

## **In the Driving Seat**

### *An Insight into the Practice of the Rotating Presidency*

**DR PETER AGIUS<sup>1</sup>**

---

Of all complex decision-making organs that make up the legislative machinery of the Union, the rotating Presidency of the Council of Ministers is possibly the least well-known to the general public. Yet, if handled with mastery, the rotating Presidency wields powers which may surpass those which are much better known, at least in the short-term. In the short-term, given that the rotating Presidency takes office in January or July any year and its term is over in just six-months.

Yet, in a Union in rapid evolution and in constant renewal on multiple fronts, that six month period may see the Council formally deciding on a good score of dossiers, from measures facilitating business and protecting consumers, to environmental matters and measures on funding Europe's strategic objectives. It is fair to say as well, that in respect of at least half of these decisions, the Council, led by the Presidency, would be setting in place long-term legislative measures.

It should be clear from the outset therefore, that notwithstanding its short period in office, the rotating Presidency has powers which extend far beyond its period in office. Such wide-ranging powers are assigned to Member States in rotation regardless of their size, experience and competence in all areas to be handled throughout their Presidency.

Malta will hold the Presidency from January to June 2017. That period falls exactly in the middle of the European legislature (with the new European Parliament elected in May 2014 and the new European Commission appointed in October 2014) when the institutions are typically expected to deliver on political objectives set earlier in the legislature. Moreover, the January-June term represents the period when the Brussels machinery is in its most fruitful mode, in contrast to the latter part of the year which is interrupted by the summer recess and Christmas.

The Maltese Presidency is therefore expected to be loaded with high-expectations from those we have to lead and from those we have to work with to deliver. Officials of Member States approaching their term of Presidency are

---

<sup>1</sup> Peter Agius worked for the Council of the European Union from 2002 to 2012. His tasks at the Council included advising the rotating Presidency on the handling of negotiations in the Council, assisting in the shaping of Council compromises through Coreper and Council and advising the Presidency in negotiations with the European Parliament. Since 2010 he has also assisted a series of Member States in the training and preparation of national officials in advance of their term in the Presidency. Dr Agius is presently the head of the European Parliament Office in Malta. Any views expressed are personal to the author and do not reflect the positions of the European Institutions.

frequently troubled by the question as to: 'what makes a successful Presidency?'. In Malta and in other smaller Member States the question is sometimes: 'Are smaller administrations up to the challenge?'. In the following lines we shall take a cursory look inside the practice of the rotating presidency, leaving to the reader the onus of replying to these two questions at the end.

First of all it is useful to attempt an answer to the question: What does it entail to be in the driving seat of the Presidency? The Presidency's role in the institutional structure of the Union, where the Commission proposes legislation and the European Parliament and the Council of Ministers adopt that legislation, is twofold. First, the Presidency needs to drive the work of the Council by presiding over meetings to bridge the positions of 28 Member States, all with particular demands, into one consistent position of the Council.

That process requires minute analysis of Commission proposals in the so-called working groups, where Member States send delegations of experts and diplomats in an effort to modify Commission proposals to reflect their own national needs and aspirations. In a single Presidency, one could have as many as 1,300 working group meetings in Brussels in as many as 130 different policy areas, known as working group formations.

Much of the real success of the Presidency, or rather, its delivery on the advancement of dossiers and conclusion of dossiers, will depend directly on the handling of those working parties, which are chaired, motivated and driven from one meeting to the other by the officials of the rotating Presidency.

Once the working party is close to an agreement on any given dossier, the Presidency, with the assistance of Council advisors, will forward the dossier upwards in the Council's pyramid to the Committee of Permanent Representatives, known as COREPER, which meets in two formations depending on policy areas. In COREPER the chairs from the rotating Presidency will need to seal the deal, or rather to ease the resistance of certain delegations to allow a general compromise around a single text amending the Commission proposal.

With that so called 'COREPER mandate' in hand, the Presidency would then need to fulfil its second main role in the driving seat, that of selling and negotiating that compromise with the Members of the European Parliament (MEPs) at the highest price. That process requires a prior preparatory work of relationship building and mutual courtship and observation between the officials of the Presidency and MEPs and their entourage. Once that relationship is built and each and every position is known and understood in full knowledge of its background, the Presidency will then negotiate, on behalf of all the Member States, the wording of a common text with the MEPs.

That process may take a good number of technical meetings which lay the ground to the so called trialogues. At the trialogues, the two legislators, the Presidency for the Council, and a small group of MEPs for the European Parliament, will ask for concessions in reflecting their demands in the common text of future legislation. Once both parties agree on a given legal text, each party will then go back to its own institution and defend the political agreement coming out of the dialogue.

For a dialogue to end in triumph it requires innumerable hours of preparation in terms of strategy and in the presentation of alternatives and negotiating compromises both in Council and with the European Parliament. Much of the success of a Presidency in this process depends on the versatility and the openness of the individuals taking the driving seat at the very basic level of negotiations, in the working parties of the Council. A well-oiled working party will present clear political

choices to COREPER and Council and will signal red lines more clearly to MEPs, hence easing the negotiating process and putting it in a clear context.

Negotiating strategy and a good knowledge of the workings of the institutions play a major role in the success of a Presidency. These will however count to nothing if the teams in the driving seat fail to use all the elements around the negotiating table as a resource to bring it closer to the golden compromise. As they say in the buildings of the Council, 'the Presidency is nothing without the backing of the delegations'.

It is essentially for this reason that the success of a Presidency is largely independent of the size of a country but directly dependant on the preparation and attitude of the teams in the driving seat.