for the majority of the member states as well as themselves (Bunse 2009).

Another debate in the literature focuses on where the presidency fits in broader conceptualisations of European integration and the EU's institutional architecture. The Council has been traditionally seen as the EU's key intergovernmental organ, normally perceived as an arena where the member states are most able to directly project their preferences. This way the Council is seen as a counterbalance to the supranational institutions, i.e. the EP, the Commission and the Court. Liberal intergovernmentalism in particular points to the Council providing crucial direction and leadership especially at times of crisis or deadlock. Functionalism and its varieties in contrast see the influence of the Council as an anomaly in an increasingly integrated Europe. As Hayes-Renshaw and Wallace (1997: 4) put it, '[t]he Council has been seen, rightly or wrongly, as the unglamorous institution and flag carrier of the old state-based politics of western Europe rather than of the new politics of European transnational integration.'

However, the role of the presidency is rarely discussed as distinct from the Council as such, although recent developments such as the creation of the permanent president's post (an office that is dominated by the member states but that is at the same time outside the control of any individual member state) raise interesting theoretical considerations. In particular, it has been suggested that the evolution of the presidency over the past fifty years is the story of 'communitarization' as successive presidencies increasingly identified themselves with EU institutional interests and thus gained a quasi-supranational character (Fernandez, 2008).

Finally, the institution of the rotating presidency has been considered in terms of the legitimacy and accountability of EU governance. Two main lines of argumentation can be distinguished and, again, they reveal the paradoxical nature of this institution. On the one hand, the rotating presidency is seen as providing legitimacy to EU decision-making through giving every member state the opportunity to preside over the decision-making process at regular intervals. As the EU's political system is based on the close cooperation of independent national administrative structures the close involvement of national elites in core EU processes is crucial for gaining first-hand experience with these processes, establishing close working relationships with colleagues in other member states and the EU institutions as well as for civil servants identifying themselves with the EU dimension of contemporary public policy-making (Van de Voorde 2002: 319).

In addition, the rotating presidency is considered as leading to greater visibility of EU politics in the domestic arena: a national government receives much greater public attention within its own country during its spell in the driving seat than the more distant EU institutions ever do. Governments holding the rotating presidency also actively pursue this greater public exposure, for instance through the now well established tradition of holding series of high level meetings, conferences, festivals and other events in the relevant member state during their six-month period in the chair.

On the other hand, the institution of the rotating presidency has been criticised for making it more difficult for European citizens to hold the Council and the European Council accountable as the individuals representing these bodies are constantly changing due to the principle of rotation. For example, Ben Crum (2009) has argued that a permanent presidency would be more accountable as citizens and parliamentarians find it easier to relate to a single person over a longer period of time. Similarly, the permanent presidency of the informal Eurogroup has been interpreted as a potential instrument for increasing the visibility and accountability of an otherwise secretive institution (Puetter 2006: 172).

Indeed, all these dynamics can be observed in relation to the current trio, the subject of the following section.

### **The Spain, Belgium and Hungary trio presidency**

As highlighted above the concept of the trio group presidency has been put to the test already twice before the current Spanish-Belgian-Hungarian (ES-BE-HU) trio. The two previous trios

operated within the framework set by the Treaty of Nice which provided for the simultaneous rotation of the presidency of the Council and the European Council. Therefore, one could have expected that the impact of the trio method was more pronounced in these cases than in the case of the current trio which operates against the background of a reduced scope of the rotating EU presidency due to the provisions of the Lisbon Treaty.

Before we turn to a more in-depth review of the current trio it is worth mentioning that Germany, Portugal and Slovenia also emphasised the special spirit of the trio presidency when they presented their 18-month programme to the public in January 2007 at the start of the German presidency.<sup>15</sup> Anecdotal evidence from civil servants and observers close to the first trio group presidency suggests that the trio process led to increased exchange between civil servants from the three countries. Working relations are generally described as having been collegial and well functioning. Before the start of the trio presidency directors and unit heads from the various line ministries of the three countries gathered for a workshop. Slovenian officials are quoted to have benefited from the experiences of and exchanges with the ‘old’ member states, Germany and Portugal, but also that they felt that Portuguese officials did not engage much with them after the end of the preparatory phase.<sup>16</sup> Similarly, accounts from German officials suggest that the interaction within the trio was asymmetric and working contacts were more pronounced between Germany and Slovenia than with Portugal.<sup>17</sup> Although a more in-depth empirical analysis of the first EU trio presidency is beyond the scope of this paper such a dynamic is noteworthy as Portugal was positioned in the middle of the trio – holding the presidency after Germany and before Slovenia. Traditionally, contacts between an incoming and outgoing presidency are considered to be extensive due to the necessity to coordinate the handover of dossiers.

The subsequent trio consisting of France, the Czech Republic and Sweden was probably the worst case scenario in the short history of trio group presidencies. There is no shortage of anecdotes from Brussels-based civil servants in the EU institutions and the permanent representations of the member states about the failings of that particular trio, including at times open hostility between French and Czech officials which, in the view of several interviewed civil servants, exceeded anything in living memory of EU decision-making. One obvious difficulty was presented by Czech president Vaclav Klaus’ well-known Euroscepticism, another the collapse of the Czech government coalition just three months before their spell in the presidency, and a third the common perception that the French government as the largest member state tried to dominate the trio. This was particularly visible with respect to president Nicolas Sarkozy’s foreign policy ambitions and management of the economic crisis, to the extent that the ‘activities of the Czech Presidency and President Sarkozy came across as uncoordinated and even adversarial’ (Mazzucelli and Dragomaca, 2009: 19). Already in January 2009, a few weeks after the Czech Republic took over, Franco-Czech relations reached a low point when president Sarkozy suggested that French car manufacturers should repatriate production from the new member states, using a plant in the Czech Republic as example (Benes and Karlas, 2010: 69).

These difficulties are also detectable in the way the three countries presented their trio to the external world. For instance, while the German presidency website devoted three explanatory paragraphs on the concept of the trio presidency and featured a few news clippings on trio activities such as the presentation of the 18-month programme and a joint declaration of the justice and home affairs ministers of the three countries, the French

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<sup>15</sup> See for example [http://www.eu2007.de/en/News/Press\\_Releases/January/0114BMIDresden1.html](http://www.eu2007.de/en/News/Press_Releases/January/0114BMIDresden1.html) [accessed on 8 November 2010].

<sup>16</sup> Intervention by Anton Bebler, the former Slovenian diplomat and Professor of Political Science at the University of Ljubljana, at the workshop ‘First time Hungarian presidency, first time in a trio’ organised by the Hungarian Europe Society and the Center for Enlargement Studies, Central European University, Budapest, 29-30 October 2010.

<sup>17</sup> Anonymous interviews conducted by the authors in 2010.

presidency kept the message as brief as possible.<sup>18</sup> The link to the key word ‘trio presidency’ in one of the main navigation bars of the French presidency website led to an almost empty page with a single line stating that on ‘this page, you will find the 18-month programme of the Council of the European Union established by the French, Czech and Swedish Presidencies.’<sup>19</sup> The weakness or even absence of internal coordination and the low profile of this group presidency is also shown in other scholarly analyses. For instance the study on the Swedish presidency in the second half of 2009 by Lee Miles (2010) does not even mention this particular trio group of which the Scandinavian country was a member.

