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Rotating Council Presidency within the Post-Lisbon Institutional Dynamics: Politically Irrelevant?

Abstract: *The Lisbon Treaty introduced important changes that deeply affect the EU's institutional balance with regard to the nature and political relevance of the Council Presidency. Formal competences of the Presidency, especially with regard to the European Council and Foreign Affairs Council, have been greatly reduced. In addition to the treaty changes, the impact of the Presidency can be further constrained by the political realities and challenges facing the Union. However, there is still room for the rotating Presidency to exert informal influence based on various resources at the disposal of the Member State exercising the function. The growing fragmentation, and the emergence of the hybrid 'presidency network' are analysed in this article primarily on the basis of the Polish experience in 2011.*

Introduction

The Lisbon Treaty introduced important changes that have considerably reduced the formal competences and the role of the six-month rotating Presidency in the Council of the European Union.¹ This is particularly evident in the case of coordination of the work of the European Council and the Foreign Affairs Council. The roles of the head of state or government holding the rotating Presidency and their foreign affairs minister have taken on a largely

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¹ P. Zerka, *Prezydencja hiszpańska w 2002 roku* (*Spanish Presidency in 2002*) in: *Prezydencja w Unii Europejskiej: praktyka i teoria* (*The Presidency in the European Union: practice and theory*), ed. A. Nowak-Far, Warszawa 2011, p. 33; R. Balfour, J. Emmanouilidis, F. Zuleeg, *Political trends and priorities 2011–2012*, European Policy Centre, December 2010, p. 17.

informal and supportive nature in relation to the permanent President of the European Council and High Representative of the Union for Foreign Affairs and Security Policy (both of which were introduced and established in the Lisbon Treaty). Thus the entry into force of the Lisbon Treaty (1 December 2009) has greatly limited the political dimension of the rotating Presidency.² Among the main functions of the Presidency (management, mediation, and leadership),³ the role of a mediator, i.e. a representative in EU relations with third parties and a leader (even in purely instrumental terms) has been greatly weakened.⁴ However, the role and formula of cooperation between the highest representatives of both the EU institutions and the state holding the rotating Presidency actually depend on a number of informal factors which have been worked out during the subsequent Presidencies of Spain, Belgium, Hungary, Poland, etc., based on the preferences, resources and capacity of particular Member States. Thus the purpose of the present article is to explore the considerable legal and political constraints that the rotating Presidency is currently burdened with, while at the same time examining possible opportunities for influence that might nevertheless maintain the relevance of the Presidency within the EU institutional set-up.

The analysis of the political relevance of the rotating Council Presidency will be carried out in three steps. Firstly, the dynamics and paradoxes of the post-Lisbon institutional framework are outlined. Secondly, opportunities for exerting influence despite reduced formal competences are explored. It is worth noting here that the functioning of the post-Lisbon institutional environment was not fully established at the time of the Polish Presidency, and this was even more evident in the earlier Post-Lisbon Presidencies. As a consequence, this situation provided some room for manoeuvre in terms of flexible arrangements and expanding the scope for informal influence. Thirdly, each rotating Presidency is confronted with particular political realities that provide either further constraints or additional opportunities for asserting its position. In the case of the Polish Presidency, the most important developments were the Eurozone crisis and the changing situation in the European neighbourhood. Finally it should be noted that while this analysis draws

² P.M. Kaczyński, *Polish Council Presidency: ambitions and limitations*, Swedish Institute for European Policy Studies, 2011, p. 43.

³ L. Jesień, *The European Union Presidency*, Report of the Polish Institute of International Affairs, Warsaw 2011, p. 9.

⁴ For more on the topic of leadership after the entry into force of the Lisbon Treaty, see A.K. Cianciara, *Jakie przywództwo? Rada Europejska po wejściu w życie Traktatu z Lizbony* (*What leadership? The European Council after entry into force of the Lisbon Treaty*) in: *Kryzys przywództwa we współczesnej polityce* (*Leadership Crises in Contemporary Politics*), eds. W. Konarski, A. Durska, S. Bachrynowski, Warszawa 2011, p. 100–111.

above all on the empirical evidence from the Polish experience, nevertheless the preceding Belgian and Hungarian presidencies provide a useful comparative perspective and are a source of explanatory material where appropriate.

1. Post-Lisbon institutional framework: dynamics and paradoxes

The Lisbon Treaty introduced fundamental changes that deeply affect the EU's institutional balance and significantly impact the nature and relevance of the Council Presidency. These changes include the creation of the permanent Presidency of the European Council, the handing over of the Presidency of the Foreign Affairs Council (FAC) to the High Representative of the Union for Foreign Affairs and Security Policy, institutionalization of the hybrid rotating Presidency trio, and inclusion of the permanent Presidency of the informal Euro-group into the EU institutional framework.

