The European Council and the presidency

Publication details
Klaus Brummer
Published online on: 17 Dec 2010

How to cite: Klaus Brummer. 17 Dec 2010, The European Council and the presidency from: The European Union and global governance, A handbook Routledge
Accessed on: 13 Dec 2023

PLEASE SCROLL DOWN FOR DOCUMENT

Full terms and conditions of use: https://www.routledgehandbooks.com/legal-notices/terms

This Document PDF may be used for research, teaching and private study purposes. Any substantial or systematic reproductions, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The publisher shall not be liable for an loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.
The European Council and the presidency

Klaus Brummer

Introduction

This chapter focuses on two ‘power centres’ of the European Union (EU): the European Council and the presidency. The European Council brings together the heads of state or government of the member states and the President of the Commission. The former are assisted by their foreign ministers, the latter by an additional Member of the Commission. Since its creation in the mid-1970s, the European Council has played a—if not the—crucial role in the development of the European integration process. This relates to both the development of the EU’s political system (e.g., enlargement, treaty reform) and the shaping of policies in specific issue areas (e.g., monetary union, foreign and security policy). Given the crucial importance of the European Council, ascriptions of superlatives are easy to come by. For instance, the European Council is being referred to as ‘the supreme political body in the European Union’ (Tallberg 2008: 685), ‘a locus of power second to none in the European Union’s … institutional system’ (Hayes-Renshaw and Wallace 2006: 165), or ‘the source of all the major decisions taken over the past quarter of a century’ (Delors 2002).

The European Council is chaired by the head of state or government of the member state that holds the presidency of the Council. As a result, a single presidency by one member state spans from the working level of the Council to the European Council. Since the presidency of the Council rotates between the member states in six-month intervals, the European Council sees a different chair every half year. Highlighting the close link between the European Council and the presidency, Hayes-Renshaw and Wallace (2006: 178) not only argue that the European Council meetings are ‘the president’s show’ but also that the success or failure of a European Council is ‘one of the most important criteria by which presidencies are now judged’. Similar to the European Council, the presidency is also considered as a powerful institution in the EU’s political system. For instance, Elgström (2003b: 2) sees the presidency as another key institution ‘at the apex of the EU political process’, and Hayes-Renshaw and Wallace (2006: 133) argue that the presidency is ‘a vital part of the EU’s institutional structure’.

Given their crucial importance, there is a surprising lack of literature on the European Council and the presidency. With a view on the European Council, Jacques Delors (2002) once mused that ‘it is almost as if, at the dizzy heights where these “summits” take place, the lack of
oxygen discourages enthusiasm for investigation’. Still, some researchers and mostly former practitioners ventured to approach the summit meetings and the institution in general (e.g. Bulmer and Wessels 1987; de Schoutheete and Wallace 2002; Grant 2002; Hayes-Renshaw and Wallace 2006: chapter 6; Johnston 1994; Ludlow 2002, 2004; Werts 1992; Westlake and Galloway 2004: chapter 9). Whereas most of the aforementioned work is largely descriptive or policy-oriented, a couple of more recent journal articles on the European Council are decidedly theory-driven (Tallberg 2008; Tallberg and Johansson 2008). In comparison with the work on the European Council, research on the presidency has been more extensive. None the less, Schout (2008: 269) contends that the presidency ‘is probably one [of] the least-researched elements in EU decision-making’. The literature centres around two major themes: on the one hand the presidency’s functions and power resources (e.g. de Bassompierre 1988; Dewost 1984; Hayes-Renshaw and Wallace 2006: chapter 5; Kirchner 1992; Metcalfe 1998; Schalk et al. 2007; Schout 1998, 2008; Tallberg 2003, 2004, 2006; Thomson 2008; Wallace and Edwards 1976; Warntjen 2007; Wessels 2008: 155–90; Westlake and Galloway 2004: chapter 18), and on the other hand the descriptions or evaluations of particular presidencies, either of individual states or in comparative perspective (e.g. Elgström 2003a; Ferreira-Pereira 2008; Göler and Jopp 2007; Kietz and Perthes 2007; Ludlow 1993, 1998; Maurer 2008; O Nuallain 1985; Quaglia and Moxon-Browne 2006; Schout and Vanhoonacker 2006; Stark 2008; Wurzel 2000, 2004).

