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Presidency of the council of the European Union

'The extent of the Council presidency's political influence is the subject of disagreement among both practitioners and researchers. While some describe the presidency as responsibility without power, others suggest that it provides incumbent states with an opportunity to achieve decision outcomes close to their preferences'

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Introduction

This paper sets out the institutional position of the Presidency of the Council of the European Union and identifies some of the arguments that have been made for and against its ability to influence decisions. It also contains specific comment on Ireland's previous presidencies.

The Presidency

The presidency of the Council of the European Union, also known as the presidency of the European Union (EU), is taken in turn by each of the 27 countries of the European Union, according to a rotation system for a predetermined period of six months. The order of rotation is determined unanimously by the Council of the EU, based on the principle of alternating between "major" and "minor" member states. The presidency change takes place on January 1st and July 1st each year.¹

Institutional position and role of Presidency

EU decisions are most frequently made by a co-decision procedure (the 'ordinary legislative procedure') with the Council forming one of the two legislative bodies; the European Parliament being the other. At each Council meeting, each country sends their minister for the policy field that is being discussed. The minister for the country currently holding the presidency chairs these meetings.

The EU's Decision making process

The EU's [decision making process](#) in general and the [co-decision procedure](#) in particular involve three main institutions:

- the [European Parliament](#), which represents the EU's citizens and is directly elected by them;
- the [Council of the European Union](#), which represents the individual member states;
- The [European Commission](#), which seeks to uphold the interests of the Union as a whole.

This 'institutional triangle' produces the policies and laws that apply throughout the EU. In principle, it is the Commission that proposes new laws, but it is the Parliament and Council that adopt them. The Commission and the member states then implement them, and the Commission ensures that the laws are properly taken on board.

Source: EUROPA: EU Institutions and Other Bodies [Online] Available at: http://europa.eu/about-eu/institutions-bodies/index_en.htm

¹ Source: EUROPA: Council of the European Union [Online] Available at: http://europa.eu/about-eu/institutions-bodies/council-eu/index_en.htm

Council of the European Union

Also informally known as the EU Council, this is where national ministers from each EU country meet to adopt laws and coordinate policies.

Not to be confused with:

[European Council](#) – another EU institution, where EU leaders meet around 4 times a year to discuss the EU's political priorities

[Council of Europe](#) – not an EU body at all.

What does the Council do?

1. Passes EU laws.
2. Coordinates the broad economic policies of EU member countries.
3. Signs agreements between the EU and other countries.
4. Approves the annual EU budget
5. Develops the EU's foreign and defense policies.
6. Coordinates cooperation between courts and police forces of member countries.

The Presidency and the Meetings

Who are the members of the Council?

There are no fixed members as such. At each Council meeting, each country sends the minister for the policy field that is being discussed – e.g. the environment minister for the meeting dealing with environmental matters. That meeting will then be known as the "Environment Council".

Who chairs the meetings?

- The foreign ministers' Council has a permanent chairperson – the EU's [High Representative for foreign and security policy](#). All other Council meetings are chaired by the relevant minister of the country holding the rotating EU presidency. For example, any environment Council meeting in the period when Estonia holds the presidency will be chaired by the Estonian environment minister.
- The Council of the European Union meets to discuss specific subjects; each member state is represented by a minister. Now, its rotating presidency decides the political agenda and chairs the discussions between the various ministers such as the minister of finance, the minister of the interior, etc.

Source: EUROPA: Council of Europe [Online] Available at: http://europa.eu/about-eu/institutions-bodies/council-eu/index_en.htm

Political Influence of Presidency

The extent of the Council presidency's political influence is a subject of disagreement amongst researchers with there being arguments both for and against the president holding increased political influence.

Arguments for the increased political power of the President:

1. Due to its central role, the Presidency has the ability to acquire private information about concessions other member states are willing to make.²
2. The President has the privilege of making proposals, giving the presidency a first mover advantage.³
3. The President has control over the council agenda meaning it has the power to set the agenda, structure the agenda, and exclude items from the agenda.⁴ For example if the commission adopt a proposal that is similar to that of a presidential preference it is more likely to pass. This is due to the increased likelihood that the president will place the item on the agenda and dedicate resources to ensure it is passed.⁵
4. Qualified Majority Voting (QMV) has vastly increased the ability of the council to act compared with unanimity voting. The chance of a winning coalition being formed under the guidance of the president is much more likely and states who disagree cannot veto but must make concessions.⁶ Formal votes are rarely carried out in council but the possibility of one encourages collective discipline by the member states.⁷
5. The state holding the presidency at the final stage of negotiation of a piece of legislation, the adoption stage, can be seen to exert the most influence over a policy.⁸

² Andreas Warntjen 'The Council Presidency: Power Broker or Burden? An Empirical Analysis', *European Union Politics* (2008) 9: 315-338; Jonas Talberg 'The Power of the Presidency: Brokerage, Efficiency and Distribution in EU Negotiations', *Journal of Common Market Studies* (2004) 42: 999-1022; Robert Thomson 'The Council Presidency in the European Union: Responsibility with Power', *Journal of Common Market Studies* (2008) 46: 593-617

³ Andreas Warntjen 'The Council Presidency: Power Broker or Burden? An Empirical Analysis', *European Union Politics* (2008) 9: 315-338

⁴ Jonas Talberg 'The Agenda-Shaping Powers of the EU Council Presidency', *Journal of European Public Policy* (2003)

⁵ Ibid.

