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From Equilibrated Dualism to Asymmetric Polycentrism.

Past and Present of the Presidential System of the EU

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From Equilibrated Dualism to Asymmetric Polycentrism. Past and Present of the Presidential System of the EU

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Abstract

This article analyses the evolving nature, structure and organization of the government of the EU. In particular, it examines the institutionalisation and characteristics of its triumvirate presidential system (Commission, Council and European Council). It explores the original institutional design of the European presidency, traces its development until the Treaty of Lisbon and sheds light on its multimodal and fragmented contemporary functioning. The main idea is that the polycentric configuration of the EU presidential model contributes to revisiting the distribution of powers and, in particular, the system of member state representation within the EU polity. More concretely, the article argues that the reform of the presidency makes the distribution of roles and separation of powers more flexible than ever before by elevating inter-institutional imbrication to the level of principle of government of the EU. Beyond the questions of operability, efficiency and inter-institutional rivalries between the different presidencies, the presidency's conversion into a political hydra raises the question of the direction of the institutional development of the EU as a whole.

Keywords: Council Presidency; European Council; Government of the EU; Presidential System.

Introduction

Since the 1980s, literature on the European political system has largely focused on the functioning and competences of the main European Union (EU) institutions. To better define the nature of the EU and understand how this political order operates, scholars have devoted their attention to the dynamics at work within as well as between EU main institutions, shedding light in particular on the nature and functional characteristics of the institutional triangle composed by the Council, the Commission and the European Parliament (Noël, 1979; Lassalle and Levrat, 2004; Dehousse, 2011). More recently, in the wake of EU's enlargement and the saga of the successive treaty reforms, institutional research has extended its analytical agenda to the study of less glamorous but nevertheless increasingly significant functions within the EU polity such as comitology committees, agencies, the General Secretariat of the Council or the Council Presidency (Fernández-Pasarín 2008; Dehousse et al. 2014; Mangenot, 2010; Trondal, 2010). By studying these mid-level institutions, scholars have contributed to offer a more complete picture of the nature and functioning of the European architecture 'beyond the scene', namely at the meso-level of EU government.

The objective of this article is to contribute to existing research on the European mode of government by looking at the EU's presidential system. Progressively institutionalized since its modest inception in the 1950s, it has developed as a system of government in its own right since the 1980s. The purpose of this article is to unpack the nature and operational modalities of the EU's presidential system by contextualising its development within the context of inter-institutional relations. In particular, the article examines the principles underlying the institutionalisation and the characteristics of its triumvirate presidential system (Commission, Council and European Council). Adopting an institutionalist perspective, it explores the original institutional design of the European presidency, traces its development until the Treaty of Lisbon and sheds light on its multimodal and fragmented contemporary functioning. The main idea is that the polycentric configuration of the EU presidential model, resulting from the Treaty of Lisbon, contributes to revisiting the distribution of powers and, in particular, the system of Member states' representation within the EU polity. More concretely, the article argues that the reform of the presidency makes the distribution of roles and separation of powers more flexible than ever before by elevating inter-institutional imbrication to the rank of an EU principle of government. Beyond the question of operability, efficiency and potential rivalries, the unexpected conversion of the EU presidency into a political hydra raises questions concerning the organization of power at the heart of the EU.

The article is organized as follows. Following this introduction, section II gives an overview of the origins and evolution of the presidential model until the Treaty of Lisbon, emphasizing its progressive supranationalisation and functional autonomisation. Section III analyses the multifaceted structure and multimodal functioning of the presidency, identifying seven principles of government underpinning the current presidential model. The article ends (Section IV) with some remarks on the nature and path of European power in light of the presidency's institutional development.

The Development of the EU Presidency: Towards Increasing Supranationalisation and Autonomisation

The institutional path of the EU presidency has had an unexpected evolution. At the beginning of the process of European integration, the presidency was conceived as an hybrid system guaranteeing the political balance between the Member states and European institutions. In the 50s, the presidency was conceptualized as an equilibrated diarchy, that is a system of checks and balances aimed at creating a supranational dynamic while at once preserving Member states' sovereignty within the European polity (Di Bucci, 1988). At the time, the power and autonomy of the High Authority, representative of the general interest of the first Community was counterbalanced by the creation of the presidency of the Special Council of Ministers, a body institutionalizing the participation of Member states in the Community structure (Fernández-Pasarín, 2008; Spierenburg and Poidevin, 1993; Rittberger, 2001). The different criteria used for assigning the presidential roles were symptomatic of the complementary forms of legitimacy embedded in these institutions. Whereas the presidency of the High Authority, held by Jean Monnet, was identified with independence and supranationalism, the presidency of the Council, first occupied in September 1952 by Konrad Adenauer, was a symbol of Member states' representation and control within the European structure. In brief, the institutional design of the European Communities reflected the Member states' willingness to provide the new political entity with a clear and balanced organization of power (Rittberger, 2001). The presidential system was one of the expressions of this division of work based on the principle of institutional balance and the compatibilization of the hybrid identity –both supranational and intergovernmental – of the European Community (EC). At the same time, the legislative powers given by the treaties to the Commission, its collegial mode of functioning and the five-year term of appointment helped to cement this institution's position as the leading, more stable body within the EC's system of government. By contrast, the Council, with its presidency exercised by the Member states on a rotating, semestrial basis and whose powers at the time were merely of a

symbolic and administrative nature, tended to appear as the more 'national', less stable, weaker component of the presidential model.