This snapshot overview of the previous two trio group presidencies obviously does not amount to a differentiated assessment but it provides an indication of past experiences with the trio formula. In contrast with these perceptions, almost all interviewed officials involved in the current ES-BE-HU trio group highlighted the fact that they considered themselves as part of a team, were conscious of acting jointly, and aware of being perceived as group rather than a succession of individual presidencies. Officials in the EU institutions also stressed that the approach pursued by the ES-BE-HU group was distinct in several ways. In this section we therefore take a closer look at the main features of this particular trio.

It is often stated by officials from all three countries that the ES-BE-HU trio is ideally composed, with its constituent members neatly complementing one another in terms of geographical location and past experience. The trio represents Southern, Western and Central-Eastern European member states, and comprises of a founding member and two countries from successive waves of enlargement. All three countries are also normally counted among supporters of further integration, with relatively little domestic politicisation of European issues in the three capitals – even though parties in the current Hungarian government are known occasionally to engage in Eurosceptic rhetoric (Batory 2008). Less prominently but equally importantly, in all three countries ministries of foreign affairs rather than dedicated EU ministries or offices of the prime ministers are in charge of the national coordination of EU policy. The shared pro-European orientation and similar intra-governmental organisational structures may provide part of the explanation for why the ES-BE-HU governments developed a deeper, more intensive and perhaps more structured cooperation than previous trios.

This deeper cooperation is expressed in a number of innovations that characterise the current trio. Most importantly, for the first time in the history of rotating presidencies the three countries jointly developed a common programme, painstakingly prepared in the national capitals, as further discussed below. This contrasts with previous practice where the three member states making up the trio group each presented a separate six-month programme to the Council Secretariat, and left it largely to the Secretariat to ‘distil’ a more or less coherent agenda for 18 months drawing on the common points of the national programmes. At the end of September 2009, the current trio handed over a joint draft extending over the full 18-month period to the Council Secretariat.

Another innovation concerns the mutual delegation of liaison diplomats to the capitals of the other trio members. While the practice of appointing liaison diplomats existed in previous trios as well, it is for the first time that the liaison diplomats work in the ministries of foreign affairs, side by side the civil servants of the other trio member states, rather than in their own country’s diplomatic representation. This arrangement ensures that the liaison diplomats become more integrated in work processes than that was previously the case, and indeed serve as important communication channels between the three administrations.

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<sup>18</sup> For the German presidency website presentation see the above reference to the presentation of the trio programme as well this reference to the joint ministerial meeting [http://www.eu2007.de/en/News/Press\\_Releases/June/0626BMIBilanzTrio.html](http://www.eu2007.de/en/News/Press_Releases/June/0626BMIBilanzTrio.html) [accessed on 29 November 2010].

<sup>19</sup> See [http://www.eu2008.fr/PFUE/lang/en/accueil/presidence\\_du\\_conseil/pid/2538.html](http://www.eu2008.fr/PFUE/lang/en/accueil/presidence_du_conseil/pid/2538.html) [accessed on 29 November 2010].

The current trio also established a common communication and promotion strategy that tried to emphasise the coherence of the 18-months in terms of the presidency's public relations appearance. The three countries have a common logo with variations of the national colours of the country in the chair at a given time and a website ([www.eutrio.es/be/hu](http://www.eutrio.es/be/hu)). The logo was selected after a jointly administered competition run simultaneously in the three countries and features on most trio presidency documents. The Hungarian presidency also overtook the Belgian website platform model rather than developing a new one. This again constitutes an element of continuity which was not present in previous trios.

The joint programme and the other common elements had been in the making for almost a year prior to the handing over of the draft programme to the Council Secretariat, involving a complex system of inter-governmental coordination on several levels. The so-called Strategic Framework was negotiated in a centralised manner, with central coordination units in each of the capitals in the ministries in charge of national horizontal coordination, 'focal points' (chief liaison persons) on the senior civil service level and those state secretaries with chief responsibility for EU affairs in the respective ministries of foreign affairs on the political level. The content of the joint programme in the various policy areas and dossiers were prepared in a bottom-up manner, involving working groups from the relevant line ministries in direct contact with their counterparts in the other national capitals. While state secretary level meetings were frequent, about bi-monthly, during the preparation phase and have continued in the same pattern afterwards, ministers of foreign affairs and heads of governments got involved relatively late in the process, largely to formally sign off on agreement achieved on lower levels. The so-called focal points, established on head of department level, handled the bulk of the day to day coordination work with dedicated departments in the ministries in frequent contact with each other.

When developing these structures processes and practices the current trio systematically studied the experience of its predecessors. In particular, the Hungarian team studied and visited the other new member states that had been involved in presidencies, i.e. the Czech Republic and Slovenia. Arguably, this sort of exchange was less important for the Belgian and Spanish officials given that both countries have extensive presidency experiences of their own. The current trio also clearly has an ambition of marketing and passing on their innovations as 'best practice'; and indeed study visits from Poland have already been on the agenda for some time.

While on the civil service level gearing up for, and conducting, the trio's tasks proceeded relatively smoothly, on the political level the ES-BE-HU presidency has operated in a considerably more volatile environment. When Spain as the first of the trio countries took over the rotating presidency in January 2010 there was much to divert the attention of prime minister José Luis Rodríguez Zapatero from EU affairs, including persistent economic problems in his country and his party's worsening ratings in the polls. Spain was confronted with one of the highest levels of unemployment in the EU and a difficult relation with international financial markets as analysts raised increasing doubts about the sustainability and security of government debt in the wake of Greek financial difficulties. None of this made for solid foundations from which to project Spanish leadership – particularly with respect to socio-economic governance and the Europe 2020 agenda. Zapatero's task was, in any case, made considerably more difficult than the that of previous presidency countries by the fact that Herman van Rompuy took up his position as permanent president at the same time. At least initially the Spanish government seemed rather uncertain as to how to position itself in this changed institutional landscape on the EU level, which in turn seemed to further undermine Mr Zapatero's credibility both in Madrid and in other EU capitals.

Belgium's spell in the chair has been beset by different problems – namely that after the June 2010 elections coalition negotiations failed to bear fruit, and consequently it was the government of the outgoing caretaker prime minister, Yves Leterme, who took over the rotating presidency on July 1, 2010. The void that the absence of a fully functioning national government would otherwise have created was however made less visible by two factors. One

the one hand, coordination problems with the new permanent president of the European Council were made less acute by the fact that Herman Van Rompuy is a former Belgian prime minister himself who is well connected with the Belgian administration. On the other hand, Belgium's specific federal model means that the Flemish and Walloon regional governments are constitutionally endowed with foreign policy competencies. This e.g. implies that a specific Council formation such as the one dealing with environmental affairs is chaired by the relevant ministers of Flanders and Wallonia taking turns. Nonetheless, the fact that governments in EU capitals found no counterpart other than a caretaker government considerably weakened the Belgian presidency's political clout. This vacuum may have been strategically filled in some areas by Mr Van Rompuy. At least some accounts suggest that there is a perception in a number of capitals that the permanent president of the European Council took over tasks that otherwise would have been dealt with by the rotating presidency (see e.g. Willis 2010).