⁶ Robert Thomson 'The Council Presidency in the European Union: Responsibility with Power', *Journal of Common Market Studies* (2008) 46: 593-617

⁷ Fiona Hayes-Renshaw and Helen Wallace 'Executive power in the European Union: the functions and Limits of the Council of Ministers', *Journal of European Public Policy* (1995) 2: 559-582

⁸ Andreas Warntjen 'The Council Presidency: Power Broker or Burden? An Empirical Analysis', *European Union Politics* (2008) 9:315-338; Jelmer Schalk et al. 'The Power of the presidency in EU Council Decision-making', *European Union Politics* (2007) 8: 229-250

Arguments **against** the increased political power of the President:

1. The need to obtain a qualified majority or in some cases a unanimous decision can diminish the impact of proposal power as a state still requires substantial consensus amongst other states.⁹
2. There are often pressing events that require the immediate attention of the presidency, forcing it to abandon its presidential goals.¹⁰ For example the Foot and Mouth crisis in 2001.
3. The advantage of having information on points where other members are willing to concede diminishes over time as through on-going discussion all member states become aware of each other's respective positions.¹¹
4. As the presidency only lasts six months there is not a long time period for a president to pursue its national interest. This problem is added to by the president inheriting the policies set out by the previous president.¹²
5. If the presidency is held at the introduction of a proposal, at the pre-adoption or immediate stage, it is less able to exert influence over a piece of legislation compared to if it holds the presidency at the final stage.¹³
6. Often presidencies are judged on their ability to be productive and the European media see it is an important test of national administrative and political competence.¹⁴ The presidential state may have to compromise its own position in order for a deal to be agreed.¹⁵ As a senior Brussels figure observed of the French presidency "The French Presidency is a graveyard of French national positions".¹⁶

⁹ Jonas Talberg 'The Power of the Presidency: Brokerage, Efficiency and Distribution in EU Negotiations', *Journal of Common Market Studies* (2004) 42: 999-1022

¹⁰ Fiona Hayes-Renshaw and Helen Wallace *The Council of Ministers* (1997) (Basingstoke: Macmillan)

¹¹ Jonas Talberg 'The Agenda-Shaping Powers of the EU Council Presidency', *Journal of European Public Policy* (2003) p.p. 315-338

¹² Ibid.

¹³ Andreas Warntjen 'The Council Presidency: Power Broker or Burden? An Empirical Analysis', *European Union Politics* (2008) 9:315-338; Jelmer Schalk et al. 'The Power of the presidency in EU Council Decision-making', *European Union Politics* (2007) 8: 229-250

¹⁴ David Metcalfe, 'Leadership in European Union Negotiations: The Presidency of the Council', *International Negotiation* (1998) 3: 413-434

¹⁵ Desmond Dinan, *Ever Closer Union-An Introduction to European Integration* (1999) (London: Macmillan) 245-46

¹⁶ Pierre Sellal 'La Présidence de l'après-Maastricht: l'expérience française'. Presentation to the Dutch Ministry of Foreign Affairs at the Dutch Presidency 1997 Conference organized by the European Institute of public administration at The Hague and Noorwijkerhout, 9-13 September 1996. Cited in D. Metcalfe 'Leadership...' (1997).

Ireland's Past Presidencies

Ireland is credited with running successful presidencies based on legitimacy. In its first presidency in 1996 this was based on its choice to consult widely, listen patiently to the views of other member states, and keep all members informed of developments. This ensured legitimacy of the presidential decisions and the smooth operation of the council machine.¹⁷

The positive reaction Ireland achieved in its term as EU president in 1996 meant that when it again had control of the presidency in 2004 it was able to build upon this solid foundation of goodwill. The Irish presidency was perceived as having a strong knowledge of EU affairs and was strengthened by the political credibility enjoyed by the national political leadership at the time. The 2004 presidency performance was deemed both consistent and stable.¹⁸

Ireland's presidential strength has been viewed as resting on its ability to act as an impartial mediator, sensitive to the interests of other member states, whose negotiations were based upon seeking a consensus.¹⁹

¹⁷ David Metcalfe, 'Leadership in European Union Negotiations: The Presidency of the Council', *International Negotiation* (1998) 3: 413-434

¹⁸ Lucia Quaglia and Edward Moxon-Browne 'What Makes a Good EU Presidency? Italy and Ireland Compared', *Journal of Market Studies*(2006) 44: 349-368

¹⁹ Ibid