The reform of the residency or presidencies of the main EU institutions has been an extensively debated topic since the 1970s. Several proposals in this regard were voiced during the European Convention in 2002-2003.⁵ Whereas the British, Spanish and French proposed a full time President of the European Council, elected for a term of five years by the European Council by qualified majority voting, the Benelux and other small countries initially opposed the idea on the grounds that it would constitute a violation of the principle of equality of member states and risk upsetting the institutional balance between the Council and other supranational institutions. A Franco-German proposal was also circulated whereby General Affairs Council (GAC) would be chaired by the Council Secretary-General instead of the rotating Presidency. In 2002 French President Jacques Chirac spoke about the '*President of the European Union*', while underscoring that the rotating Presidency system could not remain viable in an enlarged Union.⁶

The post-Lisbon rotating Presidency appears to be much more about administrative ability than political leadership. Prior to the entry into force of this new framework, substantial scientific evidence had been gathered in support of the thesis that a Member State holding the Presidency could affect the

⁵ A. Warntjen, *Designing Democratic Institutions: Legitimacy and Reform of the Council of the European Union in the Lisbon Treaty* in: *The European Union after Lisbon: Polity, Politics, Policy*, ed. S. Dosenrode, Ashgate 2012, p. 121.

⁶ C. Closa, *Institutional Innovation in the EU: the 'Permanent' Presidency of the European Council* in: *The EU's Lisbon Treaty: institutional choices and implementation*, ed. F. Laursen, Ashgate 2012, p. 120.

legislative agenda by pushing forward issues that it deemed particularly important, and it was even suggested that such a Member State had disproportionate influence on legislative outcomes.⁷ However, since 2010 we have been witnessing a fundamental change in the role of the rotating Presidency, whereby its political responsibility has been largely diminished, if not eradicated. The main decisions in all EU policy areas are no longer brokered by national diplomats only. As a consequence, we can observe an evolution towards ‘de-nationalised’ forms of the Presidency: the increased need for coordination between various EU-level actors as well as the requirement for close trio coordination has resulted in watering down the national character of the Presidency’s touch.⁸ The Council is responsible for managing ongoing legislation, together with Commission and the European Parliament, and the most important and contentious dossiers are uploaded and negotiated in the European Council with no particular influence from the Presidency in terms of setting the agenda or proposing compromise solutions.⁹

The main institutional dilemmas for the post-Lisbon rotating Presidency involve the role played by the head of state (Prime Minister in Poland’s case) and the foreign affairs minister of the country holding the Presidency, following the surrender of their ‘jobs’ to the new permanent President of the European Council and the High Representative. This situation has created what has been called a ‘presidency network’, where new mechanisms of coordination have to be worked out and new patterns of influence emerge.

The rotating Presidency no longer controls the agenda of the Council and is no longer in charge of the process at all levels. Previously, the Head of State presiding over the European Council coordinated the work of his own ministers in the different formations of the Council. Under the Lisbon arrangements, the European Council Presidency has been detached from the Council Presidency. As a result, the treaty has broken the longstanding chain of command operating in the Council, whereby the rotating Presidency was in charge of the process at all levels. Now the permanent President of European Council and the High Representative have been given the task of coordination with rotating ministers, although they have not been given any spe-

⁷ This conclusion was based on research results published by several authors in the years 2006–2009 and quoted in: A. Warntjen, op.cit.

⁸ A. Nowak-Far, *Skuteczność polskiej prezydencji w Unii Europejskiej: perspektywa strategiczna* (*Effectiveness of the Polish Presidency in the European Union: a strategic perspective*) in: *Polska prezydencja w Radzie Unii Europejskiej: wybrane zagadnienia w perspektywie politycznej i medialnej* (*Polish Presidency in the Council of the European Union: selected issues from a political science and media perspective*), ed. C. Żołdowski, Warszawa 2012, p. 15.

⁹ See P.M. Kaczyński, *How to assess the rotating presidency of the Council under new Lisbon rules – the case of Hungary*, CEPS Policy Brief, No. 232/2011, p. 1.

cific authority in this respect. In the end, the strategy for the rotating Presidency (as was the case with the Polish Presidency) is to recognise the fact that there are no possibilities for taking the lead on preparation of the work and results of the European Council. On the other hand, the strategy includes the provision of effective administration of sectoral Council formations, where the Presidency still chairs meetings and clearly can attempt to shape those areas that the treaty leaves to the Presidency.¹⁰

In this context, two main dilemmas facing the post-Lisbon rotating Presidency are discussed below: the roles foreseen for the head of state and the foreign affairs minister of the Member State holding the rotating Presidency (who were deprived of their competences as chairs of, respectively, the European Council and Foreign Affairs Council); as well as the rather problematic role of the General Affairs Council that is still being chaired by the national Presidency and should, according to Article 16.6 of the Treaty on the European Union (TUE), '*ensure consistency in the work of the different Council configurations*'.

