

EGMONT POLICY BRIEF 299

– MARCH 2023 –

Preparing for Belgium's Thirteenth Presidency of the Council of the European Union

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The six months' rotating presidency of the Council dates from the beginning of the European Economic Community. Belgium was the first to hold it, in the first half of 1958. In 2024, we will preside again, for the 13th time. When the Community contained only six members, the presidency occurred every three years; in today's Union of 27, you have to wait 14 years. Our last EU presidency was in the second half of 2010.

The presidency of the European Union is an important event for all member states. For six months, leadership responsibilities at the European level are given, not only to its ministers and civil servants dealing directly with European affairs, but also to many others, in charge of national policies for which there is an EU level of intervention. This includes, in Belgium, the Communities and the Regions which have direct competences in some fields.

In 2010 the entire Belgian presidency was conducted with a caretaker government - which was not ideal for the image of the country; that said, one advantage was that our ministers, having no national agenda, were more available for the EU legislative work. In 2024, the timing will also be delicate: our federal elections will take place by the end of our presidency, at the same time as the election of a new European Parliament. This will obviously force us to adapt our program accordingly - looking at how our predecessor, Spain, first member of our 'trio', copes with a similar challenge: their national election is supposed to take place in the last month of their own EU presidency.

With all these unknowns, and with the chaotic geopolitical context of our times, this article will not pretend to anticipate, at this stage, the program of our presidency; it will unfold during the rest of this year, and Egmont will report regularly about it. My aim is merely to explain how the EU presidency works, how it has evolved since the beginning of European integration, the role it plays in the complex EU institutional framework and what is expected from the actors, ministers and civil servants during 'our' six months.

HISTORY

The organization and the role of the EU rotating presidency is not the same today as when Belgium started the process in 1958.

At that time, there was only the European Economic Community (EEC) and the presidency was essentially in the hands of the foreign minister and his ministry; but not even to deal with Foreign Policy as such: the EEC at the time only dealt with 'Community' matters as defined by the treaty of Rome, which did not include foreign and security matters.

Quickly, due to the variety of issues to be dealt with, other ministers became involved in the Council proceedings. More and more sectorial ministers started to preside 'their' Council, the Foreign Ministry keeping only a coordinating role.

In 1974, after the monetary crisis of 1972 and the oil shock of 1973, president Giscard d'Estaing and chancellor Helmut Schmidt considered that they and their EEC

colleagues should be involved regularly, at their level, in European affairs; episodic 'summits' were not enough. They suggested the creation of a (then) informal body at their level called 'the European Council'. And, naturally, it was agreed that its president would be the 'head of state or government' of the country having the rotating presidency of the EEC at the same time.

In parallel, for Foreign Policy matters, a 'European Political Cooperation' (EPC) started to develop at the beginning of the seventies. For a long time, it remained informal and totally separated from the Community, some member states being keen not to give the process any 'supranational' dimension. The only links between EPC and EEC was that they involved the same countries - and that the presidency was the same for the two; and since there was no secretariat and the European Commission was not supposed to interfere directly, it was for the rotating presidency to prepare the declarations and manage debates and common actions at EPC level.

In 1986, EPC was introduced in the treaty through the 'Single European Act', ('single' meaning covering EEC and EPC matters), with a small secretariat headquartered in the Secretariat General of the Council. In 1992, the Maastricht Treaty went a step further and made Foreign Policy a 'pillar' of the newly created European Union, the so-called 'Common Foreign and Security Policy'. But the rotating presidency remained in charge of the whole process for a long time afterwards; a new function of 'high representative' was awarded to Javier Solana in 1999, but he was still supposed to remain 'an auxiliary' of the rotating presidency.

Thus, for more than thirty five years, since the beginning of the seventies, the rotating presidency presided not only all the Council configurations dealing with Community matters, but also the European Council as well as the Foreign Affairs Council and all European caucuses in international organizations.

All this changed in December 2009 with the entry into force of the Lisbon Treaty.

The Lisbon Treaty, reflecting the consensus in the 'Convention for the Future of Europe' to give more continuity to the management of the Union, created the post of 'permanent' president of the European Council, appointed for two and a half years, renewable once. And the rotating presidency had also to cede its responsibilities in foreign affairs to the 'high representative' (who became at the same time a vice president of the Commission) and to the 'European External Action Service', which was put in place during the Belgian presidency of 2010.

The rotating presidency thus lost its two most glorious flagships - the European Council and Foreign Affairs. However, in exchange, as we will see below, the Lisbon Treaty considerably reinforced its responsibilities in Community matters, with the quasi-generalization of the 'ordinary legislative procedure', which submits most EU legislative or regulatory acts to a 'co-decision' between the Council and the European Parliament.