Hungary for its part also experienced considerable political changes on the domestic level shortly before the country's turn at the helm. The spring 2010 elections replaced the Socialist Party with prime minister Viktor Orbán's Fidesz party and a small coalition partner. A certain degree of disruption is inevitable when a member state changes government so close to its spell in the presidency. In the Hungarian case however the change in government was accompanied by a large scale restructuring of the organisation of line ministries and central government agencies. The personnel changes included the replacement of the state secretary with prime responsibility for EU affairs in the ministry of foreign affairs as well as of the head of Hungary's Permanent Representation in Brussels less than half a year prior to the country's turn in the chair. Moreover, the position of secretary of state for EU affairs, the top specialised EU policy post in Budapest, was officially filled only at the beginning of September.

## **Conclusions**

The case of the ES-BE-HU trio group presidency is instructive for several reasons. Perhaps most importantly, it highlights the role of political leadership in the preparation of a trio presidency. The formal framework of the rotating Council presidency is rather ill-defined at the level of Treaty provisions. What is clear since the entering into force of the Lisbon Treaty, however, is what the limits of the formerly so important institution of the rotating presidency of the Council are. The position of a permanent president of the European Council as well as the role of the High Representative as chair of the Foreign Affairs Council clearly impact on the role of the rotating Council presidency. The current arrangements for the rotating Council presidency have their legal basis in the operational procedures of the Council and the guidelines defined by the European Council. They therefore may well be adjusted or changed more fundamentally in the future. However, for the moment, even at the level of these implementing provisions the concept of the trio group presidency is not clearly specified. Individual countries are not forced to go beyond the minimum requirement of any group presidency – the presentation of an 18-month programme – and can freely choose what, if anything, should form part of their common activities. This absence of a more clearly defined legal framework provides the context in which political leadership and practice determine the relevance or irrelevance of the trio as a functional arrangement and governance mechanism.

The scenario where the political will is almost completely lacking to make the trio presidency idea a success is perhaps best illustrated by the French-Czech-Swedish trio. In this case the absence of any political inclination, or indeed willingness to cooperate on behalf of the dominant member of the group left a mark on the whole team presidency period. Indeed, in retrospect it is difficult to see this period as anything but three successive six-month presidencies. The symbolism of the above quoted setup of the French 2008 presidency website could not have been more pronounced in this regard: the trio formula was quite literally emptied of meaning.

In contrast, the ES-BE-HU group presidency can be characterised as the one with so far the highest degree of interaction among trio members in the short lived history of EU trio group presidencies. The common trio presidency logo and the format of the addresses of the websites of the ES-BE-HU trio partners provide a strong counter-example to the preceding trio and demonstrate a much greater commitment on behalf of these three member states to project a more coherent external profile. In addition to these symbolic elements, the current trio also developed deeper structures of cooperation, including the joint drafting process of the 18-month presidency programme involving the line ministries of the three capitals and the exchange of liaison diplomats integrated into the host country's national EU coordination structures. These innovations are clearly regarded by the three countries as valuable for making trios more coherent, and indeed an intention to 'bequeath' them to future trios is detectable. However, there are already strong indications that most of such examples of best practice may not be utilised by the next trio group.

Given the importance of political leadership in filling the trio concept with substantive meaning, it is not surprising that changes of government, or difficulties in government formation in the wake of coalition crises can have a very significant impact on a group presidency's approach and internal coherence. In the case of Belgium in the context of the current trio, the latter is partially mitigated by the country's federal constitutional structure. In the case of Hungary the change of government shortly before the country's presidency may also mean changed attitudes towards the trio partners. Given the long preparation periods for trio group presidencies it is inevitable that changing political parameters will be the norm rather than the exception. The ES-BE-HU trio at least managed to maintain a degree of cooperation at the administrative level and with regard to the public appearance of the trio group. A strong political role for the trio would imply a rather stable domestic context in each of the trio partner countries throughout the preparatory phase and the actual 18-month group presidency plus proximity in the political positions of the involved governments.

Finally, there are important lessons to be drawn from the experience of this first trio presidency since the entry into force of the Lisbon Treaty about the functioning of the EU's new institutional architecture, and in particular, the division of labour between the rotating presidency, on the one hand, and the permanent positions of the president of the European Council, the High Representative for Foreign Affairs and Security Policy and the president of the Eurogroup, on the other hand. With regard to the ES-BE-HU trio, the prime ministers of Spain and Belgium have not sought to contest the leadership role of Herman Van Rompuy. It remains to be seen how Hungary's semester in 2011 plays out in this regard. So far, much of the limelight has fallen on Mr Van Rompuy. This greater-than-expected role is partly the result of Mr Van Rompuy's skill in positioning his office, and partly the member states at the helm, Spain and then Belgium, failing to project political leadership.

This decreased visibility and consequently weakened political clout for the head of state or government of the country in the rotating chair has important consequences for the highest tier of inter-governmental decision-making in the EU. It raises the question whether there is still sufficient motivation for prime ministers/presidents to invest in making presidencies work. At the same time, there is clearly a need for this: the sectoral work driven forward in the various Council formations is dependent on a coherent presidency agenda. This is something that Mr Van Rompuy alone cannot provide in the various policy areas under the Council formations' competence. There is also a risk that squabbles between the rotating and the permanent presidents will lead to weakening the consensus-building capacity of the European Council and Council rather than its strengthening. Finally, there is a risk that smaller member states, which until the entry into force the Lisbon Treaty, could at least wait for their turn in the driving seat will now disengage with top-level decision-making and perceive the European Council as dominated by a few large member states. Such a scenario would imply a serious challenge to the principle of equality between the member states. There is at least a possibility, however, that close cooperation among three successive presidencies – the core idea behind the trio concept – could mitigate some of these risks. The

trio has the potential to smooth out the handover of dossiers and minimise the disruption with respect to substantive policy issues that is inherent in the rotating chair concept. Exposure on the European scene for 18 months, rather than six, can also make the investment of political capital for prime ministers or presidents more worthwhile. The present trio has pushed the concept of group presidencies further than that was previously the case. It remains to be seen what impact their experience will have on the institution of the rotating presidency itself.

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## The trio presidency in the European Union of the Lisbon Treaty

The case of the Spanish, Belgium and Hungarian group presidency

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## Introduction<sup>2</sup>

On January 1<sup>st</sup>, 2011 Hungary will for the first time ever take up the rotating presidency of the Council of the European Union (EU). The country is not alone in this endeavour as the Hungarian presidency is part of an 18-month group presidency. Together with Spain and Belgium Hungary is member of a so-called ‘trio’. Over the past several years the three countries’ preparations for their respective role as the country holding the EU presidency reflected the recognition that their tasks would be performed in the context of a wider group. The three member states form the third trio presidency of this kind in the history of European integration.