However, that situation began to shift in the mid-1960s, in parallel to the Gaullist period in France and the Walter Hallstein Commission in Brussels. The competition and tensions that arose between the two leaders over questions such as the regime of Community funding or the prevailing mode of decision-making within the Council culminated in a shift in the balance of power between the Council and the Commission in favour of the former (Ludlow, 2006). That shift, symbolised by the adoption of the Luxembourg Compromise in January 1966, impacted the presidential system by affording the president of France the opportunity to reduce the Commission's autonomy in the field of the EC's external representation. Indeed, the powers exercised by the Commission in that domain, with the opening of a delegation in the United Kingdom in 1956, irritated the French president who in the negotiations of the Luxembourg compromise downgraded the 'diplomatic' prerogatives of the Commission's presidency while upgrading those of the Council presidency (Annex II of the compromise). More precisely, the political agreement of 1966 laid the foundations for the EC's two-headed external representation, based on the idea of a right to active and passive legation in Community matters shared between the Commission's Presidency and the Council's Presidency (Gerbet, 1999; De Gaulle, 1971).[1] A few years later, the Davignon Report (1970) and Copenhagen Report (1973) further reinforced the institutional weight of the Council's Presidency in intergovernmental matters by granting this institution, initiative, mediation and executive powers reserved by the treaties to the Commission in the communitarian field (de Bassompierre, 1988). However, the definitive step in the empowerment of the Council's presidency came during the Paris summit in December 1974 as a result of the institutionalisation of the Conferences of heads of state and government that had been held on an irregular basis since 1961.

The institutionalisation of the European Council as a supra organ invested with the task of supervising the dual institutional dynamic embodied by the EC and the European Political Co-operation (EPC) mechanism created the formal conditions for the transformation of a dual presidency into an asymmetric triumvirate. In other words, the creation of the European Council paved the way

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[1] Annex II of the Luxembourg Compromise. Historic Archives of the Council, CM 2/1966. In De Gaulle's view, the tendency of the president of the Commission to act in questions of protocol (in particular with regard to the reception of credentials from third countries) as if he was a head of state or government was an intromission into member state sovereignty (De Gaulle, 1971).

for the deployment of a trimodal presidential system infused by the principle of hierarchy. Indeed, besides the stable presidency of the Commission and the rotating presidency of the Council, both operating 'at the ministerial level' of the European executive, the European polity was endowed with a supra-presidency at the level of heads of state and governments. In line with the practice of entrusting the presidency of the auxiliary bodies of the Council (committees and working groups) to the Council's Presidency -a practice dating back to 1953- the Member states decided to extend the competences of this institution to the top of the European architecture. Accordingly, from then until the Treaty of Lisbon, the task of representing the European Council and preparing its meetings were also competences of the rotating Council's Presidency (Taulègne, 1993). In 1977, the tasks of the European Council Presidency were once again extended with the formal attribution of the power of writing and publishing the 'conclusions of the presidency' on the progress achieved during the European summits.[2] Later on, in 1981 and 1983, the London Report and the Solemn Declaration of Stuttgart extended the internal representative powers of the presidency by entrusting it respectively with the role of informing the European Parliament on the state of the EPC and of presenting an annual report on the state of the European Union.[3]

The growing competences of the Council Presidency in the wake of the reinforcement of the European Council as the European construction's political centre of gravity intensified the debate over the lack of continuity inherent in the rotation principle. The first wave of functional reforms aimed at stabilising and structurally empowering the Council's presidency as a vertical and horizontal coordinator of the workings of the Council were proposed with uneven results from 1974 to 1984. In 1975, the Tindemans Report unsuccessfully called for the extension of the presidential mandate to a one-year period.[4] Four years later, the Three Wise Men Report devoted 10 out of its 31 pages on the improvement of the Council's functioning to the presidency in view of the accession of Greece, Spain and Portugal to the EC. In their report, Barend Biesheuvel, Edmund Dell and Robert Marjolin insisted on the need to reinforce the steering role of the institution in order to compensate for "centrifugal forces within the Council […] the spread of specialised business, the ramifying inter-institutional relations, the differing interests and behaviours of Member states".[5] Despite their claim to reinforce

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[2] EC Bulletin, 6-1977, p. 102 sqq.