This chapter discusses major themes surrounding the European Council and the presidency. The chapter is organized as follows. The first section focuses on the European Council. It shows why the European Council could be seen as a ‘semi-formal’ institution and discusses the impact of different sources of power for bargaining processes in the European Council. The second part turns to the presidency. It discusses the role(s) and functions of the presidency, gives explanations for differences in role interpretation on the part of the member states, and highlights changes that the Treaty of Lisbon (ToL) would introduce for the presidency, above all concerning the European Council. The chapter concludes with insights that could be drawn from the discussion on the European Council and the presidency for global governance.

The European Council

This section presents the European Council as a ‘semi-formal’ institution and elaborates on the question of member states’ power during bargaining processes in the European Council.

A ‘semi-formal’ institution

Despite its crucial role within the institutional architecture of the EU, the legal basis of the European Council in the treaties is patently vague. De Schoutheete (2006: 48–54) distinguishes six functions of the European Council (for an alternative list see, for instance, Ludlow 2002: 5–15). It provides strategic guidelines, is involved in decision-making, manages the open method of co-ordination, has a major foreign policy role, is crucial for amending the treaties and, since the adoption of the ToL, can decide on simplified treaty revisions. Comparing this list with the provisions on the European Council in the EU’s primary law, the conclusion must be that the treaties are not even close to describing the European Council’s actual role and functions. Hence, the European Council could be labelled a ‘semi-formal’ institution.

The Treaty of Paris, which established the European Coal and Steel Community (ECSC), and the Treaty of Rome, which established the European Economic Community (EEC) and Euratom, did not foresee an institutionalized role for the heads of state or government. However, with the integration process slowly but steadily growing in importance, the latter wanted to get
involved in the process. As a result, there have been occasional summit meetings since the early 1960s (Werts 1992: 1–76). Yet, it was the informal Paris summit of December 1974 that established the European Council. The institutionalization of regular high-level meetings was driven by the French President, Valéry Giscard d’Estaing, and the German Chancellor, Helmut Schmidt. Both were former finance ministers who wanted to remain actively involved in the development of the integration process. The purpose that underlay the creation of the European Council was two-fold. By assembling the most senior politicians of the member states and the Commission, the European Council was supposed to provide long-term direction and political impulses on the one hand, and ensure overall co-ordination as well as consistency in the European Council’s internal and external actions on the other (de Schoutheete 2006: 40).

There were no thematic limits to the European Council, since it was not only supposed to deal with intra-organizational matters relating to the European Community (EC) and European Political Cooperation (EPC), but also to issues beyond the EC/EPC framework—above all questions regarding the national economy and security policy (Bulmer and Wessels 1987: 47).

From its establishment in 1975—when the first regular European Council meeting was held in Dublin—to the entering into force of the Single European Act (SEA) in 1987, the European Council had no legal basis in the treaties. According to de Schoutheete and Wallace (2002: 6), Belgium, the Netherlands and Luxembourg promoted this omission in order ‘to save the Community institutional framework from being dominated by this new “intergovernmental” meeting place’. The SEA marks a change in this respect, since it introduced the composition of the European Council into the treaties. For the first time, the European Council received legal recognition. Yet the SEA steered clear from defining the European Council’s functions and powers. The rationale was to allow the European Council ‘to evolve … with a minimum of codification in order to preserve its unique nature and distinctive contribution to the process of European integration’ (Hayes-Renshaw and Wallace 2006: 165).

The Treaty of Maastricht, which entered into force in 1993, undertook a first, albeit insufficient, step towards defining the European Council’s functions. The Treaty of Amsterdam (1999) brought further specifications concerning the tasks and functions of the European Council in certain policy areas (e.g. foreign policy, employment policy). In 2002 the Seville European Council agreed on procedural reforms to the European Council outside the framework of the treaties but did not tackle the institution’s roles or functions (Council of the European Union 2002a: 19–21). Today, Article 4 of the Treaty on European Union (TEU) reads: ‘The European Council shall provide the Union with the necessary impetus for its development and define the general political guidelines thereof’. Moreover, both the TEU and the Treaty establishing the European Community (TEC) contain provisions for the European Council’s role in specific policy areas, for instance with respect to the Common Foreign and Security Policy (Art. 13 TEU), economic policy (Art. 99(2) TEC), and employment policy (Art. 128(1–2) TEC).