In today's Union, the head of state or government and the foreign minister continue obviously to play a coordinating role at the national level and in the overall organization of the rotating presidency, but the most substantive responsibilities are in the hands of the sectoral ministers, who chair nine of the ten configurations of the Council of Ministers - and of the civil servants working with them and/or at the Permanent Representation in Brussels.

HOW DOES THE EU COUNCIL OF MINISTERS WORK?

The Council of Ministers of the EU is not as big an institution as the European Commission, but still has at its disposal an impressive bureaucratic machinery. It is supported by a secretariat of some 3200 people.

Indeed, meetings of the Council, touching a wide variety of issues and aiming at reaching decisions (at 27) over hundreds of directives and regulations every year, need to be prepared carefully. Preparation takes place in working groups that meet regularly at the Justus Lipsius building, the 'headquarters' of the Council. Some of them are composed of experts coming from the capitals, others of civil

servants headquartered in Brussels in their national 'Permanent Representation'.

Results of the working group discussions do not go directly to the ministers but must pass through a horizontal filter, the 'Committee of Permanent Representatives', Coreper, composed mostly of career diplomats. The role of Coreper is key, not only to maintain institutional unity, but also to help build consensus, or at least a qualified majority, on the proposals from the Commission. Its members live permanently in Brussels, know each other well and in the main tend to favor the 'superior interest of the Union' over their national positions.

The body had to be duplicated early on into Coreper 1 and Coreper 2 because of the number of issues to deal with. Two special working groups of younger diplomats were created to directly prepare their meetings: the 'Antici' for the Ambassadors in Coreper 2, the 'Mertens' for their deputies in Coreper 1. The two Coreper, as well as the working groups preparing the Council work, are presided by the rotating Presidency.

Four of the Council configurations are prepared by the permanent representatives themselves (Coreper 2): 'General Affairs'; 'Foreign Affairs'; 'Economic and Financial Affairs'; 'Justice and Home Affairs'.

The six others are prepared by their deputies (Coreper 1): 'Employment, Social Policy, Health and Consumer Affairs'; 'Competitiveness' (Internal Market, Industry, Research and Space); 'Transport, Telecommunications and Energy'; 'Agriculture and Fisheries'; 'Environment'; 'Education, Youth, Culture and Sport'.

A third committee, at ambassador level, the Political and Security Committee' (PSC), deals with current foreign policy events, but it has (since the Lisbon Treaty) a permanent president. The PSC was created at the turn of the century when the position of high representative was established in Brussels, with Javier Solana. It replaced the 'Political Committee', the meeting of the 'directors general of political affairs' from the national foreign ministries, who,

from the outset, managed EPC - and then CFSP.

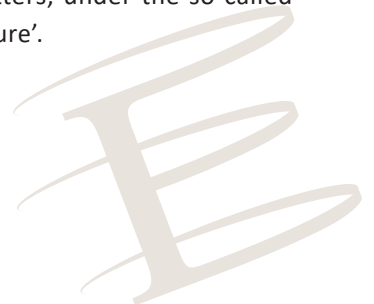
The Council of the European Union is supported by a Secretariat of around 3200 European civil servants, the 'General Secretariat of the Council' and a 'Legal Service', which gives legal advice as well to the European Council as to the Council. Together with Coreper, the Secretariat, ensures the continuity of the Council process.

THE ORDINARY LEGISLATIVE PROCEDURE AND THE 'TRILOGUE'

As mentioned above, it is in the legislative process that the rotating presidency has an essential role today. Here is why:

As you know, unlike in member countries, the legislative power at EU level is only partly in the hands of the European Parliament; it is shared among three institutions: the European Commission, the Council of Ministers and the EP. The right of (legislative) initiative is an exclusive right of the Commission: only the Commission can present proposals for regulations and directives, i.e. European laws, and the Council can only vote by qualified majority on a proposal from the Commission - which often is adapted in the course of the negotiation in the Council and in the EP.

The role of the European Parliament in the decision-making process has long been very limited. Under the Treaty of Rome, it was only an advisory body composed of representatives of national Parliaments. Even when it started to be directly elected in 1979, the EP for a long time held only a marginal role in the decision-making process. The Single European Act of 1986 introduced the 'cooperation procedure', which allowed the Parliament to give an opinion before the Council could take a decision, but it was only later that the EP gradually obtained the status of 'co-legislator' (with the Council) - a role the Lisbon Treaty gives it for almost all Community matters, under the so-called 'ordinary legislative procedure'.



How does this procedure work today?