This paper takes a closer look at the Spanish-Belgian-Hungarian group presidency and argues that this trio is special for two reasons. First, compared with the two previous EU trio presidencies Spain, Belgium and Hungary engaged in deeper and more extensive cooperation already in the run-up to their trio presidency. In this respect, this paper considers the procedures chosen for coordination and discusses how the administrations of the three countries opted for a complex drafting process of the joint presidency programme involving the line ministries in the three capitals. Second, the trio presidency of Spain, Belgium and Hungary coincides with the entering into force and the implementation of the Lisbon Treaty. The Treaty has significant repercussions for the way the EU functions and, in particular, how its presidency system is organised. The paper therefore also outlines this new institutional context and illustrates what the immediate consequences for the first trio presidency under the new system are. It is demonstrated how the rotating presidency is now part of a multiplicity of presidency arrangements involving a mixed system of permanent and rotating chairs. Overall, these new arrangements have significantly reduced the visibility of the rotating presidency.

One of the main conclusions of this paper is that the institution of the trio group presidency is subject to a number of, at times, contradictory pressures. On the one hand, the rationale for the rotating presidency in providing effective and legitimate governance to the overall EU system of decision-making continues to be strong. A cohesive and well-designed trio presidency has the potential to counter-balance or at least mitigate a consequence of the the Lisbon Treaty, namely the fact that the role of individual member states in presiding over EU decision-making has diminished. On the other hand, the incentives for member state governments and in particular their most senior representatives – the heads of state or government and the foreign ministers – to invest political capital in the preparation of the trio and the respective presidency of their own country have been reduced substantially. How this tension between the demands placed on a country holding the rotating presidency and the decreased visibility and influence of the post internally and externally is resolved remains to be seen, and may differ from presidency to presidency. The model of the trio presidency can thus be expected to stay in an institutional limbo for some time.

The paper is structured as follows. The first section below outlines and reviews the institutional context of the trio presidency after the entering into force of the Lisbon Treaty. Section two then connects the argument advanced here with existing research on EU presidencies. The third section of the paper turns to the case of the Spanish, Belgium and Hungarian trio presidency in greater detail and delineates the key aspects of the preparatory and the implementation stages. Finally, the paper concludes with reviewing the role of the rotating EU presidency and the trio format within the framework of the Lisbon Treaty by making particular reference to the case of the current trio presidency.

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<sup>2</sup> This paper has been written in the context of joint research project by the authors on the EU’s trio presidency model. Research has benefited from a CEU research grant. The authors are grateful to Stefan Cibian and Johannes Müller for their research assistance. The paper draws on over 20 anonymous expert interviews with officials from member state governments and the EU institutions, carried out in Budapest and Brussels in 2010.

## The trio presidency model under the Lisbon Treaty

The requirement that outgoing and incoming presidencies work together is not an invention of the Lisbon Treaty. The trio format was first introduced in 2006 by the way of changing the Council's rules of procedure.<sup>3</sup> Two trios have operated prior to the entering into force of the Lisbon Treaty. Germany, Slovenia and Portugal started as the first group in 2007 and were followed by France, the Czech Republic and Sweden from the second half of 2008 onwards. Following this practice, a declaration annexed to the Lisbon Treaty formally confirmed the trio group format as the applicable standard model for running the rotating EU presidency.<sup>4</sup> However, strictly speaking neither the Lisbon Treaty nor the annexed declaration refer to the 'trio presidency' – although the term is frequently used by the member state governments making up the previous trio presidency groups. Instead the declaration refers to 'pre-established groups of three Member States'.<sup>5</sup> The declaration has been implemented through a European Council decision in connection with the entering into force of the Lisbon Treaty.<sup>6</sup> This fact is significant, because it implies that the decision can be changed by the European Council in the future – a prerogative of the European Council formally recognised by the Lisbon Treaty (Article 236, TFEU).

Currently, the operation of the trio presidency is regulated by the Council's rules of procedure which establish a list of nine successive trio groups from the first trio in 2007 to the last trio presidency by Austria, Romania and Finland ending with the first semester of 2020.<sup>7</sup> By then all 27 of the current EU member states will have participated in a trio presidency. Each trio will involve one or two members of the group of member states that joined the EU in 2004 and 2007 respectively. In addition, consideration has been given to the size and geographical location of countries in order for all trio groups to represent a diversity of member states.

Because the legal status of the current presidency arrangement is relatively easy to change, it is not yet clear whether the system will continue after the 2020 presidency by Finland. The unprecedented scope of enlargement by altogether twelve new member states in 2004 and 2007 undoubtedly informed the design of the current trio model as it put the emphasis on institutionalising partnership between old and new member states. Nevertheless, when Romania will take up its first presidency in the second half of 2019 as part of the trio group with Austria and Finland it will be able to look back at an EU membership experience of well over a decade.

Besides these considerations, which are related to one-off historical events such as the 2004 and 2007 enlargements, processes of further institutional change in the EU may well alter the context of the rotating presidency. The Lisbon Treaty itself constitutes such an instance of wider institutional change with repercussions for the presidency system.

Most importantly, the Treaty abolishes what many people in day-to-day language simply refer to as the rotating 'EU presidency', i.e. the combined presidency of the European Council and the Council exercised by the representatives of a single member state government on the basis of six-month rotation. Instead, according to the Treaty the leadership of the European Council is exercised by a so-called permanent president who is appointed for two and half years – a job which went to the former Belgian prime minister Herman Van Rompuy. It is only the Council formations (apart from the foreign affairs formation) that remain under the remit of the rotating presidency. This development was widely regarded as a victory of the large member states -- particularly France, Germany and the UK, which first championed the

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<sup>3</sup> Council Decision 2006/683/EC adopting the Council's Rules of Procedure, published in OJ L285/47.

<sup>4</sup> Declarations Annexed to the Final Act of the Intergovernmental Conference Which Adopted the Treaty of Lisbon, signed on 13 December 2007.

<sup>5</sup> Ibid.

<sup>6</sup> European Council Decision 2009/881/EU on the exercise of the Presidency of the Council, Article 1, published in OJ L315/50.

<sup>7</sup> As specified in Corrigendum to Council Decision 2009/908/EU, published in OJ L344/56.

idea of a permanent president, -- expected to have dominant influence in the selection of the president, while the smaller member states generally favoured the status quo for the same reason (Mazzucelli and Dragomaca 2009: 13).

The new situation is also reflected in the changed language of the Lisbon Treaty compared to the previously applicable Nice Treaty. Whereas in the past the Treaty referred to the ‘Presidency of the Council’<sup>8</sup> and in short simply to the ‘Presidency’<sup>9</sup> it now avoids these terms in its main parts (TEU and TFEU) altogether. More precisely, Article 16.9, TEU now refers to the ‘Presidency of Council configurations, other than that of Foreign Affairs’. The reason for this is the introduction of a permanent president of the Foreign Affairs Council. The role is reserved for the High Representative of the Union for Foreign Affairs and Security Policy. This position is currently held by Catherine Ashton. Moreover, since 2005 the informal ministerial group of the euro area countries, the Commission and the European Central Bank – the Eurogroup – is chaired by Jean-Claude Juncker, the prime minister of Luxembourg, as its permanent president. Although the Eurogroup is formally not part of the Council formations its role and the related presidency arrangement is now acknowledged by the Lisbon Treaty. As the Eurogroup *de facto* performs tasks normally attributed to Council formations and meets as often as the most senior Council formations, this arrangement also has repercussions for the role of the institution of the rotating presidency. Altogether this means that the presidency of the Council has been divided into a rotating and a permanent one, with the latter itself split among foreign affairs, economic and monetary policy as well as other matters.