In short, despite having grown in substance over time, the treaties are still not close to depicting the European Council’s actual role and functions. De Schoutheete and Wallace (2002: 7) rightly argue that ‘[t]he treaty texts … do not adequately cover the effective powers of the European Council and the role it has played over the years in the European integration process’. If it were to enter into force, the ToL would also not introduce major changes in this respect. The Treaty would, among other things, change the legal status of the European Council and establish a President of the institution (see section 2.3). Concerning the institution’s functions, the Treaty emphasizes that the European Council is not only responsible for defining overall guidelines but also for establishing specific priorities (Art. 15(1) ToL). It is also explicit about what the European Council should not do—that is, exercise legislative functions. However, given the institution’s actual functions, the EU’s primary law would still trail political reality.
Power in the European Council

A ‘basic ethos of consensuality’ (Westlake and Galloway 2004: 187) prevails in the European Council. With only some exceptions, decisions are taken unanimously or by consensus (see the overview in de Schoutheete 2006: 54). Hence, from a strictly legalistic or formal perspective, this means that all member states enjoy an equal amount of bargaining power. However, from a political vantage point, putting the bargaining power of France, Germany and the United Kingdom on par with that of, say, Malta, Luxembourg or Cyprus seems counterintuitive to say the least. The question, then, is: What determines the bargaining power of member states in the European Council?

Tallberg (2008: 687) defines bargaining power ‘as the capacity of the national executive to achieve a distributional outcome that as closely as possible reflects the preferences of the member state he or she represents’. He categorizes bargaining power in the European Council into three dimensions: state sources of power, including aggregate structural power of the member states (e.g. size of territory and population, economic prowess, military strength) and issue-specific power of a country in a particular policy area; institutional sources of power, in the form of the power of the veto as well as the power that emanates from the presidency of the European Council; and individual sources of power, such as the personal authority of the member states’ representatives in the European Council or their expertise with respect to both contents and procedures. Tallberg concludes that differences among member states in terms of structural power (as an element of state sources of power) are crucial for explaining the influence of member states in the shaping of bargaining outcomes. Yet, rather than member states actively making use of it in the bargaining processes, structural power makes itself felt indirectly, in that structurally powerful states have more alternatives, more resources to commit to a dossier, and more legitimacy to back their claims (Tallberg 2008: 690). As a result of the major impact of structural power sources, the ‘Big Three’ (see Brummer 2006), that is France, Germany and the United Kingdom, have to be considered as the most influential actors in negotiation processes within the European Council. This is not to say that other sources of power have no impact. It is only that they ‘tend to be of secondary importance and mainly mediate the impact of structural power asymmetry’ (Tallberg 2008: 703).

Another factor that could shape negotiation processes and bargaining outcomes in the European Council is party politics. Three factors that might be conducive in this respect are the high salience of an issue on the left-right dimension, the dominance of a transnational party in the European Council, and the transnational party’s cohesion and capacity for mobilization (Tallberg and Johansson 2008). However, those factors hardly ever manifest due to three reasons: the majority of issues handled in the European Council cross-cut the left-right divide, transnational parties mostly fail to mobilize the European Council’s members along their lines (not least because of ideological differences within them), and coalitions among the European Council’s participants are more often than not formed along issue-specific interests, not party allegiances. As a result, although it is not impossible, party politics is the exception in the European Council, which sets it apart from the EU’s other key institutions (Tallberg and Johansson 2008: 1223).