[3] Solemn Declaration of Stuttgart, EC Bulletin, 6-1983, 26-31.

[4] Tindemans Report, EC Bulletin, 1-1976

[5] *Report on European Institutions (Presented by the Committee of Three to the European Council),* October 1979, p. 30. See also the summary of this document in the EC Bulletin, 11-1979.

the cohesive role of the presidency, the only proposal accepted was the consolidation of the position of the General Secretary of the Council as adviser to the Presidency. In addition, a year later, the European Council institutionalised and developed a practice that had been in force since the Belgian Presidency of 1977 in the field of the EPC: the association of the previous and forthcoming presidencies with the work of the presidency in office, i.e. the adoption of the troika system in intergovernmental matters and, especially, in the domain of the external representation of the EPC in third countries.[6] In 1983, the Solemn Declaration of Stuttgart went two steps further by, first, conferring new responsibilities on the Presidency to foster the adoption of common positions and actions in foreign policy and, second, by assigning the presidency the responsibility of preparing and presenting to the European Parliament a programme of activities at the beginning of the semester and at the end, an assessment of the major achievements made.[7] In practice, those measures led to the introduction of the first mechanisms of political control and, thus, of accountability in the work of the Council presidency.

While the Council part of the EU presidential system underwent numerous changes in the 1980s, the new president of the Commission, the French socialist Jacques Delors appointed in 1985, breathed new life into the Commission. The reactivation of the Commission with the presentation of the White Paper on the Single Market, leading first to the signing of the Single European Act in 1986, and later to the foundations of the Treaty of the European Union of 1992 gave a new aura and visibility to the Presidency of the Commission. In inter-institutional terms, the capacity for political initiative demonstrated by Delors during those years contributed to enhancing the leadership of this institutional position with respect to the president of the Council and by extension, of the European Council. In internal terms, the new activism on the part of the Commission's president implied a certain affirmation of the prominence and increasing autonomy of this position within the college of commissioners (Ross, 1995; Endo, 1999; Kassim et al. 2017). That development was formally stipulated in the Treaty of Amsterdam, which strengthened the presidency's formal powers in the distribution of Commission's portfolios.

The reinforcement of the Commission's institutional position within the European political system coincided with new waves of reform within the Council. Those changes, undertaken to adapt

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[6] London Report, EC Bulletin, 11-1981.

[7] Solemn Declaration of Stuttgart, EC Bulletin, 6-1983, p. 26.

the working methods of the institution in view of the largest enlargement of the EU in 2004, deeply affected the functioning and competences of its presidency. The first indications of the functional reconfiguration of the Council's presidency can be found in the Council's decision to adopt a new order of rotation based on political instead of alphabetical criteria following the accession of Austria, Finland and Sweden in 1995, or the new representative role attributed to the General Secretary of the Council, who assumed chairing duties previously assigned to the presidency, including the right to represent the Council in European Parliamentary Commissions in the framework of the co-decision procedure. However, the change introduced by the Treaty of Amsterdam into the composition of the troika of the Common and Foreign Security Policy (CFSP) has been the more significant development. By virtue of the new rule, the presidency in office would be assisted by the European Commissioner in Charge of External Relations and the new High Representative for the CFSP.[8] In practice, the implications of the change were twofold. First, after three decades of relative marginalisation, the Commission's powers in the field of EU external representation were reactivated, particularly concerning the second pillar of the EU. Second, two collective, stable representatives were appointed at the helm of EU external representation, meaning the supranationalisation and stabilisation of two thirds of its composition. Beyond that, the decision adopted during the Nice Summit in December 2000 to permanently transfer the rotating location of the European Council meetings from Member states' capitals to Brussels represented a first step towards the stabilization of the European Council Presidency and its decoupling from the Council Presidency. Last, the sharing of programming activities which began being applied to matters relevant to the Single Market in the late 1990s and the extended practice of appointing stable presidencies lasting two years on average at the committee and working group levels have also significantly undermined the rotating system (Fernández-Pasarín, 2011; Charléty and Mangenot, 2012).

In sum, since the 1950s, the principle of institutional equilibrium between two levels of governance –the Community, with the Commission as advocate for collective proposals; and the Member states, with the Council presidency at the helm – has been conceptualised as the chief guarantee of the dual nature of the European political system (Wallace, 2002). Since the late 1990s, however, successive waves of reform, mostly affecting the Council presidency, have contributed to questioning that clear-cut pattern in terms of interest representation. The changes observed in the EU's external representation system exemplify that trend. Traditionally considered to be competitors

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[8] Art. J 8, Official Journal C 340, 10/11/1997.

and representatives of opposing interests, the presidency of the Commission and the presidency of the Council, since the treaty of Amsterdam have been transformed into a joint unit expected to function in unison as a result of the change introduced in the composition of the troika. In short, inter-institutional boundaries have become more blurred and the conceptions of roles, in principle, more convergent since the spectrum of co-responsibility has been extended. That departure from the original conceptualisation of the inter-institutional balance between the Commission and the Council has become more pronounced since the entry into force of the Treaty of Lisbon.