The relations between the President of the European Council and the prime minister of the state holding the rotating Presidency constitute a moot point in the design of the new Presidency system. The prime minister seems to be the big loser in the new design: his or her position is described only in the Rules of Procedure of the European Council (RPEC),¹¹ which clearly reflects a downplaying of his or her role. The prime minister replaces the President of the European Council in case of illness or death until a new President is elected (Article 2.4 RPEC). The draft agenda and draft conclusions of the European Council are prepared by its President 'in close cooperation' with the President of the Commission and the member of the European Council representing the Member State holding the rotating Presidency (Article 3.1 RPEC). The latter also reports to the European Council on the work in the Council, but he does so '*in consultation*' with the President of the European Council (Article 4.1 RPEC). Finally, the head of state or government holding the rotating Presidency should present to the European Parliament the priorities of the Presidency and the results achieved (Article 5 RPEC).

The formal rules point to a supportive model for the new rotating Presidency. The permanent President is obliged to establish close cooperation and coordination with the Presidency of the Council (Article 2.3 RPEC). In practice much depends on the ambitions and personal relationship between the two figures. Whereas the powers of the permanent President are formally laid

¹⁰ C. Closa, op.cit., p. 124; P.M. Kaczyński, A. Byrne, *The General Affairs Council: a Key to Political Influence of Rotating Presidencies*, CEPS Commentary, No. 246/2011, p. 2.

¹¹ European Council Decision No.2009/882/EU adopting its Rules of Procedure OJ 2009 L 315/51.

down in the Treaty, the influence of the head of state of the rotating Presidency is largely informal and relies on his or her reputation, networking ability, and persuasion skills to win the support of the President and upload his or her own proposals to the European Council agenda.

The division of authority between the High Representative and foreign affairs minister of the state holding the rotating Presidency is equally problematic. The minister, who has been deprived of presiding over the Foreign Affairs Council (FAC), can be regarded as another big loser in the Lisbon Treaty arrangement. In addition to losing his chair position in the FAC, he is no longer present during the European Council meetings (this concerns foreign ministers of all the Member States). This clearly means a loss of prestige for foreign affairs ministers in general and the rotating Presidency in particular, and reflects a general trend towards EU-level ‘presidentialization’ in foreign policy.¹² It is worth noting that as early as in March 2010 Finnish foreign affairs minister Alexander Stubb invited a number of his EU counterparts to an informal meeting to brainstorm about the possible role of the rotating Presidency in EU foreign affairs. One idea referred to having the minister of foreign affairs of the rotating Presidency become a deputy or a special envoy of the extremely busy and often double-booked High Representative.¹³ This solution could help solve the practical issue of how the High Representative can deal with the extremely heavy agenda associated with the position.¹⁴ However, it potentially creates additional fields of conflict, and thus a need for additional coordination, while at the same time reducing the newly acquired potential for the ‘Europeanization’ of EU foreign policy – basically going back to from where the whole reform process had started.

Theoretically, according to the Treaty of Lisbon the General Affairs Council (GAC) should have a central position within the entire Council system. Indeed, Article 16.6 of the TUE provides that ‘the General Affairs Council shall ensure consistency in the work of the different Council configurations.

¹² C. Rueger, *From an Assistant to a Manager – the High Representative for Foreign Affairs and Security Policy under the Lisbon Treaty* in: *The EU's Lisbon Treaty...*, ed. F. Laursen, op.cit., p. 163.

¹³ H. Mahony, *EU foreign ministers ponder their post-Lisbon role*, 15.03.2010, <http://euobserver.com/institutional/29676> (last visited 12.10.2012).

¹⁴ On ‘replacement’ and ‘deputisation’ of the High Representative, see especially: M. Schmid, *The Deputisation of the High Representative/ Vice-President of the Commission: Making the Impossible Job Work*, EU Diplomacy Papers, College of Europe, Bruges 2012. The legal basis for delegation of some HR competences to the rotating Presidency is provided by the Council Rules of Procedure (Art. 2 replacement as chair of Foreign Affairs Council; Art. 26 replacement before the European Parliament), Council Decision No. 2009/937/EU adopting the Council’s Rules of Procedure, OJ 2009 L 325/35-61.