The presidency

This section starts with a discussion of the role, or roles, of the presidency, turns to explanations as to why countries interpret those roles differently, and concludes with a brief look at major changes that the ToL would bring for the presidency, particularly with respect to the presidency of the European Council.
The European Council and the presidency

The roles and functions of the presidency

Hayes-Renshaw and Wallace (2006: 140–54) identify six functions of the presidency. In their view, the presidency manages the internal business of the Council and the European Council; advances the EU’s foreign policy; promotes initiatives, for instance in presidency programmes; acts as a package broker (see Elgström 2003c) to resolve controversies between member states and reach agreements; liaises with other EU institutions, above all the European Parliament (EP) and the Commission; and serves as a collective representative or spokesperson for the EU on the international stage (see Bengtsson 2003). The literature on the presidency by and large confirms this broad spectrum of the institution’s tasks and functions (for a slightly alternative list, see for instance Elgström 2003b: 4–7). There is controversy, however, as to whether countries that hold the presidency derive additional leverage from this privileged position and, if they do, whether they use it to promote not only collective European interests but also—and maybe even primarily—national interests. On the one hand, the presidency is seen as a ‘responsibility without power’ (Dewost 1984), or at least with heavily constrained power, to shape the substance of dossiers as well as decision-outcomes in line with the occupants’ national interests (also Hayes-Renshaw and Wallace 2006; Metcalfe 1998; Wallace and Edwards 1976). The opposite view holds that the presidency is a ‘responsibility with power’ (Thomson 2008) to shape contents and outcomes for the benefit of the Community and also of the occupant (also Schalk et al. 2007; Tallberg 2003, 2004, 2006).

Advocates of the ‘responsibility without power’ view refer to structural and normative constraints on a country’s ability to advance national interests during its presidency. Structural constraints include the limited formal powers that were conferred to the presidency (other than procedural ones), the short time frame of six months at the helm of the EU, a preoccupation with administrative tasks, the inheritance of dossiers from previous presidencies, and a lack of expertise or skills to assume leadership, particularly in small states (e.g. Elgström 2003b: 2). Presidencies also have to react to internal (e.g. ratification failures of EU treaties) or external (e.g. outbreak of conflicts or wars) events beyond their control, which diverts time, attention and personnel from their original purposes. As a result, ‘[m]any presidencies have come into office with conscientiously well-prepared agendas, only to find that six months disappear in a haze of meetings on quite unexpected topics’ (Hayes-Renshaw and Wallace 2006: 149). In addition, a neutrality norm works against a country’s forceful advocacy of its national interests during its presidency, since this would be perceived as inappropriate behaviour. In this sense, the ‘Presidency Handbook’ of the Council Secretariat (2006: 14) stipulates that ‘[t]he presidency must, by definition, be neutral and impartial. It is the moderator for discussions and cannot therefore favour either its own preferences or those of a particular Member State’.

Conversely, advocates of the ‘responsibility with power’ concept refer to several formal and informal power resources at the disposal of the presidency that could be utilized to pursue national interests (Tallberg 2008: 696–98; Tallberg 2006: 29–39). Those resources include the legitimacy of the office, trust acquired in previous negotiations, and the Chairman’s capacity of persuasion. The two most important power resources, however, are a privileged access to information and procedural control. Information advantages spring from two sources: bilateral contacts with other member states (both before summit meetings via capital tours and during the meetings via so-called confessionals), and the provision of information to the presidency by the Council Secretariat, particularly on technical aspects of the negotiation process. Procedural control, in turn, derives from the presidency’s ability to decide on the sequence and frequency of negotiations, open and close meetings, and shape the agenda. The latter comprises agenda-setting, that is, the introduction of new issues on the agenda; agenda-structuring, that is, the emphasizing or de-emphasizing of issues that are already on the agenda; and/or agenda-exclusion,
that is, the barring of issues from the agenda (Tallberg 2003). By employing those resources, a presidency could draft proposals that might find agreement among the member states, thereby providing collective gains, while at the same time realizing as much of the country’s national interests as possible. The rational institutionalist explanation that Tallberg (2003: 13–16; Tallberg 2006: 43–81) gives as to why all member states accept such a privileged position of the presidency is two-fold. On the one hand, the EU’s political system necessitates the concentration of agenda-shaping power to overcome collective-action problems (e.g. negotiation failure), and on the other hand, the rotating presidency distributes the privileges of the presidency equally among the member states (yet causes a continuity problem at the same time).

