

## **Franco-German Plans for a Dual Presidency EU - a short comment**

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The Franco-German proposals for a dual Presidency of the EU, outlined on 15th January, raise as many questions as they answer. The proposal to elect the President of the European Commission by the European Parliament gives at least a partial answer to the question of how to democratise the Commission and make it more accountable. The proposal for a permanent President of the European Council also gives an answer to the perceived problem of what to do about the rotating six-month presidency in an enlarged EU of 25 member states or more. But many problematic questions remain.

### **Principal questions and problems raised by the proposal**

#### ***1/ What will the President of the European Council do?***

The new President would chair four summit meetings of the European Council a year. The rest of the time it appears s/he is expected to provide strategic direction, continuity, and coordination and to act as the EU's heavyweight representative in the world. Questions arise over all these potential roles and it is not clear how the new President will have a full time job without encroaching on the territory both of the Commission President and the High Representative for Foreign Policy:

***Strategic direction*** - It is certainly the role of the European Council to provide strategic direction. But any detailed strategic programme - whether annual or multiannual - would normally be laid out in a proposal from the Commission to ensure the common European interest is taken into account. Unless this is to change (and the Seville summit suggested some member states would like to supplant the role of the Commission here), this means the drafting would lie with the Commission leaving the new EU President with little to do. Nonetheless, the new President might provide broad strategic impetus especially at times as now where the Commission is weak and failing to do so.

***Continuity*** - The lack of continuity in management of the EU's agenda due to the rotating six-month presidency is greatly exaggerated. The country running the presidency can at best hope to add its priorities as at most five percent of the rolling agenda. Where there is a clear lack of continuity is in the external representation duties of the rotating presidency.

***Coordination*** - The current six-month presidency is responsible for coordination across the different Council of Ministers' agendas and meetings, together with coordination with the other EU institutions. Much of the coordination in practice is done by the Council secretariat and by the Commission - but the civil service of the member state running the presidency can contribute greatly as well. A permanent President of the European Council would no longer have access to the civil service of an individual member state. Coordination would lie only with the Council secretariat and the Commission. Much of the coordination work is also the task of officials -

work previously done by an acting head of state will not take a large proportion of the time of a permanent President of the European Council.

***Representing the EU in the world*** - The new President of the European Council will find this role not only overlaps entirely with that of the proposed new EU Foreign Minister (replacing the High Representative position occupied currently by Solana) but it will also overlap with representational activities of the Commission President and of member state Prime Ministers and Foreign Ministers.

**Problem: the role is inadequately defined and does not appear to represent a full-time position.**

## ***2/ Will a President of the European Council have legitimacy and authority?***

The proposal that the new President would be appointed by the European Council and would be a former head of state is identical to the way the Commission President is currently appointed. Yet in the case of the Commission, it is seen as necessary to do something to make the Commission President more democratic and more legitimate.

If the EU President is appointed while the Commission President is elected, the legitimacy of the latter will be many times greater. There is also a question as to whether the European Council would be prepared to undertake the appointment of the new President in public - as the European Parliament will do in electing the Commission President. Moreover, while by definition the EU President will be a former politician, and former head of state, the new Commission President will be a current, active politician. As such, the new Commission President may be much more of a heavyweight with greater profile than the new European Council President. It seems, therefore, inconceivable that in the dual Presidency model, the two Presidents will be selected in different ways, leaving one with greater legitimacy than the other.

The new President of the European Council will have less authority over his or her peers not more. Currently, an acting Prime Minister or head of state chairs the European Council. A former head of state acting in the chair will not match this level of political legitimacy and weight.

**Problem:** the new President of the European Council will have less legitimacy than the new President of the European Commission and will not have adequate political authority and weight among current heads of state of the European Council.

## ***3/ Will a President of the European Council Represent the EU more effectively in the world?***

The inadequate democratic legitimacy of the new European Council President will undermine his/her ability to represent the EU in the world. As above, this role will overlap with that of the EU Foreign Minister/High Representative and the Commission President. Furthermore, unless and until there is a genuine EU common foreign policy - which seems a distant prospect - the new President may

have little to do, especially in times of serious crisis such as the current one over Iraq, and will certainly find his/her territory invaded by that of the member states' Prime Ministers and Presidents. The prospect of a single telephone number for the EU remains as distant as ever.