According to the Treaty:

- After numerous preparatory consultations, the Commission presents a proposal to the Council and the European Parliament simultaneously
- The Council and the Parliament study the proposal in parallel, separately, and in principle each should come to a separate conclusion
- the two decisions need then to be reconciled.

However, most of the time it works differently. The practice has revealed that, once the positions on both sides - Council and Parliament - are formally established, it is very difficult, politically, to reconcile them. This is why most EU legislative decisions are reached through an informal procedure:

- Each of the two parties, the Council and the Parliament, separately manage to reach a 'general approach' on what could be acceptable for their part - without taking a formal decision
- The two 'approaches' are then submitted to a so-called 'trilogue', a meeting of the Council presidency, the rapporteur from the EP and the commissioner in charge, which aims at reaching a compromise between the positions of both parties
- If an (informal) agreement can be reached through the trilogue, a vote can take place in the EP and a formal decision is then made in the Council on the agreed text.

The role of the rotating presidency is thus crucial. It is indeed the presidency alone, with the support of the General Secretariat, that negotiates in the 'trilogue' with the Parliament and the Commission. In some trilogue, the presidency is represented by the minister in charge, in others by the permanent representative or his deputy according to the issue at stake.

PREPARING FOR OUR PRESIDENCY

Belgium has already quietly started the preparation of its presidency in the first half of 2024 by defining informally a few priorities. And our ministers involved are already preparing informal meetings with their EU colleagues - usually hosted in 'their' city. There will also be several thematic meetings at ministerial or expert level for which preparation has to start early. But progress with the agenda itself can only be made slowly. Account has to be taken of the achievements expected from the two presidencies of 2023 - Sweden and Spain - and of the general geopolitical context, which is notably unpredictable at the moment.

On top of this, the timing of our presidency is delicate: in the second week of June 2024, the election of the new European Parliament will take place. (It could even be a little earlier, since the timing has not yet been formally approved.) This means that the legislative work will have to be completed fairly early in the year (in the first three months), as the parliamentarians, campaigning for their reelection, will no longer be available afterwards. And what makes it even more delicate for Belgium, is that federal and regional elections are supposed to take place in our country at the same time.

There will thus be no major legislative initiative launched during our presidency, but we will undoubtedly have to try to close important dossiers that could not be concluded before. Of course, it is impossible to predict where the negotiation of the major pending legislative issues will be; before us, in 2023, Sweden and Spain are well equipped to make progress, but some important dossiers will be very difficult to conclude in the current year.

What could already be anticipated?

We will start our presidency at the beginning of a winter that is expected to be difficult from the point of view of energy supply, if the war in Ukraine continues; there is the whole issue of 'economic governance', linked to the implementation of 'Next Generation EU'; the governance of the Euro area, and further progress in the green deal. The respect of the rule of law and the follow up of the

Conference on the future of Europe are also mentioned as priorities for our presidency; on top of that, there will probably be some pressure to have us conclude the difficult migration file before the EP election... And who knows which current events will impose themselves during that period?

For the sake of continuity, the presidencies are supposed to be combined in a 'trio'. At the moment, we are at the end of the trio of France, Czech Republic, Sweden. Then there will be the trio of Spain, Belgium, Hungary. The importance of these trio is rather relative, but in the case of Belgium, it will be more than useful to discuss in advance with Spain what they prioritize for their presidency and what will be left for us - knowing that Spain will also have national elections during its presidency.

But the real continuity is ensured by the existence of Coreper and the Council Secretariat - which is fully at the disposal of the presidency. Coreper 2 will be chaired by Ambassador Willem van de Voorde, recently ambassador in Germany, who was in the foreign minister's cabinet during the 2010 presidency. Coreper 1 will be in the hands of Pierre Cartuyvels, former deputy chief of staff of king Filip, who followed our previous presidency in the cabinet of the prime minister.

The head of the Council Secretariat is the French Therese Blanchet, former head of the Legal Service who played an important role in the drafting of the Lisbon Treaty. Our compatriot Didier Seeuws, who chaired Coreper 1 in 2010, and later presided the Council task force for the Brexit negotiation, has now an important coordinating role in the Secretariat.

There is no separate minister or secretary of state for European Affairs in the current Belgian government, so foreign minister Hadja Lahbib, will have herself the responsibility of coordinating the presidency at ministerial level - together with prime minister Alexander De Croo. Her chief of staff will be Ambassador Jan Hoogmartens, currently ambassador of Belgium in Beijing...who, recently, represented Belgium in Coreper 1.

And, as his predecessor Herman Van Rompuy did in 2010, we can expect that the president of the European Council, our former prime minister Charles Michel, will fly as a guardian angel above the presidency, together with commissioner in charge of Justice Didier Reynders, who was for a long time Belgium's finance and then foreign minister.

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