The complex new institutional set-up suggests that every country holding the rotating presidency needs to face up to a situation in which three of the most senior members of its government and/or for that matter the head of state of the given country cannot assume the high-profile role of the chair. Heads of state or government no longer convene and chair the meetings of the European Council nor do they represent the European Council in the external relations of the EU. However, this does not imply that heads of state or government do not have a role to play while their country holds the rotating presidency as part of a trio group. They still chair their national cabinets and in this function exercise oversight and in some case straightforward control over the ministers who do act as president of a particular Council formation.

Moreover, the new rules of procedure of the European Council introduce the concept of ‘the member of the European Council representing the Member State holding the six-monthly Presidency of the Council.’<sup>10</sup> According to the current provisions the prime minister or head of state of the relevant member state will replace the permanent president in exceptional circumstances when the office holder cannot perform the assigned tasks due to illness or death, or the term of office is terminated through a decision by the European Council on the basis of ‘an impediment or serious misconduct’ (Article 15.5, TEU).<sup>11</sup> Admittedly, these circumstances are unlikely to arise too often in practice.

Perhaps more importantly, however, a new provision of the Treaty requires that the permanent president of the European Council prepares any regular meeting of the European Council ‘in close cooperation’ with the prime minister and/or head of state of the member state holding the rotating presidency.<sup>12</sup> In addition, the relevant head of state or government reports to their fellow members of the European Council on the work of the Council.<sup>13</sup> They also report to the European Parliament (EP) at the beginning and end of each presidency semester on the work of the Council. That the head of state or government of the country holding the rotating presidency still plays a specific role in the context of the European

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<sup>8</sup> See for example Article 4, TEU (Nice).

<sup>9</sup> See for example Article 18, TEU (Nice).

<sup>10</sup> European Council Decision 2009/882/EU adopting its Rules of Procedure, published in OJ L315/51.

<sup>11</sup> *Ibid*, Article 2.

<sup>12</sup> *Ibid*, Article 3.

<sup>13</sup> *Ibid*, Article 4.

Council is also reflected in the seating order which places him/her between the president of the European Council and the High Representative for Foreign Affairs and Security Policy.

Finally, the Lisbon Treaty reserves important procedural functions for the 'President of the Council', i.e. the head of state or government of the member state holding the rotating presidency, when it comes to convening the 'conference of representatives of the governments of the Member States' (Article 48.4, TEU). Previously referred to as the Intergovernmental Conference this forum is now responsible for formally adopting Treaty amendment proposals by any future Convention but may also adopt smaller Treaty revisions without a prior Convention process if authorised by the European Council and the EP to do so.<sup>14</sup>

In short, the Lisbon Treaty and the new rules of procedure of the European Council and the Council which have been adopted in connection with the Treaty's implementation refocus the role of the head of state or government of the country holding the rotating presidency on overseeing and reporting on the work of the Council. Thus, while the role of the head of state or government remains significant in chairing and instructing a cabinet of ministers from which several of its members perform the role of the rotating chair of one of the Council formations (except for the one for Foreign Affairs and the informal Eurogroup), on the European level the permanent president of the European Council, the High Representative and the president of the Eurogroup may each enjoy a more high profile role.

In order to fully understand the consequences of the new arrangements it is also important to recognise the changing role of the European Council and the Council over the last two decades. The old system of the rotating presidency of the European Council not only implied a visible role for the office holder but, since the entering into force of the Maastricht Treaty, the European Council has also gradually developed into the centre of gravity of the EU's political system. Heads of state or government not only drove complicated law-making processes in the Council, but also established a non-legislative coordination agenda in a range of core policy areas including the prominent sectors of economic and foreign and security policy (Puetter forthcoming). From the point of view of the country holding the rotating presidency of the Council both policy areas are of crucial importance as they often drive those aspects of the agenda of the core EU institutions which relate to unforeseen events or politically difficult situations.

The 2008 conflict between Russia and Georgia, developments in the Middle East such as the Lebanon war and, most recently, the repercussions of the global financial and economic crisis provide illustrations of the high-level diplomatic activity that was required by a country holding the rotating presidency in the past. In particular, the head of state or government, the foreign and finance ministers were drawn into these activities. In addition, the agenda of the European Council and the relevant Council formations were also heavily influenced by these events, often forcing the presidency country to postpone or scale down originally planned activities. With the permanent presidency arrangements for the European Council and the Foreign Affairs Council the Lisbon Treaty has taken this dimension away from the rotating presidency. More precisely, although the rotating presidency still remains heavily exposed to the current affairs dimension of EU policy-making in the new setting, it is deprived from the instruments which would enable it to react to unforeseen events. Not surprisingly, the new president of the European Council has sought to assert himself particularly as a leader in the field of economic governance.

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<sup>14</sup> However, the likelihood of this procedure being used frequently is rather small. The discussion on the introduction of new Treaty provisions on a permanent financial support mechanism for euro area countries in financial difficulties has shown that member state governments are more likely to make use of the new 'simplified revision procedure' (Article 48.6, TEU) for introducing smaller changes to the EU's internal policies. This procedure circumvents both the Convention and the old Intergovernmental Conference model and is based purely on a decision by the European Council followed by a process of ratification.

## Scholarly accounts of the rotating presidency

The principle of the rotating presidency has been applied in the former European Communities and later in the EU since the Treaty of Paris, although the institution has gone through successive waves of reform – most strengthening the Council presidency. One key motivation for reform has been to address the ‘discontinuity inherent in the six-monthly rotation’, with this objective going back at least to the early 1980s (Hayes-Renshaw and Wallace 1997: 134-58). Six-monthly handovers result in considerable disruption to the EU’s policy processes, a cost that has been weighed against the benefit the EU realises from a single actor providing leadership in the EU’s complex institutional forums.

In the academic literature, the discontinuity is attributed in large part to the uneven quality of *individual* presidencies, with some countries regarded effective in the chair while others go down in history as unmitigated disasters. A preoccupation of the academic literature has thus been to determine ‘what makes a good EU presidency’ (Quaglia and Moxon-Browne 2006). Structural factors identified include the size of the member states (with small member states generally seen as more community-spirited whereas large member states are expected to dominate the agenda), administrative capacity and previous experience of presidencies. However, many academic observers question the relevance of such distinctions, and instead point to more transient, non-structural factors such as the credibility and legitimacy of the government holding the presidency, its general orientation towards European integration, the previous exposure of individual political leaders to European forums as well as the general political environment in which the given presidency takes place and its relations with other key EU institutions, primarily the Commission and the EP (Quaglia and Moxon-Browne 2006; Bunse 2009). Other scholars have highlighted the increasing importance of the bureaucracy underpinning the work of each presidency at the EU-level in addition to the respective administrative structures of the member states. In this regard the General Secretariat of the Council is seen as an institutional memory and ‘a bridge between various chairs’ (Christiansen and Vanhoonacker 2008: 757).