It shall prepare and ensure the follow-up to meetings of the European Council, in liaison with the President of the European Council and the Commission.¹⁵ In practice, many tasks have been effectively taken over from the GAC by the Council Secretariat General and the Office of the President of the European Council.¹⁶ As a result, a number of analysts have voiced concerns about the decreasing political relevance of the GAC, alleging that it is becoming a technical body, usually attended not by foreign affairs ministers but by secretaries and undersecretaries of state responsible for EU affairs, or even permanent representatives.¹⁶ Thus, due to the lack of political authority, the potential impact of the rotating Presidency in its role as chair of the GAC looks rather negligible. On the other hand, apart from dealing with institutional and administrative issues, the GAC has also been serving, since the Polish Presidency, as a forum for policy debate and exchange of views on the Multi-Annual Financial Framework (MFF).

In summary, the post-Lisbon institutional set-up makes the EU political leadership even more hybrid and fragmented than was the case in the previous system. The shift in competences from the rotating Presidency to the new permanent positions results in further dispersal of power and influence in the EU, as well as in an increased need for coordination between the various actors, who are faced with a rising number of potential fields of institutional competition and conflict.

2. Opportunities for exerting influence despite reduced formal competences

While the formal competences of the rotating Presidency have been reduced, the post-Lisbon institutional environment still provides some scope for informal influence. However, such informal influence requires resources that are not equally distributed among the Member States. This produces a paradox, calling into question the basic assumption of equality between the Member States which in principle underlies the rotating Presidency, inasmuch as it is held by both the biggest and smallest Member States. In addition, when the formal powers of the Presidency are limited, its impact derives even more from the political and economic position of the Member State holding it. The Polish Presidency sought to find a role for both the prime min-

¹⁵ Ministry of Foreign Affairs, Republic of Poland, *Polish Presidency of the Council of the European Union 1 July – December 2011. Final Report – preparations, achievements, conclusions*, Warsaw 2012, p. 39.

¹⁶ P.M. Kaczyński, A. Byrne, op.cit., p. 4.

ister and the foreign affairs minister. It also attempted to use various opportunities and resources at its disposal in order to boost the influence of a ‘new’ medium-sized Member State under the Lisbon institutional set-up.

The experience of the first post-Lisbon rotating Presidencies with regard to relations with the permanent President of the European Council were mixed, and pointed more toward the empowerment of the latter than promotion of an active political role by the head of state or government in charge of the Presidency. For instance, Hungary’s Presidency was a low-profile one: the country suffered economically, so it was rather difficult for it to assume responsibility as a leader in responding to the financial and economic crisis. Numerous changes were introduced in administration right after the elections and shortly before the beginning of the Presidency, including the designation of the new Permanent Representative only in 2010. In fact, Hungary had to rely on enhanced assistance from the Presidential trio and the Secretariat General. Finally, Hungary’s controversial media law led to heavy criticism in the European Union on the grounds of violation of basic democratic principles, which in turn affected its trust in the Hungarian Presidency as well as personally in Prime Minister Viktor Orban, whose reputation was badly damaged, limiting his room for manoeuvre.¹⁷

The case of Belgium very clearly demonstrated the political irrelevance of the rotating Presidency. Despite the existence of an interim caretaker government and the inability of Belgian political elite to form a stable majoritarian cabinet, the tasks of the Presidency and the daily management of the rolling agenda were not adversely affected. The Belgians assumed a backstage role and a fully cooperative attitude towards the President of the European Council, aided no doubt by the fact that he was a former Belgian prime minister.¹⁸ In practice he could exercise authority over the ministers chairing the sectoral Councils in a way similar to the old system, since many ministers used to serve in his own government. Consequently, the Council coordination was more straightforward, but such a constellation should be considered as an exception and is unlikely to be repeated.

¹⁷ In December 2010, just a few days before taking over the rotating Presidency, the Hungarian parliament ratified a new media law establishing a national media authority with unprecedented powers, which could possibly negatively affect freedom of the media in the country. Leaders of some EU Member States (Germany, Luxemburg) went so far as to remind Hungary about its responsibility for the EU’s image during the upcoming Presidency, declaring that the new law went against the spirit and letter of EU treaties. See: *All eyes on Orban – Hungary’s Media Law*, “The Economist”, 23.12.2010, http://www.economist.com/blogs/easternapproaches/2010/12/hungarys_media_law (last visited 13.10.2012); P.M.Kaczyński, *How to assess the rotating presidency...*, op.cit., pp. 3-4.

¹⁸ C. Closa, op.cit., p. 127.