The integrative position, which perceives the presidency as a powerful institution whose occupant is capable of advancing both Community and domestic interests, seems to have become the dominant perspective of the institution. For instance, Fernández (2008) argues that the presidency encompasses both a ‘communitarian’ role, that is, the occupant of the presidency is at the service of the EU, and an ‘intergovernmental’ role, that is, the occupant uses the presidency to advance also national interests. In a similar vein, Sherrington (2002: 35) refers to the broker role of the presidency as well as to the promotion of national interests by the country holding the presidency. Also, Elgström and Tallberg (2003: 202–3) point to the presidency as containing two roles simultaneously, namely a bargaining role, that is, the pursuit of national interests, and a broker role, that is, the advocacy of community interests. Finally, Schout (1998) compares the presidency with a juggler who plays with three balls (neutrality, political leadership, national interests) at the same time, and Schout and Vanhoonacker (2006: 1053–56) identify four roles (organizer, broker, political leader, representative of national positions) which are interrelated and could be held at the same time.

Interpreting the roles of the presidency

Although the roles, as well as technical or functional requirements attached to the presidency, are similar for each country at the helm of the EU, presidencies are far from being identical in the sense that each country interprets its roles identically. The question, thus, is how countries come to have different interpretations of the presidency. Elgström (2003b: 8–14) offers three potential explanations to account for variations in presidency behaviour: a country-characteristic approach, a rationalist approach and a sociological approach. The first explanation focuses on differences between countries as explanations for variation in presidency behaviour, for instance with respect to material capabilities, geography, attitudes towards the integration process, or the degree of experience in European affairs. The other two explanations draw on the work of James March and Johan P. Olsen. Based on their logic of consequences, the rationalist approach sees the presidency ‘as a strategic actor, seeking to satisfy exogenously given national preferences within the confines of its formally designated institutional role’ (Elgström 2003b: 10). Conversely, building on March and Olsen’s logic of appropriateness, the sociological approach sees the presidency ‘as an identity-driven actor, who tries to determine what is the appropriate response to a given situation’ (Elgström 2003b: 10–11). In short, whereas the rationalist approach sees countries as driven by interests, the sociological approach focuses on identities.

Building on a number of case studies, Elgström and Tallberg (2003) conclude that country characteristics must be seen as background variables that impact the interests and/or identities of states. The other two approaches—the rational approach and the sociological one—are considered as having more leeway in explaining variations in role interpretation. Concerning the rationalist approach, three factors were identified as being crucial: differences in preferences and priorities, constraining or enabling effects that derive from the domestic political contexts, and
formal (e.g. decision rules) as well as informal (e.g. norms) constraints on the European level. Concerning the sociological approach, differences in priorities and expectations (e.g. national self-images, external expectations) that are ascribed to the presidency are identified as crucial for explaining variation. However, instead of weighing one against the other, Elgström and Tallberg (2003: 203) argue that the two approaches mostly complement each other, since ‘the sociological approach underlines antecedent factors which shape what rationalists later conceptualize as exogenously derived interests’.

Thus far, this section has discussed the role of the presidency primarily in relation to the chairmanship in the European Council. Before turning to the changes that the ToL would introduce in this respect, some remarks are in order concerning different challenges concerning the presidency in the European Council on the one hand and the Council on the other. The following takes a brief look at differences between the institutions concerning tasks and voting rules. Whereas the Council is the major actor in EU legislation, the European Council is not active in this area in a formal sense—of course, de Schoutheete (2006: 55) is right to point out that the European Council’s political decisions can receive legal form ex post. Yet, two other institutions are also crucial concerning the EU’s legislative process in addition to the Council, namely the European Commission (as formal initiator of policies) and the EP (particularly when the co-decision procedure applies). Therefore, when trying to advance national interests during bargaining processes in the Council, the presidency faces additional constraints stemming from the interplay of several institutions. None the less, Schalk et al. (2007) argue that the presidency does enhance the bargaining power of its occupant also during Council decision-making (see Thomson 2008 for a similar argument). However, based on a division of the bargaining process into four stages (pre-adoption stage, adoption stage of Commission proposal, intermediate stage, voting stage in the Council), they qualify their argument by stating that this increase in power relates primarily to the voting stage. Second, whereas the European Council usually decides unanimously or by consensus, the Council also utilizes qualified majority voting (QMV) and, in rare cases, simple majority voting. Different voting rules post different demands on the presidency with respect to the pursuit of domestic interests. At the same time, since there is a strong consensus-seeking tendency in the Council, which leads to unanimous decision-making also in cases where majority voting would be possible (Hayes-Renshaw and Wallace 2006: chapter 10), the challenges that a presidency faces in the two institutions based on different voting rules are not that different.