Indeed, the last Treaty reform established a stable presidency at the Council level. Specifically, since January 2010, the Foreign Affairs Council is chaired for a five-year term by a hybrid figure—the EU High Representative for Foreign Policy and Security, who is also the Vice-President of the European Commission and a member of the European Council. Similarly, the Treaty of Lisbon stipulates that the Political and Security Committee (PSC) is chaired by a Deputy Representative of the High Representative, while the European Council Presidency is exercised by a *super partes* and full-time representative elected by a qualified majority of Heads of State and Government for two and a half years. In practice, the adoption of those institutional innovations, made easier by the erosion of the presidential mandate's political symbolism resulting from the enlargement of the EU to 27 Member states (with the assignment of this function every 13 years) implies the growing communitarisation of the European Council and the Council. Indeed, the leading role of the Heads of State and Government and the collective decisions of the Ministers of Foreign Affairs of the Member states were then placed under the umbrella of supranational political entrepreneurs. As a matter of fact, the stable President of the European council which represents the European Union at Heads of state or government level, the High Representative of the Union for Foreign Affairs and Security Policy who presides over the Foreign Affairs Council and its deputy who presides over the Political and Security Committee, do not have a national mandate.[9] In addition, the European External Action Service, which implements European diplomacy in non-EU countries, is a heterogeneous mix of officials from the General Secretariat of the Council, personnel from the Delegations of the EU and diplomats from the Member states, that is a diplomatic service that should, in principle, be predominantly infused by supranational values (Fernández Pasarín, 2011). Last, since the end of the EU pillar structure entailed by the Treaty of Lisbon, the European Commission has had a general

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[9] See Secrétariat Général du Conseil de l'UE, 'Note d'information- Le Président du Conseil européen', November 2009.

responsibility for the EU's external representation 'at the ministerial level', with the exception of matters concerning foreign policy and security (Art. 17 of the TEU), which are handled by the multi-task and double-hatted High Representative.

By way of those innovations, which substantively affected the nature of power at the top of the EU architecture and directed it towards more supranationalisation, along with the delegation of the presidency of increasingly numerous working groups to the Council's General Secretariat, the original design of the Council presidency which was of a markedly national nature and strongly associated with intergovernmental purposes, has been replaced by a five-mode presidential model subject to different functional and political criteria and combining both national and supranational traits. At present, the presidential system encompasses five modalities with different temporalities: the stable presidency of the European Council elected for 30 months, the trio presidency for 18 months, the semestrial rotating presidency that has been maintained for most of the Council's formations, the presidency of the Foreign Affairs Council presided by the High Representative for five years and the presidencies of the Eurogroup and of other committees. Beyond the matter of the efficiency, coordination and inter-institutional impact of those reforms in terms of competition for leadership between the presidencies of the European Council and the Commission or between the still rotating General Affairs Council Presidency and the Foreign Affairs Council's stable presidency, it remains unclear what the rules of the games underlying those reforms are. Put differently, what do those key innovations in terms of supranationalisation and autonomisation of the presidential functions mean from the perspective of the evolution of the EU's political regime and, in particular, of the principles of government guiding the steering organs of the Union? The next section addresses this question.

The Presidential System of the EU: The Hydra as a Principle of Government

In recent years, research on dynamics at work within the European Commission, the modes of governance prevailing within committees or the institutional dynamics underlying the multiplication of European agencies have caught the attention of an increasing number of EU institutionalist scholars, whose work has focused on the development of a new executive order in Europe (Egeberg and Curtin, 2008; Curtin 2009; Egeberg and Trondal, 2011; Rittberger and Wonka, 2011). This section argues that studying the presidential system's reform contributes to a better understanding of the political regime of the EU since it is an expression of the transformation of the executive at the top of the EU architecture. Indeed, the reform of the Council presidency which

culminated in the Treaty of Lisbon has significantly impacted on the exercise of power at the heart of the EU political system. The stable presidency of the European Council constitutes the apex of this phenomenon of institutional conversion characterised by a shift from the 'supranational construction of the Council' (Lewis, 2003; see also Riedel, 2011) to the construction of supranational actors within and around the Council. In short, the distribution of power has evolved towards the presence of more denationalised EU instances and the concurrent empowerment of supranational entrepreneurs in the EU government. Arguably, that change in the configuration of European power, especially, concerning the system of member states' representation within the EU political system, has been fostered by the development of at least seven principles of government defined as functional rules rather than constitutional or normative principles of Community law, such as proportionality or subsidiarity.