As a result, the Belgian (2010) and Hungarian (2011) Presidencies did not exercise any significant opportunities to exert influence on the work of the European Council, even though the Belgians were well placed to influence its legislative agenda. It is also worth noting that, with the exception of Poland, the 2011-2013 presidencies have been assumed by small countries with limited aspirations, resources and political weight. Thus the true test for relations within the presidency network will only come when the first ‘big’ member state assumes the Presidency, i.e. Italy in the second half of 2014.

As for the Polish experience, Prime Minister Tusk was not particularly successful in shaping the European Council agenda, especially with regard to the Schengen enlargement. On the other hand, he made good use of his appearances in the European Parliament, conveying a powerful message of European activism and optimism during his opening speech in July, and offering a serious warning and a wake-up call during his closing speech in December 2011.

At first sight it seems that the Polish Presidency had more political relevance in foreign policy affairs than in the European Council. The activism of foreign affairs minister Radek Sikorski was quite visible, as he replaced and represented the High Representative on a number of visits and missions, for instance to Afghanistan, Pakistan, and Libya, as well as during events such as the informal meeting on development cooperation held in Poland.¹⁹ Officially, the idea of the Polish Presidency was to strengthen and support the High Representative and European External Action Service (EEAS). At the same time, the Presidency sought to secure influence on the EEAS and EU external action agenda by adopting a more active model than the previous post-Lisbon presidencies.

Consequently, it seems that the apparent structural weaknesses of the High Representative and EEAS may be translatable into increased influence of the rotating Presidency, even if formally the foreign affairs minister only performs a supporting role within the limits of the treaty. The activism of Polish diplomacy was evident on numerous occasions – with regard to the Eastern Partnership, the democratization agenda, the proposal for the European Endowment for Democracy (EED), and European Security and Defence Policy. However, this activism could have been seen from the EEAS as well as from the Commission’s perspective less in terms of supporting and more in terms of undermining the position and role of the newly created EU institutions. Indeed, some tension emerged for instance with regard to the creation of the EED. The latter was nicknamed ‘the flagship of the Presidency’ in the Polish press. Although the political agreement to establish the fund was

¹⁹ Ministry of Foreign Affairs, op.cit., p.40.

reached at the end of the Polish term, many reservations and detailed arrangements remained to be resolved in 2012.²⁰ Also the feelings after the Eastern Partnership Summit in Warsaw, both among the EU member states and the partner countries themselves, were mixed at best.²¹ In general it must be acknowledged that the influence of Poland's rotating Presidency on foreign policy content was relatively limited.

Given the situation of reduced formal competences of the rotating Presidency, Poland exploited various opportunities in order to make itself relevant. Two are particularly worth mentioning: a) boosting trust and reputation; and b) building coalitions and partnerships. As to the former, Poland extensively promoted its image as a dynamic, pro-integrationist country; one where public opinion is among the most euro-enthusiastic within the entire European Union. In his opening speech to the European Parliament on 1 July 2011 Prime Minister Tusk said that 'the answer to the crisis is more Europe' and promised that the Polish Presidency would 'add a lot of Polish optimism, enthusiasm and energy', because 'we believe in Europe'.²² Another argument that enhanced Poland's reputation was the good economic situation of the country, which sustained growth during the economic crisis and could pride itself on sound public finances at a time when more and more EU Member States were struggling with dramatic increases in public debt.

In terms of coalition-building, Poland secured support and backing from the biggest and most crucial EU player at that moment – Germany. The heavy investment in Polish-German relations led a number of commentators to ask whether such an intimate rapprochement had not taken place at the expense of other partners, and whether it would pay off when the constellation of interests and power changes at some point in the future. Poland also understood and appreciated the fact that, despite their many differences, France was still the most important partner for Germany in dealing with the economic crisis. As a result, Polish decision-makers tried to enhance the importance of the Weimar triangle cooperation, albeit with limited success.

²⁰ T. Vogel, *Democracy Plans in Disarray*, "European Voice", 01.12.2011, <http://www.europe-anvoice.com/article/imported/democracy-plans-in-disarray/72798.aspx> (last visited 12.10.2012); Foreign Affairs Committee of the European Parliament, Draft Report, doc. ref. 2011/2245(INI), 22.11.2011, available at: http://www.europarl.europa.eu/meetdocs/2009_2014/documents/afet/pr/881/881682/881682pl.pdf (last visited 12.10.2012).

²¹ K. Wolczuk, *Perceptions of, and Attitudes towards, the Eastern Partnership amongst the Partner Countries' Political Elites*, "Eastern Partnership Review" No. 5/2011, Estonian Centre of Eastern Partnership, p. 10; M. Emerson, *The Timoshenko Case and the Rule of Law in Ukraine*, CEPS Commentary, 27.07.2012, p.2.