Reforming the presidency

Taking up an idea that had seen strong backing from the French President, Jacques Chirac, and the Prime Minister of the United Kingdom, Tony Blair (Grant 2002: 4), the ToL foresees the establishment of a ‘President’ of the European Council. The President will be elected by the members of the latter with qualified majority for a term of two and a half years, which is renewable once (Art. 15(5) ToL). Through this reform, the presidency of the European Council is detached from the one of the Council—a ‘hybrid system’ emerges (Blavoukos, Bourantonis and Pagoulatos 2007: 232; also Schout 2008). Permanent presidencies would exist in the European Council (chaired by its President), as well as in the Foreign Affairs Council (chaired by the High Representative of the Union for Foreign Affairs and Security Policy). Conversely, the six-month rotation system is maintained for all other Council formations although the larger and potentially more continuous framework of team presidencies consisting of three states for a period of 18 months.

The creation of a semi-permanent presidency of the European Council must be seen against the weaknesses of the rotating presidency. Those include high volatility (e.g. new priorities
every six months), discontinuity, differences in quality from country to country, a decrease in international credibility when small states hold the presidency, and a lack of ownership due to the long gap between presidencies (Hayes-Renshaw and Wallace 2006: 154–57). All of this raised ‘the demand for more formal leadership to counter agenda-shaping, negotiation and representation deficiencies’ (Blavoukos, Bourantonis and Pagoulatos 2007: 233). A semi-permanent presidency addresses several weaknesses (volatility, discontinuity, differences in quality, and credibility). On the other hand, it would decrease the sense of ownership even further.

Building on Article 15(6) ToL, Blavoukos, Bourantonis and Pagoulatos (2007: 239–41) identify four tasks of the permanent presidency: administration and co-ordination (e.g. chairs the European Council and is responsible for the preparation and continuation of the European Council’s work); agenda-shaping (by affecting policy prioritization and exclusion of agenda items); mediation (acts as an honest broker); and internal as well as external representation (e.g. presentation of reports to the European Parliament after each European Council meeting, external representation of the EU on foreign and security policy issues). Given this extensive list of functions, the President could indeed become ‘the driving force’ (de Schoutheete 2006: 44) of the European Council. On the other hand, he or she would face several constraints. For instance, since the office holder will no longer have a national office, he or she might lack the necessary authority to steer the European Council. In addition, because of the external dimension of the post, as the representative of the EU in foreign and security policy issues, conflicts between the President and particularly the High Representative seem unavoidable (e.g. de Schoutheete 2006: 44). Against this background of potential and constraints, Kietz and Maurer (2007: 114) ponder whether the President will become a ‘broker’ or a ‘puppet’ of the heads of state or government. On a more general level, Blavoukos, Bourantonis and Pagoulatos (2007: 249) argue that due to the vague provisions of the ToL, ‘the exact configuration of the President’s power and autonomy will be largely determined by the interaction with the other EU institutions, not least the potential rivalry with the Commission’. The fear of the latter is that a President tilts the balance among the EU institutions even further towards the European Council (Tallberg 2008: 703).

Conclusion

Peterson and Shackleton (2006b: 345) refer to the EU’s institutions as ‘prototypes for global institutions’. Hence, what insights can be drawn from the above discussion on the European Council and the presidency for global governance? This concluding section briefly highlights two: the consequences of a lack of codification of an institution’s roles and functions, and the importance of actors’ interests and identities.