Multipolarity

The old presidential system was characterised by bipolarity. On the one hand was the President of the Council (which, in accordance with the idea of symmetry or unicity, was also in charge of the presidency of the European Council until 2009) and, on the other, the President of the Commission. The new principle instils multipolarity with the legal and political institutionalisation of the European Council presidency as the EU's political centre of gravity and the transformation of the High Representative into a pivotal position operating both at the level of the Council and of the Commission. The current model is thus that of a polyarchy built around a triumvirate at the top of the Union (President of the European Council, President of the European Commission and President of the Council) plus the High Representative in matters of Foreign Policy and Security in the capacity of president of the Foreign Affairs Council.

Initially, the system was also characterised by the idea of unicity. It was the role of the member state in charge of the rotating Presidency to give political consistency and institutional impulse to the workings of the Council (with the assistance of the General Secretariat of the Council and of the previous and forthcoming presidencies), an organisation composed of various sectoral formations and multiple forums operating at different levels of government (sectoral Councils, working groups, COREPER and other committees created with the development of EU policies). Since the Treaty of Lisbon, the system is multipolar, i.e. without a unified leadership and thus subject to the potential emergence of rivalries between an increasing number of actors: the presidency of the European

Council, the rotating Council Presidency, the stable Presidency of the Foreign Affairs Council and the stable Presidencies of the Political and Security Committee and of the Eurogroup.

The presidential system also tends to reproduce or multiply itself – what historical institutionalists would identify as an increasing return effect caused by path dependency (Pierson, 1996). Tellingly enough, the Eurozone formally introduced a proper presidency at the level of the Heads of State and Governments in October 2011 within the context of the eurozone crisis (Puetter 2012). This presidency was entrusted to Herman Van Rompuy, before his re-election as President of the European Council in March 2012. Thus, during his second mandate, Van Rompuy exercised both the Presidency of the European Council and the ad hoc Presidency of the Euro Summits.[10] The presidency of the Eurogroup has been, for its part, maintained in its traditional form as a two-year presidency combined with national duties. However, at the lower level of the Eurogroup's Working Group, the presidency became stable and de-nationalised in January 2012.

Asynchrony

Time has been a core issue in all debates on the stabilisation of the presidential institution since the early stages of European construction. At present, the temporalities of the presidential system are quite diverse, ranging from the six-month periods of the still-rotating presidency, the five-year term of the Foreign Affairs Council Presidency, the 18 months of the so-called trio presidencies and the 30 months of the European Council President's mandate. This question of asynchrony has been a recurrent concern in the debates about the Council's workings, a discussion that began in the mid-1970s with initial attempts to reform the duration of the rotating presidency to ensure the continuity and greater coherence of the Council's activities, especially in terms of the external representation of the EC and the EPC. Moreover, the emergence of the concept of 'Presidency compromise' in the communitarian pillar during the same period revealed the strategic importance of the duration of mandates to achieve political objectives. The Council presidency was entrusted with the responsibility to complete intra and inter-institutional negotiations. Within that context, controlling time became a central asset in European politics (Häge 2017). Indeed, for decades, the challenge of steering negotiations in Brussels in a way that maximised the defence of national interests during 'one's presidency' has been considered to be paramount for most Member states.

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[10] It was President Sarkozy, who inaugurated these informal meetings during the French Presidency of the Council in 2008.

Besides, since 2009, the longest presidential terms have been those entirely within the Community domain, i.e. the mandates of the President of the Commission and that of the High Representative, whose mandate is necessarily coupled to that of the Commission in his/her quality of vice-president of the institution. Last, the management of temporal discontinuity has also become an important issue in the post-Lisbon presidential model since the different temporalities of the various presidencies have an impact on the planning of EU policies. In that regard, the stability of the presidency of the European Council seems to constitute a major advantage in comparison with the rotating Council presidency. Nevertheless, the work of the president of the European Council can be conditioned by other significant variables, including national elections. By contrast, the President of the Commission is more immune to domestic electoral vicissitudes, as the composition of the College is not affected by the result of domestic elections.

Denationalisation

For decades the Council Presidency was conceived as an institutional mechanism of Member states' representation within the European polity. Unlike the supranational Presidency of the Commission, the Council Presidency was conceptualized as a national mandate with an intergovernmental mission. Two functional principles, rotation and symmetry, as the expression of political criteria such as representation and equality, reflected the Member states' willingness to guarantee an instrument of periodic extraordinary representation within the Council, while at once counterbalancing the supranational dynamic embodied by the Commission. Since the late 1990s, however, winds of change have blown over the model and over the institutional position of the Presidency within the European political system. Successive waves of reform that affected the Council in recent decades have involved the replacement of a unique rotating system with a conglomerate of presidential systems that operate in parallel and are governed by different functional criteria. Unlike the initial model, which was of a markedly national nature, the contemporary model partly pools and supranationalises the exercise of the Presidency by introducing significant innovations such as stable, team, *super partes* and full-time presidencies. In particular, the delegation of representative functions to the General Secretariat of the Council or to the European Commission in the field of the CFSP, the Brusselisation of the European Council meetings, the partly collective planning of the Council's work and the creation of stable presidencies at the committee and working group levels have ranked among the first significant blows to the rotating system. This departure from the original institutional design of the Presidency has become more pronounced since the Treaty of Lisbon entered into force. Indeed, the institutional innovation of reassigning two key positions -the

presidency of the Foreign Affairs Council and the presidency of the European Council- to supranational leaders without political, symbolic or functional ties to their capitals seem to confirm the dilution of the national traits traditionally associated with the exercise of the Presidency (Fernández, 2008; Riedel, 2011; Charléty and Mangenot, 2012).