²² European Parliament News, *Europe is the answer – Donald Tusk presents Polish EU priorities*, <http://www.europarl.europa.eu/news/en/headlines/content/20110627FCS22686/10/html/Europe-is-the-answer-Donald-Tusk-presents-Polish-EU-priorities> (last visited 15.10.2012).

Importantly however, the Polish case provides a good example of the political relevance of the rotating Presidency not at the EU level, but at the domestic level. Firstly, the role of the Presidency should be considered from the national perspective, i.e. in terms of its socialization function and as a driver of efficiency in public administration.²³ Especially from the perspective of a ‘new’ Member State, the internal domestic benefits of holding the Council Presidency, such as increased Europeanization of public administration or improved coordination of European policy, should not be underestimated. The Presidency requires a substantial extension and intensification of the activities of the entire state apparatus involved in EU decision-making. The public administration of the Member State holding the Presidency is exposed to wide-ranging contacts with external partners, both at the EU level and bilaterally. The ability to plan, coordinate, and exchange information becomes crucially important. Typically, during the Presidency more and more national officials get deeply involved in the complexities of the European decision-making process. Managing the Presidency requires considerable organizational and communication skills, in particular with reference to the multinational and multicultural environment. As a result, a successful Presidency means that the public administration of the state concerned gains additional competences and develops the capacity to act in a more active, effective, coordinated and transparent fashion, including in matters beyond the scope of the Presidency tasks. However, the practical realization of these opportunities and the actual progress achieved, especially in the field of coordination and communication, has already been called into question both by scholars and public supervisory authorities.²⁴

Secondly, the Polish Presidency was quite relevant in domestic politics, and it was exploited for the purpose of the parliamentary elections which took place in October 2011, in the middle of the term of the Presidency. The Presidency, carried out by the incumbent coalition government, was very well

²³ A. Nowak-Far, *Prezydencja w Unii Europejskiej – interpretacje teoretyczne* (*Presidency in the European Union: Theoretical Interpretations*) in: ed. A. Nowak-Far, op.cit., pp. 166–167; A. Nowak-Far, *Prezydencja w Radzie Unii Europejskiej jako bodziec sprawności aparatu państwowego* (*Presidency in the Council of the European Union as Efficiency Driver for the State Apparatus*) in: ed. A. Nowak-Far, op.cit., pp. 487–511; L. Jesień, *Prezydencja Unii Europejskiej: zinstytucjonalizowana procedura politycznego przywództwa* (*Presidency in the European Union: An Institutionalized Procedure of Political Leadership*), Warszawa 2011, pp. 56–58.

²⁴ See: T.G. Grosse, *Stracona szansa wzmacnienia systemu? O czynnikach osłabiających polską Prezydencję w Radzie Unii Europejskiej* (*Lost opportunity for reinforcing the system? Factors weakening the Polish Presidency in the Council of the European Union*) in: *Prezydencja jako wyzwanie dla Polski oraz szansa promocji jej interesów w Unii Europejskiej* (*The Presidency as a challenge and opportunity for Poland to promote its interests in the European Union*), eds. R. Bartłomiejski et al., Szczecin 2011, pp. 30–47.

received among the European partners from the start. It was widely acknowledged in the media throughout the continent that, in contrast to the previous conservative-populist Law and Justice government of Jarosław Kaczyński, the liberal centre-right cabinet of Donald Tusk was determined to pursue a competent and responsible European strategy.²⁵ The electoral message directed at Polish public opinion therefore was to highlight the outstanding reputation that the government enjoyed in Europe, together with its ability to elevate Poland into the club of credible and influential European Union heavyweights. The fact that a good Presidency worked to the benefit of the political parties in power at that time²⁶ partly explains the above-mentioned activism of Prime Minister Tusk and Foreign Affairs Minister Sikorski. Their aim was to present their government to the Polish electorate as active, competent and effective in European affairs, as opposed to Law and Justice, the main opposition party.

3. The rotating Presidency in light of political realities: the case of Poland

Together with the constraints of the Lisbon Treaty, two ‘outside events’ further reduced the relevance of the Polish Presidency, namely the debt crisis in the Eurozone and the difficult situation in the neighbourhood (especially the war in Libya and the deteriorating political situation in Belarus and Ukraine). Although the Presidency attempted to adapt its agenda in preparation during the first half of the 2011, the priority policy areas that had been prepared for years became largely obsolete. Moreover, the leading role in addressing the economic crisis was taken over by Germany and France, whereas in the case of Libya crisis – by France and United Kingdom – leaving only marginal room for manoeuvre for the Polish Presidency.