The above discussion suggests that a lack of codification of an institution’s roles and functions is no impediment to its power. The European Council has been described as a semi-formal institution due to the inadequate specification of its roles and functions in the EU’s treaties. However, this has not inhibited the European Council from assuming a pivotal role in the EU’s institutional architecture. In fact, the intended lack of codification was a key enabler for the institution’s ascendance. Hayes-Renshaw and Wallace (2006: 170) argue that ‘the European Council has felt free to deal with whatever issue it likes in whatever way it likes. As a result, the heads of state or government have been, and continue to be, involved directly in all the important issues on the EU’s agenda’. A similar point had been made by Wallace and Edwards (1976: 537) in the mid 1970s with respect to the presidency, which also has seen an ‘institutional expansion beyond precise legal duties’.

Of course, what differentiates the European Council from the other institutions of the EU is that it consists of the most senior political figures of the EU’s member states. Their power does
not depend on formal ascriptions by supranational treaties but primarily on domestic power sources. These types of actors have been capable of using the room for manoeuvre that the lack of specification in the treaties opened up. As Nugent (2006: 222) puts it, the European Council’s under-specification in the treaties ‘has not been a hindrance at all because the status of those who attend meetings—particularly the national leaders—is such that there is little to stop them from deciding amongst themselves what the European Council will and will not do’. It is very likely that less powerful actors would not have been able to exploit the potential of an ‘under-coded’ institution to the degree to which the heads of state or government have done with respect to the European Council. At the same time, it is worth mentioning that the European Council, representing the most powerful intergovernmental institution of the EU, has not thrown its weight exclusively behind the strengthening of the intergovernmental dimension of the EU. Rather, driven by functional needs, as well as concerns of legitimacy, the intergovernmental European Council has been crucial for the expansion of the supranational dimension of the EU (de Schoutheete 2006: 57). Besides, functional needs, in the form of the necessity to prevent or overcome collective-action problems, were also crucial for the presidency’s increase in power over time.

However, one of the dangers that is inherent in a lack of specification of an institution’s roles and functions is that of institutional overload. Indeed, the European Council has experienced just that phenomenon in recent years. In addition, there have been ‘quite a lot of ineffective decisions lost in verbal confusion, and many cases of lost political direction due to the absence of effective follow-up’ (de Schoutheete and Wallace 2002: 16). Against this background, Javier Solana, in his function as Secretary-General of the EU, contends in a report to the European Council that the latter ‘has been sidetracked from its original purpose’ (Council of the European Union 2002b: 2). As a response, some, albeit modest, reforms were enacted at the Seville European Council in June 2002. This track record of incremental reforms hints at the impact of path dependency. Changes have been limited in scope and in line with the European Council’s past development. Whether the introduction of a semi-permanent presidency for the European Council by the ToL also fits into this pattern, or rather represents a turning-point in the institution’s development, is open for debate. Since one of the key features of the presidency—the equal distribution of the institution’s privileges among the member states as a result of the rotating system—is to be dropped, at least the institution of the presidency as such is about to experience fundamental change.

The above discussion also highlighted the importance of interests and identities as key drivers for state action and interaction. One of the major discussions in international relations (IR) theory in recent years has been on the dominant logic of social action (see Risse 2000). The debate centred on the question of whether rational strategic bargaining, in the sense of March and Olsen’s logic of consequentialism, or sociological rule-guided behaviour, in the sense of their logic of appropriateness, is characteristic for the interaction of states. Research on the negotiation processes among the member states in the European Council emphasizes the rational mode of interaction. Having said that, the discussion on the member states’ interpretation of the role of presidency pointed to the importance of both interests and identities. Hence, actors in other international contexts might also interpret their roles in terms of both. Utilizing such a ‘dual lens’ might not only yield more accurate explanations of past actions but also more reliable predictions of future behaviour. Since there is also a third mode of social interaction, namely the logic of arguing (i.e. truth-seeking with the aim of reaching mutual understanding based on a reasoned consensus), a research question with respect to the two institutions discussed in this chapter would focus on the extent to which arguing is relevant concerning both a country’s interpretation of the presidency and bargaining processes in the European Council.