Shared Leadership and Delegation

The EU's presidential system is based on the delegation of tasks. In 1958, an initial significant mechanism of delegation was established with the creation of the Committee of Permanent Representatives. Composed of member states' ambassadors and entrusted with the coordination of the working groups, mostly composed of civil servants, the Committee was assigned the responsibility of preparing the ministers' work at the level of the Council. Only ministers were originally in charge of negotiating the legislative proposals presented by the Commission. Nowadays, approximately 70 percent of compromises are reached by the Presidency Working Group, even if they are formally adopted by the ministers and ambassadors

With the Treaty of Lisbon, news instances of delegation appeared with the joint programming of the Council's activity by the trio presidencies to increase the continuity of the institution's decision-making (van Gruisen 2019), along with the growing delegation of foreign affairs responsibilities by the multi-tasked high representative to the rotating presidency despite the latter's reduction of formal competences in external matters. Last, even at the level of the presidencies of the Commission and the European Council, there are sharing mechanisms and delegation of authority. For instance, in the G7/20 rounds, although representation is common, responsibilities remain shared between the two presidential cabinets and in particular between the two so-called sherpas.[11]

Indirect Representation

The presidencies of the European Council, of the Council and of the Commission are all based on indirect forms of political representation. They are not directly elected to that office. For the first time, the Treaty of Lisbon provided the possibility of the 'election' by the Parliament of the President of the Commission following the scheme of the 'Spitzenkandidat'. However, its application has been rather uneven to date and, in any case, there is as no direct relation with European elections which

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[11] The sherpas are personal representatives of the presidents in the summits. They are in charge of the preparation of these meetings.

are actually also indirect and held in parallel in 27 different political spaces. For its part, the rotating presidency of the Council of the EU also works according to an indirect mechanism of representation as it depends on national governments and is not related to any specific election at the European level. Finally, the Presidency of the European Council is appointed by a very small constituency, i.e its peers within the European Council. In short, national politics play a key role in the configuration of the European political space and, especially, in the appointment of key positions within the European structure. That situation raises the question of the conditions for the emergence of a real European presidency: an executive at the top of the EU political system whose legitimacy would be independent from Member states. Although both functions are not formally comparable, the presidency of the European Council under the terms of the Treaty of Lisbon resembles the presidency of the French Republic between 1958 and 1962 – before direct universal suffrage was proposed by de Gaulle and put in place for his 1965 election. During the first years of the Fifth Republic, the presidency of the Republic was an indirect function in terms of appointment and representation; only in 1962 would the regime become a semi-presidential one according to Maurice Duverger's classification.

Inter-Institutional Imbrication

An inherent characteristic of the political philosophy underlying the construction of the EU architecture is that forms of government evolve but are never replaced. Accordingly, the Treaty of Lisbon has triggered a slow sedimentation process instead of an institutional overhaul. In line with the increasing "transpillarisation" of EU policies, entanglement has become a principle of government since the distribution of roles and powers has been diluted into a mixture characterised by the involvement of intergovernmental institutions in the achievement of supranational goals (Bickerton et al. 2014), along with the implication of EC players in the pursuit of intergovernmental tasks. As a consequence, a major contemporary challenge in EU decision-making dynamics is more about inter-institutional coordination and co-operation than institutional equilibrium. At the same time, the mechanisms of coordination with and within member states have also become more complex. Before the Treaty of Lisbon, the system relied on the coherence between a hierarchical chain of command existing at the national level and the decision-making circuit in Brussels. Therein, the president of the European Council was a head of government, whereas the presidents of the Council were ministers at the national level. That distribution of functions has been overhauled in two areas: in the new, a-national president of the Foreign Affairs Council, along with its administrative underpinnings, and the president of the European Council. That discontinuity between the national and the European spheres have made the national coordination of European affairs more complex as governments

confront a situation in which their ministers of foreign affairs are not allowed to preside over the Foreign Affairs Council but nonetheless continue to chair the General Affairs Council. As the close, hierarchical relationship between the president of the European Council and the ministerial level no longer exists, it is the responsibility of the General Secretariat of the Council to ensure the coordination of the entire process and, in particular, of the circulation of information between the European Council, the General Affairs Council and the other sectoral councils.