²⁵ See especially: T. Urban, *Der Warschauer Freund*, „Süddeutsche Zeitung”, 01.07.2011; A. Thedrel, *Les trois chantiers de la Pologne à la tête de l'UE*, „Le Figaro”, 30.06.2011; J. Puhl, *Poland's Lonely Twin: Jaroslaw Kaczynski loses his political compass*, „Spiegel-Online”, 29.09.2011; See generally: A.K. Cianciara, *Oceny polskiej prezydencji w niemieckim i francuskim dyskursie medialnym (Assessments of the Polish Presidency in German and French Media Discourse)* in: *Prezydencja Polski w Radzie Unii Europejskiej (Poland's Presidency in the Council of the European Union)*, ed. J.M. Fiszer, Instytut Studiów Politycznych PAN, Warszawa 2012, pp. 188-206.

²⁶ Cf. *Wybory w czasie prezydencji darmową reklamą rządzących? (Elections during the Polish Presidency – free advertisement for the government?)* Polskie Radio, 24.06.2011, <http://www.polskieradio.pl/7/1207/Artykul/391038,Wybory-w-czasie-prezydencji-darmowa-reklama-rzadzacych> (last visited 17.10.2012).

The fact that Poland remained outside the Eurozone at the time of the deepest crisis in its history overshadowed the Presidency itself and prevented Poland from exercising any significant political role. The Polish Presidency was clearly not at the centre of the most important EU debates taking place in the second half of the year 2011. Even the fact that *Financial Times* named Jacek Rostowski the third best EU finance minister in 2011²⁷ did not pave the way for him to be invited to the Eurogroup meetings (his participation was vetoed by France). The Presidency was not even invited to the extraordinary summit of the heads of state or government of the Eurozone members on 21 July 2011. Informal summits and meetings proliferated and Polish representatives, shunted to the side-lines by German-French leadership, had little impact on the development of events. Under such unfavourable circumstances the only thing the Polish Presidency could do was make itself as supportive as possible and assume the role of ‘relevant facilitator’ in order to stay involved in the game. At the same time, Poland made sure that the non-euro EU Member States would not be completely excluded, neither from the so-called Euro Pact Plus, nor the Treaty establishing the European Stability Mechanism.²⁸

The outburst of the Arab Spring shifted the political attention of the European Union to the Southern Mediterranean at the beginning of 2011, whereas the foreign policy priorities of the Polish Presidency were already fixed and focused on the Eastern neighbourhood. Interestingly, only three years earlier a shift in the opposite direction had taken place, as the Union quickly proceeded with the Eastern Partnership initiative in the aftermath of the Georgian-Russian conflict in August 2008. Accordingly Poland, the principal and most fervent supporter of the Eastern dimension, was hoping for further acceleration of EU cooperation with its Eastern neighbours in 2011. However, the revolutionary events in the Southern neighbourhood overshadowed these ambitions. Indeed, the review of the European Neighbourhood Policy (ENP) prepared jointly by the High Representative and the Commission was heavily influenced by the ‘overthrow of long-standing repressive regimes in Egypt and Tunisia, the ongoing military conflict in Libya, and the violent crackdown in Syria’.²⁹

To complicate matters for the Polish Presidency, whereas the Southern neighbours were seemingly moving away from authoritarian regimes and

²⁷ <http://www.ft.com/intl/indepth/european-finance-ministers-2011> (last visited 17.10.2012).

²⁸ P.M. Kaczyński, *Polish Council Presidency...*, pp. 50–51; European Council, *Statement by the Euro Area Heads of State or Government*, Brussels, 09.12.2011, p. 7.

²⁹ High Representative of the Union for Foreign Affairs and Security Policy, European Commission, *A New Response to a Changing Neighbourhood: a Review of the European Neighbourhood Policy*, Joint Communication, Brussels, 25.05.2011, COM(2011) 303final, p. 1.