A second debate in the literature concerns the question whether the *institution* of presidency is expected to make a positive contribution. At the core of this debate is a tension between two goals. On the one hand, presidency countries are expected to act as ‘honest broker’, mediating between member states to reach agreement for the common good, normally seen as promoting further integration and/or providing consistent and effective representation of the EU as a whole towards the outside world. On the other hand, there is clear recognition that the presidency places a given member state in a position where privileged access to information and the ability to shape the Union’s agenda creates the opportunity to pursue its national interest very effectively. Real life presidencies show evidence of both role orientations at the same time but theoretical accounts in the literature differ in where they see the emphasis fall. Rational choice accounts expect utility maximisation, while in the chair. From this perspective rotation is a crucial feature of the presidency: governments only ‘accept the exploitation of the Presidency in the present because they will get their chance in the future’ (Tallberg 2006: 11). In contrast, more sociologically oriented accounts focus on compliance with, and internalisation of, the ‘impartiality norm’ seen as core to the honest broker role of presidencies (Niemann and Mak 2010).

There is a body of literature that empirically analyses which of the competing role orientations (honest broker or national champion) was dominant for a given presidency or, in other words, whether the presidency ‘silenced’ or ‘amplified’ given member states’ pursuance of the national interest during their six months at the helm (Bengtsson et al 2004). There are, however, also accounts that dispute that there is a tension between serving the collective interest and the national interest, and indeed illustrate how skilful presidencies, conceptualised as policy entrepreneurs, create win-win situations for the majority of the member states as well as themselves (Bunse 2009).

Another debate in the literature focuses on where the presidency fits in broader conceptualisations of European integration and the EU's institutional architecture. The Council has been traditionally seen as the EU's key intergovernmental organ, normally perceived as an arena where the member states are most able to directly project their preferences. This way the Council is seen as a counterbalance to the supranational institutions, i.e. the EP, the Commission and the Court. Liberal intergovernmentalism in particular points to the Council providing crucial direction and leadership especially at times of crisis or deadlock. Functionalism and its varieties in contrast see the influence of the Council as an anomaly in an increasingly integrated Europe. As Hayes-Renshaw and Wallace (1997: 4) put it, '[t]he Council has been seen, rightly or wrongly, as the unglamorous institution and flag carrier of the old state-based politics of western Europe rather than of the new politics of European transnational integration.'

However, the role of the presidency is rarely discussed as distinct from the Council as such, although recent developments such as the creation of the permanent president's post (an office that is dominated by the member states but that is at the same time outside the control of any individual member state) raise interesting theoretical considerations. In particular, it has been suggested that the evolution of the presidency over the past fifty years is the story of 'communitarization' as successive presidencies increasingly identified themselves with EU institutional interests and thus gained a quasi-supranational character (Fernandez, 2008).

Finally, the institution of the rotating presidency has been considered in terms of the legitimacy and accountability of EU governance. Two main lines of argumentation can be distinguished and, again, they reveal the paradoxical nature of this institution. On the one hand, the rotating presidency is seen as providing legitimacy to EU decision-making through giving every member state the opportunity to preside over the decision-making process at regular intervals. As the EU's political system is based on the close cooperation of independent national administrative structures the close involvement of national elites in core EU processes is crucial for gaining first-hand experience with these processes, establishing close working relationships with colleagues in other member states and the EU institutions as well as for civil servants identifying themselves with the EU dimension of contemporary public policy-making (Van de Voorde 2002: 319).

In addition, the rotating presidency is considered as leading to greater visibility of EU politics in the domestic arena: a national government receives much greater public attention within its own country during its spell in the driving seat than the more distant EU institutions ever do. Governments holding the rotating presidency also actively pursue this greater public exposure, for instance through the now well established tradition of holding series of high level meetings, conferences, festivals and other events in the relevant member state during their six-month period in the chair.

On the other hand, the institution of the rotating presidency has been criticised for making it more difficult for European citizens to hold the Council and the European Council accountable as the individuals representing these bodies are constantly changing due to the principle of rotation. For example, Ben Crum (2009) has argued that a permanent presidency would be more accountable as citizens and parliamentarians find it easier to relate to a single person over a longer period of time. Similarly, the permanent presidency of the informal Eurogroup has been interpreted as a potential instrument for increasing the visibility and accountability of an otherwise secretive institution (Puetter 2006: 172).

Indeed, all these dynamics can be observed in relation to the current trio, the subject of the following section.

### **The Spain, Belgium and Hungary trio presidency**

As highlighted above the concept of the trio group presidency has been put to the test already twice before the current Spanish-Belgian-Hungarian (ES-BE-HU) trio. The two previous trios

operated within the framework set by the Treaty of Nice which provided for the simultaneous rotation of the presidency of the Council and the European Council. Therefore, one could have expected that the impact of the trio method was more pronounced in these cases than in the case of the current trio which operates against the background of a reduced scope of the rotating EU presidency due to the provisions of the Lisbon Treaty.

Before we turn to a more in-depth review of the current trio it is worth mentioning that Germany, Portugal and Slovenia also emphasised the special spirit of the trio presidency when they presented their 18-month programme to the public in January 2007 at the start of the German presidency.<sup>15</sup> Anecdotal evidence from civil servants and observers close to the first trio group presidency suggests that the trio process led to increased exchange between civil servants from the three countries. Working relations are generally described as having been collegial and well functioning. Before the start of the trio presidency directors and unit heads from the various line ministries of the three countries gathered for a workshop. Slovenian officials are quoted to have benefited from the experiences of and exchanges with the ‘old’ member states, Germany and Portugal, but also that they felt that Portuguese officials did not engage much with them after the end of the preparatory phase.<sup>16</sup> Similarly, accounts from German officials suggest that the interaction within the trio was asymmetric and working contacts were more pronounced between Germany and Slovenia than with Portugal.<sup>17</sup> Although a more in-depth empirical analysis of the first EU trio presidency is beyond the scope of this paper such a dynamic is noteworthy as Portugal was positioned in the middle of the trio – holding the presidency after Germany and before Slovenia. Traditionally, contacts between an incoming and outgoing presidency are considered to be extensive due to the necessity to coordinate the handover of dossiers.

The subsequent trio consisting of France, the Czech Republic and Sweden was probably the worst case scenario in the short history of trio group presidencies. There is no shortage of anecdotes from Brussels-based civil servants in the EU institutions and the permanent representations of the member states about the failings of that particular trio, including at times open hostility between French and Czech officials which, in the view of several interviewed civil servants, exceeded anything in living memory of EU decision-making. One obvious difficulty was presented by Czech president Vaclav Klaus’ well-known Euroscepticism, another the collapse of the Czech government coalition just three months before their spell in the presidency, and a third the common perception that the French government as the largest member state tried to dominate the trio. This was particularly visible with respect to president Nicolas Sarkozy’s foreign policy ambitions and management of the economic crisis, to the extent that the ‘activities of the Czech Presidency and President Sarkozy came across as uncoordinated and even adversarial’ (Mazzucelli and Dragomaca, 2009: 19). Already in January 2009, a few weeks after the Czech Republic took over, Franco-Czech relations reached a low point when president Sarkozy suggested that French car manufacturers should repatriate production from the new member states, using a plant in the Czech Republic as example (Benes and Karlas, 2010: 69).

These difficulties are also detectable in the way the three countries presented their trio to the external world. For instance, while the German presidency website devoted three explanatory paragraphs on the concept of the trio presidency and featured a few news clippings on trio activities such as the presentation of the 18-month programme and a joint declaration of the justice and home affairs ministers of the three countries, the French

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<sup>15</sup> See for example [http://www.eu2007.de/en/News/Press\\_Releases/January/0114BMIDresden1.html](http://www.eu2007.de/en/News/Press_Releases/January/0114BMIDresden1.html) [accessed on 8 November 2010].