Growing Control and Accountability

The European Commission has been responsible to the European Parliament since the beginning of the Community method. According to a classical principle of parliamentary responsibility, the European Parliament could vote a "motion of no confidence". Interestingly, those accountability mechanisms have been extended to the two other presidencies: the presidency of the Council, since 1982, and the presidency of the European Council, since 2010. Initially, the head of state or government holding the Council's presidency presented to the European Parliament the state of political cooperation and of the EU itself. Since 1989, the rotating presidency is tasked with the duty of presenting a general programme of activities at the beginning of the mandate as well as the results achieved six months later. Beyond that, since 2010, the president of the European Council presents the results of each summit to the European Parliament. With the increasing number of European Council meetings, the number of visits of the president of the European Council to the Parliament also increased, which gave the members of the Parliament more opportunities to question political decisions at the highest level of the EU system, with the notable difference that, unlike the rotating president of the Council and the president of the Commission, the European Council's presidency has no obligation to answer.

Conclusion: An Even Closer Fusion?

Today, despite efforts aimed at simplification, the organisation of power and the distribution of competences in the European Union remain extremely complex and hardly comparable to the Westphalian model. Even so, there has been substantive change in the rules of the games adopted at the beginning of the European construction and those resulting from the last waves of reforms, including the deployment of a new, multimodal presidential model characterised by the emergence and even generalisation of supranational leaders within and around the Council. That institutional development has involved a qualitative shift in how member states are represented within the

European structure. Since the beginning of European construction, the principle of institutional balance between the Commission and the Council has been conceptualised as a chief guarantee of the dual nature of the European political system. Since the late 1990s, however, the reform of the Council's presidency has raised the question of representation. The EU presents a far more complex, composite image characterised by an unprecedented degree of enmeshment in the roles, competences and identities in EU institutions. The EU's external representation system resulting from the Treaty of Lisbon is probably one of the most illustrative examples of that aspect. Without denying the roles played by other factors such as the evolution of the European integration process in general, the mentioned reform and, in particular, the phenomenon of supranationalisation that it catalyses impacts the distribution of power in the EU. More specifically, the partial conversion of the Council's presidency into a multipolar institution with supranational overtones seems to pave the way for the development of new cooperative, not competitive, inter-institutional dynamics with the European Commission. Arguably, the supranational convergence of conceptions of roles and the entanglement of functions are the main forces behind the unexpected transformation of those two institutions, traditionally considered to be representatives of opposing interests, into a joint unit with the potential to work in unison.

Overall, the defence of collective views is expected at all levels of the presidential model. In that sense, Wessels' fusion model seems to be of renewed interest. While the scholar's thesis originally focused on the increasing inter-penetration between national governments and EU institutions in the policymaking process, the presidential system resulting from the Treaty of Lisbon has reinforced that model (Wessels, 2010). The scope for fusion seems to have widened considerably, considering that it initially applied only to the fields of administrative and technical cooperation in EU policy, whereas the new fusion model established with the EU's presidential system includes the major variables of the functioning of the EU's political system and, in particular, the question of the EU's checks and balances. As it stands now, the presidential system stands at the crossroads of the inner and intermediate spheres presented by Luuk van Middelaar in his trilogy of the three spheres (van Middelaar, 2013).[12] Overall, the presidential system may no longer resemble the old diplomatic system of the 'Concert of Nations' from which it derived, but it also does not fit within the inner

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[12] Van Middelaar describes the "inner sphere" as the "Europe of the Community", i.e., the institutional sphere governed by treaties; by contrast, the "outer sphere" is "the arena of a wider Europe", i.e., sovereign states; the "intermediate sphere" refers to the circle of member states which sit at the table of the Council.

sphere of supranational institutions and offices in Brussels as the European Commission does. The EU's presidential system is the political centre of a new form of organisation of power.

References

Bassompierre, G. (1988) *Changing the Guard in Brussels. An Insider's view of the EC Presidency* (New York: Praeger).

Bickerton, Christopher J., Dermot Hodson, and Uwe Puetter. 2015. "The New Intergovernmentalism: European Integration in the Post-Maastricht Era." *Journal of Common Market Studies* 53(4): 703–22.

Blom-Hansen, J. (2011) "The EU Comitology System: Taking Stock before the New Lisbon Regime" *Journal of European Public Policy* 18(4): 607-617.

Charléty, V. and Mangenot, M. (eds.) (2012) *Le Système présidentiel de l'Union européenne après Lisbonne* (Strasbourg: ENA).

Curtin, D. (2009) *Executive Power of the European Union. Law, Practices, and the Living Constitution (*Oxford: Oxford University Press).

de Gaulle, C. (1971) *Mémoires* (Paris: Plon).

Dehousse, R. (ed.) (2011) *The 'Community Method' Obstinate or Obsolete?* (London: Palgrave Macmillan).

Dehousse, R., Fernández-Pasarín and Plaza, J. (2014) « How Consensual is Comitology », *Journal of European Public Policy* 21(6): 842-859.