towards democratization, the Eastern neighbours (particularly Ukraine and Belarus) took a turn in the opposite direction. Consequently, the results of the Eastern Partnership Summit hosted by Poland in Warsaw on 29-30 September 2011 were disappointing. The partner countries refused to agree to a declaration condemning the deteriorating political situation in Belarus; it was signed only by the EU Member States, thus explicitly pointing to the growing political rift between the European Union and its Eastern neighbours. Both the Presidency and the entire EU were also hoping for a breakthrough in the conflict between the Ukrainian ruling party and the opposition. However, no solution was found, neither before the Warsaw Summit nor the subsequent EU-Ukraine Summit in December 2011. Notwithstanding the damage to their international reputation, Ukrainian authorities seemed determined to eliminate former prime minister and opposition leader Yulia Timoshenko from the political scene before the October 2012 parliamentary elections. As a result, the EU linked Ukraine's respect for common values and the rule of law to any further progress in political association and economic integration.³⁰ The Polish Presidency also failed to convince EU partners to include provisions in the Warsaw Joint Declaration stipulating that inadequate progress in democratization should not hamper or prevent the process of visa liberalization. However the Polish argument that full visa liberalization should be considered a tool promoting democratisation, and not as a reward for carrying out required reforms, was not accepted by the EU Member States. In fact, many of them saw the democratic regression in the East as a useful pretext to slow down the process of rapprochement with the EU's Eastern neighbours.³¹

Conclusions

The Lisbon Treaty has substantially reduced the competences and the political relevance of the rotating Council Presidency, in particular at the level of heads of state or government, as well as in the area of foreign policy. In addition, the current role of the GAC is far from that as a centre of coordination for the 'presidency network'.

The loss of formal competences can potentially be compensated for by informal influence. The latter however depends on the resources the particu-

³⁰ Council of the European Union, *Ukraine – EU Summit Joint Statement*, Kiev, 19.12.2011, doc. ref. 18835/11, PRESSE 513, p.2.

³¹ A.K. Cianciara, *Partnerstwo Wschodnie i polska prezydencja: zawiedzione nadzieje? (Eastern Partnership and the Polish Presidency: failed hopes?)* in: ed. J.M. Fiszer, op.cit., p.294.

lar Member State holding the rotating Presidency has at its disposal and its ability to make use of them. In addition this situation constitutes a breach with the essence of the rotating presidency, namely the formal equality between big (resourceful) and small member states. Resources that increase the probability of informal impact can be defined with reference to both the national/domestic and European levels.³² National-level factors include economic and demographic potential, as well as the strong or weak position of the government in power in domestic politics and affairs. With respect to the EU level – alliance building, diplomatic and administrative capacity, credibility, and persuasive advocacy, as well as receptiveness towards partners, are of tremendous importance. However, the determining factors for successful goal attainment appear to be the alliances concluded and the attitudes of the biggest EU players.³³

The Polish Presidency is a good example of exploiting the resources at hand in order to stay in the game, despite unfavourable political realities. Domestically, the Presidency was supported by a relatively good economic situation and sound public finances, which contributed to the image of an ‘economic miracle’ in the midst of the pan-European crisis. The government enjoyed a positive image in the majority of EU capitals (in contrast to negative perceptions with respect to the main opposition party) and was further strengthened by the renewed popular mandate it achieved in the parliamentary elections that took place in early October 2011. At the European level, the Presidency secured support of the biggest player – Germany – and attempted to foster credibility and trust by assuming the role of an honest broker and facilitator, while underscoring its community approach and values.

Such a strategy was only partially successful however. Non-membership in the Eurozone and unforeseen developments in the EU’s neighbourhood reduced the political relevance of Poland’s rotating Presidency. On the other hand, one cannot underestimate the domestic importance of the experience: the Presidency has to a significant extent reinforced the Europeanization process of political and administrative institutions in Poland. It also strengthened the position of the coalition parties during the election campaign, portraying the members of the government as responsible and credible partners in the common European endeavour.

Finally, the post-Lisbon experience of small and medium-sized member state Presidencies (Hungary, Belgium, Poland) clearly points to a low-profile

³² N. Copsey, K. Pomorska, *Poland’s Power and influence in the EU*, “Comparative European Politics”, Vol. 8(3)/2010, pp. 302–316.

³³ A. Szczerbiak, *Poland within the European Union: new awkward partner or new heart of Europe?*, London & New York 2012, p. 206.

Presidency model, where the Member State in charge manages the ongoing legislative processes based on the Union's rolling agenda. This leads to the question whether, from the EU perspective, the loss of leadership on the part of the rotating Presidency has been compensated for by vesting leadership roles in the permanent President of the European Council or High Representative. Unfortunately, this does not appear to be the case at this particular time. Experience has shown so far that the Lisbon Treaty has weakened and not strengthened the EU's capacity to act and make significant impact. The emergence of a 'presidency network' has so far contributed to further fragmentation of leadership in the European Union and created the need for additional coordination efforts between various actors and the loci of power. The Lisbon Treaty, together with the recent political realities, especially in the context of the euro-zone crisis, has strengthened the role of the European Council within the inter-institutional balance of power, while privileging those countries holding the rotating Presidency that have the resources to foster informal leadership. This results in a further differentiation in the respective power positions between the Member States of the European Union.