<sup>16</sup> Intervention by Anton Bebler, the former Slovenian diplomat and Professor of Political Science at the University of Ljubljana, at the workshop ‘First time Hungarian presidency, first time in a trio’ organised by the Hungarian Europe Society and the Center for Enlargement Studies, Central European University, Budapest, 29-30 October 2010.

<sup>17</sup> Anonymous interviews conducted by the authors in 2010.

presidency kept the message as brief as possible.<sup>18</sup> The link to the key word ‘trio presidency’ in one of the main navigation bars of the French presidency website led to an almost empty page with a single line stating that on ‘this page, you will find the 18-month programme of the Council of the European Union established by the French, Czech and Swedish Presidencies.’<sup>19</sup> The weakness or even absence of internal coordination and the low profile of this group presidency is also shown in other scholarly analyses. For instance the study on the Swedish presidency in the second half of 2009 by Lee Miles (2010) does not even mention this particular trio group of which the Scandinavian country was a member.

This snapshot overview of the previous two trio group presidencies obviously does not amount to a differentiated assessment but it provides an indication of past experiences with the trio formula. In contrast with these perceptions, almost all interviewed officials involved in the current ES-BE-HU trio group highlighted the fact that they considered themselves as part of a team, were conscious of acting jointly, and aware of being perceived as group rather than a succession of individual presidencies. Officials in the EU institutions also stressed that the approach pursued by the ES-BE-HU group was distinct in several ways. In this section we therefore take a closer look at the main features of this particular trio.

It is often stated by officials from all three countries that the ES-BE-HU trio is ideally composed, with its constituent members neatly complementing one another in terms of geographical location and past experience. The trio represents Southern, Western and Central-Eastern European member states, and comprises of a founding member and two countries from successive waves of enlargement. All three countries are also normally counted among supporters of further integration, with relatively little domestic politicisation of European issues in the three capitals – even though parties in the current Hungarian government are known occasionally to engage in Eurosceptic rhetoric (Batory 2008). Less prominently but equally importantly, in all three countries ministries of foreign affairs rather than dedicated EU ministries or offices of the prime ministers are in charge of the national coordination of EU policy. The shared pro-European orientation and similar intra-governmental organisational structures may provide part of the explanation for why the ES-BE-HU governments developed a deeper, more intensive and perhaps more structured cooperation than previous trios.

This deeper cooperation is expressed in a number of innovations that characterise the current trio. Most importantly, for the first time in the history of rotating presidencies the three countries jointly developed a common programme, painstakingly prepared in the national capitals, as further discussed below. This contrasts with previous practice where the three member states making up the trio group each presented a separate six-month programme to the Council Secretariat, and left it largely to the Secretariat to ‘distil’ a more or less coherent agenda for 18 months drawing on the common points of the national programmes. At the end of September 2009, the current trio handed over a joint draft extending over the full 18-month period to the Council Secretariat.

Another innovation concerns the mutual delegation of liaison diplomats to the capitals of the other trio members. While the practice of appointing liaison diplomats existed in previous trios as well, it is for the first time that the liaison diplomats work in the ministries of foreign affairs, side by side the civil servants of the other trio member states, rather than in their own country’s diplomatic representation. This arrangement ensures that the liaison diplomats become more integrated in work processes than that was previously the case, and indeed serve as important communication channels between the three administrations.

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<sup>18</sup> For the German presidency website presentation see the above reference to the presentation of the trio programme as well this reference to the joint ministerial meeting [http://www.eu2007.de/en/News/Press\\_Releases/June/0626BMIBilanzTrio.html](http://www.eu2007.de/en/News/Press_Releases/June/0626BMIBilanzTrio.html) [accessed on 29 November 2010].

<sup>19</sup> See [http://www.eu2008.fr/PFUE/lang/en/accueil/presidence\\_du\\_conseil/pid/2538.html](http://www.eu2008.fr/PFUE/lang/en/accueil/presidence_du_conseil/pid/2538.html) [accessed on 29 November 2010].

The current trio also established a common communication and promotion strategy that tried to emphasise the coherence of the 18-months in terms of the presidency's public relations appearance. The three countries have a common logo with variations of the national colours of the country in the chair at a given time and a website ([www.eutrio.es/be/hu](http://www.eutrio.es/be/hu)). The logo was selected after a jointly administered competition run simultaneously in the three countries and features on most trio presidency documents. The Hungarian presidency also overtook the Belgian website platform model rather than developing a new one. This again constitutes an element of continuity which was not present in previous trios.

The joint programme and the other common elements had been in the making for almost a year prior to the handing over of the draft programme to the Council Secretariat, involving a complex system of inter-governmental coordination on several levels. The so-called Strategic Framework was negotiated in a centralised manner, with central coordination units in each of the capitals in the ministries in charge of national horizontal coordination, 'focal points' (chief liaison persons) on the senior civil service level and those state secretaries with chief responsibility for EU affairs in the respective ministries of foreign affairs on the political level. The content of the joint programme in the various policy areas and dossiers were prepared in a bottom-up manner, involving working groups from the relevant line ministries in direct contact with their counterparts in the other national capitals. While state secretary level meetings were frequent, about bi-monthly, during the preparation phase and have continued in the same pattern afterwards, ministers of foreign affairs and heads of governments got involved relatively late in the process, largely to formally sign off on agreement achieved on lower levels. The so-called focal points, established on head of department level, handled the bulk of the day to day coordination work with dedicated departments in the ministries in frequent contact with each other.

When developing these structures processes and practices the current trio systematically studied the experience of its predecessors. In particular, the Hungarian team studied and visited the other new member states that had been involved in presidencies, i.e. the Czech Republic and Slovenia. Arguably, this sort of exchange was less important for the Belgian and Spanish officials given that both countries have extensive presidency experiences of their own. The current trio also clearly has an ambition of marketing and passing on their innovations as 'best practice'; and indeed study visits from Poland have already been on the agenda for some time.

While on the civil service level gearing up for, and conducting, the trio's tasks proceeded relatively smoothly, on the political level the ES-BE-HU presidency has operated in a considerably more volatile environment. When Spain as the first of the trio countries took over the rotating presidency in January 2010 there was much to divert the attention of prime minister José Luis Rodríguez Zapatero from EU affairs, including persistent economic problems in his country and his party's worsening ratings in the polls. Spain was confronted with one of the highest levels of unemployment in the EU and a difficult relation with international financial markets as analysts raised increasing doubts about the sustainability and security of government debt in the wake of Greek financial difficulties. None of this made for solid foundations from which to project Spanish leadership – particularly with respect to socio-economic governance and the Europe 2020 agenda. Zapatero's task was, in any case, made considerably more difficult than the that of previous presidency countries by the fact that Herman van Rompuy took up his position as permanent president at the same time. At least initially the Spanish government seemed rather uncertain as to how to position itself in this changed institutional landscape on the EU level, which in turn seemed to further undermine Mr Zapatero's credibility both in Madrid and in other EU capitals.