Di Bucci, V. (1988) *La présidence des Communautés Européennes* (Nancy: Université de Nancy).

Egeberg, M. and Curtin, D. (2008) "Towards a New Executive Order in Europe? Special Issue. *West European Politics* 31(4).

Egeberg, M. and Trondal, J. (2011) "EU-level Agencies: New Executive Centre Formation or Vehicles for National Control" *Journal of European Public Policy* 18(6): 868-887.

Endo, K. (1999) The Presidency of the European Commission under Jacques Delors. (Basingstoke: Palgrave).

Fernández-Pasarín, A. (2008) "Change and stability of the EU institutional system: the Communitarisation of the Council Presidency", *Journal of European Integration* 30(5): 617-634.

Fernández-Pasarín, A. (2011) "The reform of the Council Presidency: Paving the way for a new synergy with the European Commission?" *Politique Européenne* 35: 29-54.

Gerbet, P. (1999) *La construction de l'Europe* (Paris: Imprimerie nationale).

Häge, F. (2017) 'The Scheduling Power of the EU Council Presidency', *Journal of European Public Policy*, 24(5): 695-713.

Kassim, H., Connolly, S., Dehousse, R., Rozenberg, O. and Bendjaballah, S. (2017) 'Managing the House: The Presidency, agenda-control and policy activism in the European Commission', *Journal of European Public Policy* 24(5): 653-674.

Lassalle, D. and Levrat, N. (2004) Un triangle institutionnel à quatre côtés : l'équilibre institutionnel et le Conseil européen. European Integration 26(4): 431-450.

Lewis, J. (2003) Informal integration and the supranational construction of the Council. Journal of European Public Policy 10(6): 996-1019.

Ludlow, P. (2006) The European Community and the crises of the 1960s: negotiating the Gaullist challenge. London-New York: Routledge.

Mangenot, M. (2010) "The Invention and Transformation of a Governmental body: the Council Secretariat". In: J. Rowell and M. Mangenot (eds.) *A Political Sociology of the European Union. Reassessing Constructivism* (Manchester: Manchester University Press), pp. 46-67.

Mangenot, M. (2011) « La présidence du Conseil : sociologie d'une institution de l'Union européenne », *Politique européenne* 35: 7-28.

Mangenot, M. (2012) « De la présidence au système présidentiel. Une institutionnalisation improbable du traité de Paris à celui de Lisbonne (1951- 2011)'. In : V. Charléty and M. Mangenot (eds.) (2012) *Le Système présidentiel de l'Union européenne après Lisbonne* (Strasbourg: ENA), pp.21-32.

Noël, E. (1979) *Les rouages de l'Europe* (Bruxelles: Labor).

Report on the European Institutions presented to the Council by the Three Wise Men Committee, October 1979.

Pierson, P. (1996) "The Path to European Integration: A Historical Institutionalist Analysis", *Comparative Political Studies* 29(2): 123-163.

Puetter, U. (2012) "Europe's Deliberative Intergovernmentalism: The Role of the Council and the European Council in EU Economic Governance", *Journal of European Public Policy* 19(2): 161-178.

Riedel, R. (2011) "The Rotating Presidency of the Council of the EU- Roles Perception after the Treaty Change. Towards the Supranationalization of the Council". Paper presented at ARENA Seminar, University of Oslo.

Rittberger, B. (2001) "Which Institutions for Post-war Europe? Explaining the Institutional Design of Europe's First Community", *Journal of European Public Policy* 8(5): 673-708.

Rittberger, B. and Wonka, A. (2011) "Introduction: Agency Governance in the European Union", *Journal of European Public Policy* 18(6): 780-789.

Ross, G. (1995) *Jacques Delors and European integration* (Oxford: Oxford University Press).

Spierenburg, D. and Poidevin, R. (1993) *Histoire de la Haute Autorité de la Communauté européenne du charbon et de l'acier. Une expérience supranationale* (Bruxelles: Bruylant).

Taulègne, B. (1993) *Le Conseil Européen* (Paris:Presses Universitaires de France).

Trondal, J. (ed.) (2010) *An Emergent European Executive Order (*Oxford: Oxford University Press).

van Gruisen, P. (2019) 'The Trio Presidency and the Efficiency of Council Decision-Making. An Emprical Study', *Journal of Common Market Studies*. DOI: 10.1111/jcms.12841

van Middelaar, L. (2013) *The Passage to Europe. How a Continent Became a Union.* (Yale University Press)*.*

Wallace, H. (2002) "The Council: An Institutional Chameleon?" *Governance*, 15(3): 325-344.

Wessels, W. (2010) "The European Council. Beyond the traditional View Towards a Fusion" In*: Chemins d'Europe. Mélanges en l'honneur de Jean Paul Jacqué* (Paris: Dalloz), pp.751-764.

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