**Problem:** there will still be confusion over multiple EU representation on the international stage and a genuine common foreign policy will only arise when there is real political will among the member states and not from institutional changes.

#### ***4/ Who will the Two Presidents be?***

Considerable effort has been made throughout the EU's history to ensure that senior posts are shared out fairly across countries. In the case of the two Presidents, it seems difficult to imagine that both of the Presidents could come from two large countries. If one is to come from a smaller country, and one from a larger country, the burden of ensuring this happens will presumably fall on the European Council since the European Parliament will be having an open vote. Names that have already been proposed in the media for the new Council President include that of Aznar, Blair and Fogh Rasmussen - but the latter two names must be implausible while the UK and Denmark remain outside the euro.

**Problem:** if there are two Presidents, these will need to be split between the smaller and larger countries, leading to selection problems. Nor is it conceivable that a new European Council President, with a major external representation mandate, could come from member states not in the euro.

#### ***5/ Will the Dual Presidency lead to interinstitutional rivalry and to conflict among member states?***

The uniqueness of the EU system lies in particular in the sharing of executive power between the Commission and the Council. The effectiveness of this system requires clear delineation of the roles of the two and effective coordination. A dual Presidency risks further institutionalising rivalry between the two. This rivalry may be particularly strong in the area of policy and strategy development, where conflict could abound over the demarcation of the strategic role of the Council and the Commission's sole right of initiative.

If the two Presidents are split between the smaller and larger countries, as would seem necessary, this may also aggravate conflict and rivalry between the two groups - a division already apparent at the convention and likely to be exacerbated by enlargement. The strength of the EU so far has been its ability to balance and manage the interests of countries of different size - this may be under threat with the Franco-German proposal. If the creation of a permanent President of the European Council shifts the institutional balance towards the Council - which will depend both on the precise nature of the role and on the outcome of interinstitutional battles - then this may further unbalance the relationship between large and small countries.

There is a further serious issue here, which depends on what happens to the rotating six-month presidency at the level of the Council of Ministers. If Council chairs are appointed for longer periods of time, possibly through a team Presidency approach,

then the European Council President would presumably manage and chair meetings of the Councils' chairs. This starts to look rather like an idea informally floated by the British at the start of 2002 of having an executive Council. Such a body might increasingly compete with the Commission. Nonetheless, the chairs of the Councils would not be full-time positions.

Potential rivalry between the two Presidents should not just be thought of as between two individuals - the President of the Commission heads up a college of commissioners, so in political terms the single individual President of the European Council would have to coordinate or compete with the whole college of commissioners. He/she might find this a rather unequal battle.

**Problem:** the dual Presidency may create increased interinstitutional conflict and exacerbate divisions among the larger and smaller member states. Together with a team presidency for the Council of Ministers, we might start to see the creation of two rather similar looking executive bodies - confusion and competition is bound to follow.

#### ***6/ Will electing the Commission President politicise the Commission?***

It is difficult to democratise the Commission without politicising it to some extent. Nonetheless, if for example the Commission President must be elected by a two-thirds majority (though this is not precisely the Franco German proposal) then this reduces the politicisation element. The extent of politicisation also depends on the number and appointment or election method of the other commissioners. More important is to strengthen the powers of the European Parliament to reject or ask for the resignation of individual commissioners rather than just of the Commission as a whole.

**Problem:** a first step towards politicisation is a step towards democratisation and is not a problem but it is crucial to give more powers of accountability over the Commission to the European Parliament.

#### **Alternative Solutions**

There are alternatives to the Franco German proposal. One is to retain the six-month rotating Presidency. Another is to have one President fulfilling both roles i.e. a double hatted President. This seems a preferable solution as it allows for greater coordination between the institutions while retaining institutional balance and encouraging coordination rather than competition. Moreover, such a figure could be elected by a Congress of national MPs and MEPs. Given that the Franco German proposal suggests in effect double hatting of the Solana/Patten role, it would seem logical to apply the same approach to that of the overall Commission and Council President.