Belgium's spell in the chair has been beset by different problems – namely that after the June 2010 elections coalition negotiations failed to bear fruit, and consequently it was the government of the outgoing caretaker prime minister, Yves Leterme, who took over the rotating presidency on July 1, 2010. The void that the absence of a fully functioning national government would otherwise have created was however made less visible by two factors. One

the one hand, coordination problems with the new permanent president of the European Council were made less acute by the fact that Herman Van Rompuy is a former Belgian prime minister himself who is well connected with the Belgian administration. On the other hand, Belgium's specific federal model means that the Flemish and Walloon regional governments are constitutionally endowed with foreign policy competencies. This e.g. implies that a specific Council formation such as the one dealing with environmental affairs is chaired by the relevant ministers of Flanders and Wallonia taking turns. Nonetheless, the fact that governments in EU capitals found no counterpart other than a caretaker government considerably weakened the Belgian presidency's political clout. This vacuum may have been strategically filled in some areas by Mr Van Rompuy. At least some accounts suggest that there is a perception in a number of capitals that the permanent president of the European Council took over tasks that otherwise would have been dealt with by the rotating presidency (see e.g. Willis 2010).

Hungary for its part also experienced considerable political changes on the domestic level shortly before the country's turn at the helm. The spring 2010 elections replaced the Socialist Party with prime minister Viktor Orbán's Fidesz party and a small coalition partner. A certain degree of disruption is inevitable when a member state changes government so close to its spell in the presidency. In the Hungarian case however the change in government was accompanied by a large scale restructuring of the organisation of line ministries and central government agencies. The personnel changes included the replacement of the state secretary with prime responsibility for EU affairs in the ministry of foreign affairs as well as of the head of Hungary's Permanent Representation in Brussels less than half a year prior to the country's turn in the chair. Moreover, the position of secretary of state for EU affairs, the top specialised EU policy post in Budapest, was officially filled only at the beginning of September.

## **Conclusions**

The case of the ES-BE-HU trio group presidency is instructive for several reasons. Perhaps most importantly, it highlights the role of political leadership in the preparation of a trio presidency. The formal framework of the rotating Council presidency is rather ill-defined at the level of Treaty provisions. What is clear since the entering into force of the Lisbon Treaty, however, is what the limits of the formerly so important institution of the rotating presidency of the Council are. The position of a permanent president of the European Council as well as the role of the High Representative as chair of the Foreign Affairs Council clearly impact on the role of the rotating Council presidency. The current arrangements for the rotating Council presidency have their legal basis in the operational procedures of the Council and the guidelines defined by the European Council. They therefore may well be adjusted or changed more fundamentally in the future. However, for the moment, even at the level of these implementing provisions the concept of the trio group presidency is not clearly specified. Individual countries are not forced to go beyond the minimum requirement of any group presidency – the presentation of an 18-month programme – and can freely choose what, if anything, should form part of their common activities. This absence of a more clearly defined legal framework provides the context in which political leadership and practice determine the relevance or irrelevance of the trio as a functional arrangement and governance mechanism.

The scenario where the political will is almost completely lacking to make the trio presidency idea a success is perhaps best illustrated by the French-Czech-Swedish trio. In this case the absence of any political inclination, or indeed willingness to cooperate on behalf of the dominant member of the group left a mark on the whole team presidency period. Indeed, in retrospect it is difficult to see this period as anything but three successive six-month presidencies. The symbolism of the above quoted setup of the French 2008 presidency website could not have been more pronounced in this regard: the trio formula was quite literally emptied of meaning.

In contrast, the ES-BE-HU group presidency can be characterised as the one with so far the highest degree of interaction among trio members in the short lived history of EU trio group presidencies. The common trio presidency logo and the format of the addresses of the websites of the ES-BE-HU trio partners provide a strong counter-example to the preceding trio and demonstrate a much greater commitment on behalf of these three member states to project a more coherent external profile. In addition to these symbolic elements, the current trio also developed deeper structures of cooperation, including the joint drafting process of the 18-month presidency programme involving the line ministries of the three capitals and the exchange of liaison diplomats integrated into the host country's national EU coordination structures. These innovations are clearly regarded by the three countries as valuable for making trios more coherent, and indeed an intention to 'bequeath' them to future trios is detectable. However, there are already strong indications that most of such examples of best practice may not be utilised by the next trio group.

Given the importance of political leadership in filling the trio concept with substantive meaning, it is not surprising that changes of government, or difficulties in government formation in the wake of coalition crises can have a very significant impact on a group presidency's approach and internal coherence. In the case of Belgium in the context of the current trio, the latter is partially mitigated by the country's federal constitutional structure. In the case of Hungary the change of government shortly before the country's presidency may also mean changed attitudes towards the trio partners. Given the long preparation periods for trio group presidencies it is inevitable that changing political parameters will be the norm rather than the exception. The ES-BE-HU trio at least managed to maintain a degree of cooperation at the administrative level and with regard to the public appearance of the trio group. A strong political role for the trio would imply a rather stable domestic context in each of the trio partner countries throughout the preparatory phase and the actual 18-month group presidency plus proximity in the political positions of the involved governments.

Finally, there are important lessons to be drawn from the experience of this first trio presidency since the entry into force of the Lisbon Treaty about the functioning of the EU's new institutional architecture, and in particular, the division of labour between the rotating presidency, on the one hand, and the permanent positions of the president of the European Council, the High Representative for Foreign Affairs and Security Policy and the president of the Eurogroup, on the other hand. With regard to the ES-BE-HU trio, the prime ministers of Spain and Belgium have not sought to contest the leadership role of Herman Van Rompuy. It remains to be seen how Hungary's semester in 2011 plays out in this regard. So far, much of the limelight has fallen on Mr Van Rompuy. This greater-than-expected role is partly the result of Mr Van Rompuy's skill in positioning his office, and partly the member states at the helm, Spain and then Belgium, failing to project political leadership.

This decreased visibility and consequently weakened political clout for the head of state or government of the country in the rotating chair has important consequences for the highest tier of inter-governmental decision-making in the EU. It raises the question whether there is still sufficient motivation for prime ministers/presidents to invest in making presidencies work. At the same time, there is clearly a need for this: the sectoral work driven forward in the various Council formations is dependent on a coherent presidency agenda. This is something that Mr Van Rompuy alone cannot provide in the various policy areas under the Council formations' competence. There is also a risk that squabbles between the rotating and the permanent presidents will lead to weakening the consensus-building capacity of the European Council and Council rather than its strengthening. Finally, there is a risk that smaller member states, which until the entry into force the Lisbon Treaty, could at least wait for their turn in the driving seat will now disengage with top-level decision-making and perceive the European Council as dominated by a few large member states. Such a scenario would imply a serious challenge to the principle of equality between the member states. There is at least a possibility, however, that close cooperation among three successive presidencies – the core idea behind the trio concept – could mitigate some of these risks. The

trio has the potential to smooth out the handover of dossiers and minimise the disruption with respect to substantive policy issues that is inherent in the rotating chair concept. Exposure on the European scene for 18 months, rather than six, can also make the investment of political capital for prime ministers or presidents more worthwhile. The present trio has pushed the concept of group presidencies further than that was previously the case. It remains to be seen what impact their experience will have on the institution of the rotating presidency itself.

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